

38/2005/221

TESCO STORES LIMITED

**ERECTION OF EXTENSION TO CREATE ADDITIONAL RETAIL FLOORSPACE, FORM ATRIUM AND TRAVELLATOR LOBBY AND ERECTION OF DECKED CAR PARK OF 123 SPACES AT TESCO, WELLINGTON ROAD, TANGIER, TAUNTON**

22122/24590

FULL PERMISSION

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**PROPOSAL**

The proposal is to erect an extension on the front (projecting 7 m) and north western side of the existing store (18m projection) and forming an area of 2055 sq m of additional floorspace. This includes an atrium and part mezzanine floor to give access at first floor level to a proposed decked car park over the existing, providing an increase from 334 to 457 spaces, that is an additional 123 parking spaces. The net sales area will increase by 1301 sq m, from 2764 sq m to 4065 sq m. In total the convenience goods area will increase by 372 sq m while the non-food goods floorspace will increase by 929 sq m.

The submitted Transport Assessment indicates the ratio of parking to gross floor area will alter from 13.4 sq m to 14.5 sq m with the new proposal which is in line with the need to reduce the reliance on the private car for journeys to the store and in line with guidance in PPG13. The capacity analysis of the junctions in the vicinity indicates that the proposal will present no material highway capacity or safety implications for existing road users and is consistent with sustainable development objectives.

In the submitted Retail Statement in paragraph 6.63 it states that "the effects of the proposed extension will not significantly alter shopping patterns within the local area. Whilst it is forecast that comparable stores are likely to experience a marginal reduction in turnover, the implications will not result in any store closures. As a result it is not considered that the extension will adversely affect the vitality and viability of the town centre. The conclusion in the Landscape Supporting Statement is that the proposals are entirely in keeping with the character of the local area and that the proposed built form and design of the building extension and car parking, coupled with the proposed landscaping will contribute positively to the character and quality of the local environment and street scenes.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY comments awaited. COUNTY ARCHAEOLOGIST: No objections on archaeological grounds. ENVIRONMENT AGENCY objects to the proposed development on the following grounds:- The Flood Risk Assessment submitted in support of the proposal does not adequately address the flood risk issues or the necessary mitigation. The Agency must advise that this application should be reviewed within the context of the Taunton UDF with respect to flood risk and the aim of

strategic mitigation to Taunton. WESSEX WATER the proposal extends the retail store and car park provision and will have no impact on our apparatus. Drainage gullies serving the car park must discharge to the foul system. RIGHTS OF WAY TEAM the development should not affect the footpath.

LANDSCAPE OFFICER I am concerned the proposals will have a detrimental affect on the amenity of the local area through loss of existing tree cover, impact of new building on existing tree roots of protected trees and contrary to BS5837, loss of views across the site to the Quantocks from the south and to Compass Hill from the north east and limited mitigation proposals for the above due to limited development space. The proposals would not meet Policies EN8 or S2. Although I agree with the technical arguments of the tree survey I consider the loss of the amenity of the setting of the trees to be detrimental to the local area. Along the Mill Stream there are newly planted trees that will not have the opportunity to reach their full amenity because of the proposed proximity to the new building line. There will also be an impact on the Green Wedge, Policy EN13, in that the extra layer of parking will obscure a significant part of the Green Wedge and the openness of views from the Wellington Road. FORWARD PLAN UNIT in detail, the proposal would increase the existing trading area by 47% (from 2764 sq. m. to 4065 sq. m.). Currently approximately 79% of the net floorspace is used for food sales, 16% for cafe', checkouts, toilets and lobby etc and 5% for comparison goods (videos, CD's socks, stationary, picnic goods etc). Under government and Local Plan policy, the sale of comparison goods are not permitted under conditions attached to the existing permission in the interests of the vitality and viability of the town centre. However at only 5% of net trading area this is currently considered de minimus. The bulk of the increased net floorspace (71%) is proposed for comparison (non food) retailing (929 sq. m.). This would increase the extent of comparison retailing to some 26% of net trading floorspace in the Tesco store. This could not be regarded as 'incidental' and would result in a significant departure from the existing permitted operation of the store. In order to assess the current proposal against the adopted Local Plan and any other 'material considerations' a number of policy matters need consideration. The Local Plan:- The proposal lies within the Tangier site, allocated under policy T2 of the adopted Taunton Deane Local Plan for a mixed use development to include a food store, retail warehousing, offices, leisure and residential. The foodstore element has been implemented through the development of the Tesco store which opened for trading in 2001. The central tenet in the Supporting Statement accompanying the application is that: "In view of the sites allocation for a food superstore ... and given its location less than 300m from the town centre (which the Local Plan confirms is within easy and attractive walking distance of the town centre) there is no requirement for the applicant to demonstrate need or apply the sequential test ..." (para3.66). This statement is misplaced. Paragraph 8.36 of the adopted Local Plan defines Tangier as a site within 300 metres of the town centre. Whilst Tesco forms part of the Tangier site it is at its western extremity. Government guidance in PPS 6 defines any location beyond 300 metres of the primary shopping area as "out of centre". This site lies just under 600 metres from the edge of the defined primary shopping area which government policy specifies as the area to be defined as the town centre. In this regard it cannot be regarded as a town centre site and the proposal cannot be regarded simply as 'acceptable in principle'. Comparison (Non food) Proposal:- The adopted Local Plan identifies the principal appropriate use for the Tesco site for a foodstore, as built. Conditions were attached to the outline application restricting the use to "a retail foodstore and for no other purpose ..." (condition 15) in the interests of vitality and

viability of the town centre. Without this condition the proposal would not have been considered acceptable in relation to government and Local Plan policy restrictions on edge/out of centre retailing where town centre sites are available. As noted above, the bulk of the current proposal is for comparison rather than convenience retailing, potentially raising the proportion of non food sales area to around 26%. This is a significant change in emphasis from the current foodstore permission. To assess whether the proposal is acceptable in policy terms a number of issues need to be considered. a) Part of the Tangier site was allocated for a "small scale" retail warehouse development to meet demand before the larger Firepool allocation was available. The Tesco site is not referred to as suitable for retail warehousing in the adopted Local Plan; b) Retail warehouses are larger format stores for what are frequently termed 'bulky goods' such as furniture and carpets; often harder to locate in town centres and thus the small allocation at Tangier. The comparison element of the current proposal which the applicant refers to as 'clothing, home entertainment, toys and homeshop' can in no sense be considered as 'bulky'. Government and Local Plan policy (e.g. EC 13) is very firm that such goods as proposed should be located within town centres. One caveat however is whether town centre sites are available; c) The Local Plan allocates a major site at The Crescent for a major retail development (policy T23). An additional site is also identified at Wood Street (policy T24); d) Work on the Taunton Vision/Urban Design Framework (UDF) has identified the potential for up to 50,000 sq. metres of additional retail space within the town centre. The Councils recent Retail Capacity Study (2005) identifies that this is more than sufficient to accommodate all of the additional retail floorspace requirements until at least the end of the Plan period (2011). e) Government guidance refers to the suitability of a site for development if available within five years. The Council considers that as landowner of The Crescent and with an interest in the other sites identified in the UDF such as Firepool and West of High Street, sites will be available within five years, although paragraph 2.44 of PPS6 refers to "available within the development plan document period" which in this instance is longer; f) PPS6 requires that uses that attract a large number of people should be located within centres (para 2.41) and that a sequential approach should be applied, less central sites only being considered after all options in the centre have been thoroughly assessed (para 2.44). These principles are reflected in policy EC10 of the adopted Local Plan. The above points confirm that town centre sites have been identified and are available. g) PPS6 advocates that 'flexibility' should be adopted in decision making, such as disaggregation of certain uses within one proposal rather than simply following a 'format' driven approach to proposals. Thus for example proposals for sale of CD's, toys etc could be accommodated in a separate store(s) from the food element, within existing vacant units within the town centre. The supporting statement provides an assessment of trading impact etc from the new proposals. It is not considered necessary or appropriate to comment on these since these are matters of detail once the principle has been established. From a policy perspective the sale of comparison goods from this location should be resisted. It is contrary to government and Local Plan policy and could contribute to undermining implementation of sites identified in the recently adopted Local Plan and more recently through the Urban Design Framework/Vision. Convenience Proposal:- The current application also proposes to extend the net convenience goods trading area by 372 sq. m. equivalent (approximately a 17% increase on existing convenience goods space). The 2005 Retail Capacity Study commissioned by the Borough Council indicates that Tesco takes 21% of the market share of convenience expenditure in the Wellington area. A large element of this would simply be displaced from other Taunton stores such as ASDA which was

an important food shop destination for the Wellington catchment in the previous (1999) survey. However, the need to stem the leakage of expenditure out of Wellington has long been recognised, hence the Local Plan allocation for retailing (including large foodstores) at Bulford/High Street (policy W11). Nevertheless, it is considered that the proposed convenience extension would not prejudice the implementation of proposals for Wellington town centre since only a small proportion of the additional expenditure is likely to be generated from Wellington and there will be sufficient surplus expenditure by 2008 to accommodate the extension.

Design:- PPS1 makes it clear that good design is indivisible from good planning and that design should contribute positively to making better places for people. Paragraph 36 of PPS 1 states that key objectives should ensure that design 'responds to local context, reinforces local distinctiveness and is visually attractive'. This is reflected in policy S2 of the Local Plan. At the present time Tesco is set back from the road frontage and is framed to the rear by a tree belt (part of the adjoining green wedge) with mid distance views to Taunton School tower and distance views to The Quantocks. The proposed upper level car park extending to the Wellington Road frontage would undoubtedly result in the loss of these 'feature' views and is thus totally in conflict with policy S2(A) which requires the landscape setting to be "reinforced". Moreover, this site is a key gateway into Taunton. The site is bounded on each side by rendered Victorian villas on Wellington Road. Some are listed and some lie within a Conservation area. All of these properties provide a vertical emphasis to the street scene. The proposed raised car park deck to the Wellington Road frontage is distinctly horizontal in emphasis with materials, scale and massing totally at odds with the existing street scene. As such, it is in conflict with policy S2 of the Local Plan, requiring a 'reinforcement of the local character and distinctiveness'. The proposed additional (raised) car parking represents an over-development of the site contrary to government and local plan design policy. This reinforces the need to diasaggregate the comparison elements from the food store to a town centre location (rather than out or edge of centre) as advocated in PPS 6, in order to achieve a satisfactory solution consistent with national and Local Plan policy.

Conclusion:- There is no Local Plan policy objection to the principle of additional convenience (food) retailing from the Tesco site. The extent proposed is not considered likely to undermine the adopted development plan strategy. There is a fundamental in principle policy objection to the proposed comparison (non food) element. The existing conditions attached to the foodstore was required in order to make the proposal acceptable with government and Local Plan policy, (ie restricting sales to food only). Government policy has not been relaxed since the 2001 reserved matters permission. Moreover, in terms of policy compliance, sequentially there are more appropriate identified town centre sites where comparison retailing could and should locate. Some of these sites are identified in the adopted Local Plan and others have been identified more recently through the Urban Design Framework. Acceptance of this element of the proposal would constitute a 'departure' and would need to be referred to the Government Office. It would undermine the principles of government policy and the development plan strategy and more recently identified additional opportunities for enhancing the role and function of the town centre through the UDF/Vision work. In planning policy terms the application is unacceptable. Finally the scale form and massing of the proposed raised car park decking undermines the local character and distinctiveness of the area and the landscape setting of the site and general street scene, contrary to policy S2 of the adopted Local Plan.

TAUNTON TOWN CENTRE PARTNERSHIP considers that a cautious approach should be followed in the determination of the application particularly in respect of the following:-

1. There is likely to be an increased risk of flooding arising from

the loss of flood storage capacity on the site. 2.The site borders an important approach route into town and the visual impact of the proposal, particularly the decked car park, is of some concern. 3.Our main concern is the likely adverse impact on town centre retailing arising from the proposed sale of comparison goods, when no such goods may be sold under the existing planning permission for the store. The TCP is concerned that this would affect the level of trade in existing shops and could also deter developers from investing in the High Street Shopping Redevelopment Scheme as promoted by the Vision for Taunton and the Urban Development Framework.

22 SIGNATURE PETITION OBJECTING AND 17 LETTERS OF OBJECTION raising the following issues:- site unsuitable for the proposal; over development; concern over car park lighting; height of building; negative visual impact; existing store is architectural eyesore with poor landscaping and deck will exacerbate problem; visual impact of extra height of store; lift shaft and decked car park will dominate surroundings; previous sign was refused on amenity grounds; impact on stream, adjoining properties and Marshalsea Walk which will be made a daunting alley; car park under the decked area could be intimidating; ramp to car park will increase noise particularly in the evenings, night and early morning; car deck too low; tree screening not adequate and will take years to establish; will increase traffic and congestion which is already gridlocked at peak afternoon periods; problem of exiting car park will be worsened; development contrary to Council's traffic management policies; proposal will increase delivery lorries and increase pressure on loading bay and inadequate service yard; will increase HGVs and obstruction in Castle Street; increase in noise and pollution; will impact trees on the north and west side of the store; security measures required to prevent car park being centre for anti-social behaviour; traffic flow needs to be improved and development should be refused until 'park and ride' and other management schemes have been implemented; increased space on edge of town will effect performance of stores in town centre; change in use and purpose of store; development will be twice the size and will dominate the site and surroundings; additional parking inadequate; will create a traffic hazard within the store; speed limit sign needs moving and pedestrian right of way sign required; concern over security and safety of car park; loss of view and airy atmosphere of existing car park; an alternative car park arrangement should be found such as underground parking to prevent the visual impact; query over use of the Youth and Community Centre site; a link over the road the multi-storey proposed in the Vision would be a good option; Tesco could improve parking by limiting the use of car park to real customers; trolley security an issue; the car park structure is overbearing and the lighting would be intrusive to nearby dwelling; retail space already adequate; increase in litter problems; loss of property value.

## **POLICY CONTEXT**

PPS1 Delivering Sustainable Development, PPS 6 Planning for Town Centres, PPG13 Transport.

RPG10 Regional Planning guidance for the South West.

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 Sustainable Development, STR4 Development in Towns, Policy 20 The Retail

Framework, Policy 21 Town Centre Uses, Policy 48 Access and Parking, Policy 49 Transport Requirements of New Development, Policy 60 Floodplain Protection

Taunton Deane Local Plan Policies S1 General Requirements, S2 Design, EC10 Accessibility of New Development, EC12 Major Retail Developments, EC13 Restrictions on Unit Size and Range of Goods to be Sold, EC14 Modernisation of Floorspace, M1 Transport, Access and Circulation of New Development, M2 Car Parking Provision, M3 Accessibility and Parking, EN8 Trees in and around Settlements, EN13 Green Wedges, EN28 Development and Flood Risk, T2 Tangier Development Site, T23 The Crescent Site, T34 Approach Routes into Taunton.

## **ASSESSMENT**

The proposal is for the extension of the existing store at the site off Wellington Road with access onto Castle Street. The main considerations with the proposal are whether the scheme complies with retail policy, whether the increase in parking and servicing needs of the store are acceptable in highway safety and sustainability terms, whether the development of the site would safeguard against further flooding in the area, whether the design of the proposal is acceptable in terms of its visual impact and impact on the adjacent footpath and adjacent property.

Retail Policy:- The application site lies in an edge of centre location and paragraph 3.9 of PPS6 advises that need must be demonstrated for a town centre use which would be in an edge of centre location and is not in accordance with an up-to-date development plan document strategy. Paragraph 3.29 of PPS6 relates to extensions and states "The impact on existing town centres of the proposed extension should be given particular weight, especially if new and additional classes of goods or services for sale are proposed." The sequential approach is only a relevant consideration in relation to extensions where the gross floor space of the proposed extension exceeds 200square metres. That is certainly the case with the current application.

The original outline permission for the site limited the use to a retail foodstore only in order to safeguard the vitality and viability of the town centre. The current proposal seeks to extend the range of goods sold to include a significant level of comparison goods. This is considered to be contrary to policy EC10 of the Local Plan in terms of the siting of the development and policy EC12 in terms of there being preferable sites identified and it being contrary to the Local Plan document and the recent Urban Design Framework. While policy EC14 seeks to support refurbishment or redevelopment that would create more modern retail floor space this has to be balanced against other policy considerations. In this instance the existing retail unit is limited in its sales to being a retail foodstore due to its edge of centre location in line with policy EC13. The proposal would introduce a range of comparison goods for sale which would be contrary to this policy.

Parking and Servicing:- The proposal involves an extension to the existing store in terms of retail floor space and also involves the creation of a decked car park over the existing open car park area. The store extension will result in the loss of certain disabled and parent and toddler parking spaces, however these will be made up for within the

new parking layout which provides an additional 123 spaces. In terms of parking to floor space ratio this means a reduction in the ratio from one space per 13.6 sq m to one space per 14.5 sq m. This reduction is consistent with the objectives of sustainable development set out in national guidance of PPS6 and PPG13 as well as in the Local Plan. The initial Transport Assessment confirms that the local highway junctions in the vicinity of the store operate within capacity and that there are no material capacity or safety implications for existing road users. There will be an increase in queues within the site however the initial verbal response on this issue from the Highway Authority was that this did not affect safety on the highway network. The extension to the store and range of goods for sale is likely to involve an increase in service deliveries and this has been addressed in the proposed green travel plan which indicates speedier turn around time for HGV's as well as a tracking system to ensure the loading bay is clear for delivery vehicles. The comments of the County Highway Authority are still awaited in respect of the proposal. As this is a major application reaching its deadline for determination it was considered necessary to report this to Members rather than delay determination.

**Flooding:-** The application site lies within an area of flood risk identified by the Environment Agency and a Flood Risk Assessment was submitted with the proposal. The original outline permission for the food store on the site required significant off site works to mitigate against flooding. The submission indicates that the impermeable area of the development will be unchanged and there will be no increase in surface water discharge for the site. A minor loss of flood storage is identified at high flood levels and it is claimed that this will not have any significant effect on flood levels elsewhere. The Agency has objected on grounds that the assessment submitted does not adequately address the flood risk or the necessary mitigation measures required and in light of these comments it is considered that the proposal should be resisted on this basis as contrary to Policy 60 in the Joint Structure Plan Review and Policy EN28 of the Local Plan.

**Design:-** The development proposes a new extension, atrium entrance to the store and decked parking area over the majority of the existing ground floor car park. The store extension design is considered in keeping with the existing which has brick clad side elevations and clean crisp glazing and cladding to the front. The existing building is set back some 80 m from the Wellington Road frontage and is 8 m in height. The proposal will involve the new glazed atrium extending to a height of 10.5 m and the decked car park to a height of 5.4 m high. The extension to the side will involve tree work to a TPO group, however given the mitigation of new planting proposed to replace that lost this is not considered grounds to object. The replacement of the planting here and retention of the existing is also considered to preserve the impact in terms of the Green Wedge. The main impact of the development is not the store extension and atrium, given the distance set back from the road, but the impact of the decked car park area. While this decked car park is designed to be in keeping with the store and a light weight structure and is set back some 10 or 11 m from the Castle Street frontage, it is proposed to extend right up to the boundary with Marshalsea Walk and extends from Wellington Road down Marshalsea Walk adjacent to the footpath for around 90 m to the corner with the access to the ATC headquarters. The decked parking area will also be only 12 m away from the boundary with a new bungalow on the opposite side of Steps Water. It could be argued that the height and proximity of the decked car park to the footpath in particular and new dwelling would be overbearing and although new planting is

proposed it is not considered that this would be sufficient to offset the impact of the decked area. The decked car park will also impact on the street frontage of Wellington Road. This is a relatively open area at the present time which is bounded by properties with a vertical emphasis and the proposed horizontal emphasis of the decked car park could be considered to detract from the character distinctiveness and landscape setting of the existing street scene contrary to policies S1(D) and S2(A) of the Local Plan.

In summary the proposed development is considered to be at variance with Local Plan policy in terms of the retail use and its location, has not adequately addressed the Environment Agency concerns in relation to flooding and has raised concerns over the visual impact of the decked parking area on the road frontage and the footpath along Marshalsea Walk. The impact of the development in terms of highway issues is still to be clarified by the Highway Authority.

## **RECOMMENDATION**

Subject to the views of the County Highway Authority by 22nd August, 2005 the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be REFUSED for reasons of a significant proportion of non-food sales in this edge of town location contrary to the original outline condition and policies EC10, EC12 and EC13 of the Taunton Deane Local Plan as well as advice contained in PPS6. The proposal would not adequately address flood risk issues or the necessary mitigation and would be contrary to Policy 60 of the Somerset and Exmoor National Park Joint Structure Plan Review or Policy EN28 of the Taunton Deane Local Plan. The proposed decked car park by reason of its visual impact on Wellington Road and Marshalsea Walk would detract from the character of the street scene contrary to policies S1(D) and S2(A) of the Taunton Deane Local Plan.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: 2456 MR G CLIFFORD**

NOTES: