

SEATON TOWN  
(Seaton)

09/0557/MFUL

Target Date:15 May 2009

Applicant: Sainsbury's Supermarkets Ltd & Modern Electric Tramways Ltd

Location: The Underfleet, Seaton, Devon – 'The Northern Supermarket'

Proposal: Mixed use development including food store(4,747sq m. Gross), Seaton and Jurassic Heritage Coast visitor centre (3,313sq.m. gross) skate park, play area, redeveloped tram terminus (413 sq.m. gross), cycle hub(264 sq. M. Gross), public square, public car park and other associated works..

## **CONSULTATIONS**

### **Environment Agency**

The application is currently unacceptable to us on both Groundwater and Flood Risk grounds and we recommend refusal until these issues can be addressed to our satisfaction. The submitted flood risk assessment (FRA) dated February 2009 is unacceptable to us for the reasons set out in our letter dated 19 March 2009 to Environ UK Ltd summarised as follows:-

- Raising of site could have implications for Underfleet highway drainage connecting to the rhyne system
- Potential issues relating to Harbour Road drainage draining back to the wetlands
- Need to show multiple unrestricted accesses from the underground car parking up to the higher levels at all times.
- Flood refuge area needs to be shown
- Existing council car park has a surface water balancing system built in – this will be lost with the proposed development and no adequate mitigation measures are shown
- Unacceptable impact on local ecology
- SUDS scheme does not include water quality issues – physical site constraints indicate this may not be possible
- Surface water attenuation proposals will impact on land outside applicants control such as the tramway and watercourses – insufficient storage facilities on site

As such the proposal is unacceptable and we recommend refusal. It is important to note that documents such as an FRA for development of this scale and nature should be prepared and agreed with us prior to submission of a planning application.

With regards to potential impact on groundwater, we require clarification on the nature of the "lower ground level public long stay car park" (basement?), particularly in relation to its proposed depth below ground level and the potential for construction and post construction impacts on groundwater flow regimes in the area. Specifically are there any impacts on the wetland envisaged as a result of variations to groundwater regimes as a consequence of sub-water table works? If so, what is the significance of this impact and are mitigation measures proposed. Further, if necessary, we consider that dewatering issues must also be addressed within the Construction Method Statement and therefore, we recommend refusal of the application.

If the applicant is able to address the points to our satisfaction, and you are subsequently minded to grant approval, then we would request that the following conditions relating to contamination and ecology of the wetland be included in any grant of permission.  
Contaminated land condition as per CT3 referred to below:-

- Adherence to mitigation strategy of ecology section of EIA
- Wetland new ditches to be in line with best practice
- Aftercare management plan
- Appropriate landscape planting scheme to be agreed

Thank you for consulting us on the amended plans for the above development.

To date we have not received a revised Flood Risk Assessment (FRA) that is either approved or acceptable to us. As such we must recommend refusal of this proposal on these grounds.

Please note that the document titled "Technical Appendix 8B" and dated June 2009 is not a comprehensive FRA, but is instead simply a compilation of our flood maps, depth grids, copies of letters and our photos.

- With regards to the contamination on the site, we have reviewed the following reports in regard to the proposed application:-

Phase 1 & 2 Geo-environmental & Geotechnical Risk Assessments, Ref: 0809007.001/002, undertaken by Tweedle Evans Consulting Ltd.

- Environmental Statement Main Report (Part 4, Section 8), carried out by WYG Planning & Design (March 2009).
- Environmental Statement, Technical Appendix 8A, Water Quality & Hydrology Assessment (February 2009)

The results of Phase 2 soil analysis indicate elevated levels of Lead @ 1300mg/kg, one hotspot, located in the area around TP1 in the north eastern sector of the site.

This level is above the general assessment criteria (GAC's) for heavy metal contamination used by our Groundwater and Contaminated Land team. Is hard standing cover being proposed for this part of the site? If this is not the case, we would want to see proposals for hotspot removal/remediation being undertaken. (Note: only clean, inert, uncontaminated soils and spoils shall be deposited at this site).

The results of groundwater analysis indicates slightly elevated levels of Benzo(a) pyrene and total petroleum hydrocarbons (TPH) in the carbon band range C16-C35. These levels are below the GAC, and we feel only present a moderate risk to controlled waters at the site. However, there remains the potential for migration of these contaminants into controlled waters at the site, particularly with regard to the piling proposals.

The minor aquifer beneath the site provides base flows to local watercourses. Introducing piles (18m -22 m deep) into the clay/mudstone strata may create a pathway for the potential migration of these contaminants, and disruption of surface water flows. This is further complicated by the fact that the groundwater is tidally influenced. The proposals for the basement car park indicate that the lowest level (0.5m AOD) will sit below the groundwater table.

Whilst we are not minded to object on these grounds, we strongly recommend that a scheme for the method of piling foundations (incorporating stringent mitigation measures) should be carried out and approved in writing by the local authority prior to any development commencing, to prevent the contamination of the underlying aquifer. This should also be provided for review by the Environment Agency.

Further soil and groundwater sampling will be required to be undertaken for validation purposes, the results of which should be provided to the Environment Agency for review.

Previous conditions still apply.

### Informatives

The applicant should ensure that any excavation/construction works do not cause any contaminants already on site to migrate to the water table as a result of piling construction, nor that the pollution of controlled waters is in any way exacerbated.

The developers should adopt all appropriate pollution control measures, both underground and on the surface, to ensure that the integrity of the aquatic environment, both groundwater and surface water, is assured.

Prior to being discharged into any watercourses, surface water sewer or soakaway system, all surface water drainage from parking areas, roads and hard standings shall be passed through trapped gullies to BS 5911:1982, with an overall capacity compatible with the site being drained.

### Final comments

Can confirm that information has been provided that alleviates our concerns regarding controlled waters.

### **Devon County Archaeologist**

No objections subject to a condition requiring a programme of archaeological investigation and recording and any necessary mitigatory works being agreed prior to commencement of development.

### **Devon County Highways**

I can confirm that there is no basic highway objection to the proposal the only outstanding matters are a safety audit of all off site highway improvements on the Underfleet, particularly taking into account the needs of cyclists, and continuing negotiations regarding the public transport contributions which have been requested.

The development of this site does not give rise to the concerns regarding HGV traffic as the site is virtually fill neutral, and we will therefore only be required to deal with construction traffic. We have information regarding likely number of movements and type of vehicles likely to be used this is contained in the CEMP, the routeing will be in the main as per the route agreed with Tesco, with some exceptions.

### Further comments

I can confirm that there is no basic highway objection. We have now agreed the public transport contributions at £150k. Still awaiting the safety audit for the offsite highway improvements as shown on the plans. The only issue I foresee is the need to have islands at the various crossing points which can accommodate cyclists. Other issues such as routeing of construction vehicles and the Travel Plan are regarded as being acceptable and can be covered by condition and or a s106. Any s106 will need to refer for the need for a s38/s278 agreement for highway improvements as appropriate.

## **EDDC Estates and Economic Development**

The Council owns the land on which Sainsbury's Supermarkets Limited (SSL) have submitted their application.

If the Council resolves to dispose of its land owned at Harbour Road, it must do so pursuant to the Council's obligations under Section 123 of the Local Government Act 1972, to ensure that it secures the best consideration reasonably obtainable on the open market. Best consideration is usually measured by advertising the land for sale by an open market tender process and assessing the bids received.

The Council cannot treat exclusively with SSL in relation to the disposal of the land SSL requires for its scheme if the Council is to meet its requirement to obtain best consideration.

Should the Council decide to dispose of its land, the site will be tendered on the open market. Prior to any disposal, the intended disposal of public open space elements of the site will first have to be advertised and consulted upon. In addition, the Council would first enter into discussion with those parties currently using the land and which have a legal interest in the land, including the Town Council and the Modern Electric Tramways Ltd.

The Council has already received expressions of interest from various parties, which indicates that it is not possible to treat with Sainsbury's Supermarkets Limited exclusively.

Because the Council has not entered into negotiations with SSL with regards the proposed scheme, we have not looked in any detail as to how the cost of the various elements will be met and implications for the Council as a landowner. These elements include the following:-

### Visitor Centre

The scheme provides for a visitor centre of some 27,000 sq ft. This incorporates a third floor viewing platform at the top of the entrance lobby with views over the Wetlands and estuary, and a lift from the underground car park.

The provision is double the size of the minimum specified requirement and this has implications for build costs, future maintenance and business rates.

This proposed visitor centre would be an integrated part of the retail store building. It would be a large space to fill and alternative potential uses are limited, which would affect its value as a capital asset for the Council if it were to retain an interest in the building. In all probability, it is likely that one of the Councils will need to act as an intermediate headlessee, or guarantor to the Visitor Centre Trust and the ultimate responsibility for the rent payment (if any) and ongoing service charge, maintenance, insurance, business rates and such like for this space will fall to this Council. There are therefore concerns about a possible exit strategy for the Council should the visitor centre project fail.

### Cycle Hub

The cycle hub specification was provided to SSL by the Cycling (development, policy & strategy) team at Devon County Council (DCC). At present, I am advised that there is no funding available from DCC for the project, no details with regards future running and maintenance liability, and that there is an expectation by DCC that East Devon District Council will take ownership of this project.

### Existing play and skate park areas

The existing play and skate park areas would be replaced within the scheme but the amenity 'kick about' space and picnic area would be lost and not replaced within the scheme.

### Former youth centre building

The former youth centre building would be demolished and although this is not a function required to be provided by the Council, the Council is already in the process of transferring a site to the Town Council that could be used to make alternative provision.

### Tramway Terminus

The Tramway terminus proposed within the scheme includes a 4,445 sq ft (413 sq m) gross building with shop, cafe and snack bar, kitchen, control office, ticket office and WC provision. In addition, the scheme provides for works to the tramline and a tram stop by the foodstore.

Such works would come at a substantial cost and, because we have not entered into any negotiations with SSL at this time, we do not have details of how this would be funded, tenure to be granted to Modern Electric Tramways Ltd, whether the Council would expect a capital receipt for the land and so on. However, these are all discussions we could commence, should the Council wish to consider disposing of their land interest for development.

### Car Park

The Council currently facilitates both short stay and long stay car parking on the site. The new long stay public car park proposed within the scheme is underground. As such the construction will need to include provision for lighting and flood defence (probably in the form of pumps), as well as the lift to the Visitor Centre. If the Council were to retain the long stay car park, it is likely to be a significant additional maintenance cost to the Council (while competing against a 'free' shoppers' car park). Sainsbury's Supermarkets Limited have provided assurance that the entrance to the car park would be raised to 4.5m to ensure against flooding and that the car park itself will be fully tanked and anchored at just above sea level (0m). This is an expensive exercise, estimated to be in the region of £4 - £6 million. However, the excavation will provide a considerable proportion, if not all, of the fill required to raise the height of the foodstore and minimise the level of fill bought in by road. No clarification of how visitor car parking would be maintained during the construction period has been provided by SSL to date.

In my view as the Council's Principal Estates Surveyor, under present economic circumstances, the construction of a foodstore on the car park site is likely to have a negative effect on the development on the adjacent site of the former holiday park coming forward in the short to medium term. Without the "pump prime" of a foodstore on the Seaton Regeneration Area it is unlikely the wider Seaton Regeneration Area and the aspirations therein will be capable of being developed viably.

### **EDDC Environmental Health**

I have now considered the application in detail and have the following comments to make:-

**Contaminated Land** – There is no history of contamination on this site recorded on our database. Nevertheless consider that standard condition on contaminated land should apply in the event of any approval being given.

**Air Quality** – I have considered the report and agree that this development is unlikely to have any harmful effect on air quality in the immediate vicinity of the site. There may be short term air quality issues during the construction phase (traffic pollution and dust) which would need further consideration at the construction planning stage.

**Light Pollution** – There is the potential for light pollution of the surrounding wetlands landscape, particularly from the loading bay and car park which are likely to be operational throughout the night. A detailed lighting scheme will need to be submitted, and agreed by the EHO, which is designed to minimise light overspill beyond the boundary of the site. More importantly, the

glass wall proposed for the Visitor Centre will be very obtrusive at night if the lights are kept on during dark hours. I am not sure of the proposed opening hours of the Visitor Centre but this aspect should be considered – if it is to be used in the evenings, blinds or similar will be required.

Noise – there are several separate aspects to the potential for residential amenity to be affected by noise:

#### Construction Phase:

Noise during the construction phase has been considered in the construction method statement and the applicant must be required to agree noise controls with the EHO if approval is recommended.

The applicant has only given scant regard to noise from the very significant number of vehicle movements which will be undertaken during the 30+ weeks of the works. They estimate up to 50 per day, but have not provided any detail of the measures they intend to employ to minimise disruption due to this activity. Residents on the transport routes into and out of Seaton could suffer serious disturbance and the routes selected and times of operation needs to be carefully considered.

Working hours for noisy construction works (including lorry movements) should be restricted to 8am – 6pm Mondays to Saturdays only.

#### Operational Phase:

I do not consider that the skateboard park will be particularly intrusive over the other noise sources in the area.

Building Services Plant – The applicant states that “The Building Services Plant shall have a maximum external sound power level of 55dBa to ensure that specific noise levels at the closest residential premises will be 10dB below the background noise level”. If approval is recommended, this should be incorporated into a condition.

I have serious concerns about the location of the Service Area on the site. This is potentially the most noisy operation up to 24 hours a day and yet it has been located in the area of the site which is closest to residential premises. The applicant’s noise report acknowledges that this could have a severe noise impact at certain times – notably at night. The delivery lorries themselves can be noisy, but it is the movement of trolleys around the service area at all times and throughout the night which could impact on local residents. Ideally on a completely new site as this is, the designer should locate the noisiest activities as far from local residents as possible. However, I can only deal now with what has been submitted. The applicant must propose noise mitigation measures for this area, including controls on times of access for staff as well as delivery times. My opinion at the moment is that no deliveries should take place between the hours of 11pm and 7am. However, I do not think it would be appropriate to restrict daytime Sunday or Bank Holiday deliveries as this area is already very busy at those times.

Flood Risk Assessment – I share the concern of the Environment Agency that the proposed flood protection measures do not adequately address the risk.

#### **EDDC Landscape Architect**

The application has been revised to account for comments identified in 28<sup>th</sup> January 2009 report. The following comments are based on supplementary documents received in June 2009.

Visual Impact – the proposals retain the willows on the northern boundary but with less room than would ideally be provided. Arboriculture advice should be taken on the long-term

potential of these trees. These trees play a crucial role in the integration of a significant built form on the Seaton town boundary. Failure to provide this vegetative boundary undermines the scheme in my opinion and I am not aware of any off-site planting that would compensate long-term. Distant views from the north east are not considered to be as significant and did not take the willow trees into consideration in providing a softer edge to the development. Views from higher ground to the east and west are not considered to have a significant adverse impact on the proviso that the roof is designed sensitively with recessive colours – this should be conditioned and require technical colour details and samples for approval.

Identity – The local views of the building when arriving on the Sustrans cycle route from the north are considered to be important and the design has not been improved to enhance the ‘sense of arrival’ or reduced in scale to minimise the impact of this elevation. Other elevations are generally considered to be interesting and active. In particular, the tram ‘drop-off’ point is very positive in linking the tram way attraction with the visitor centre.

Connectivity – the route to the entrance of the food store and visitor centre has been designed sensitively given the constraints but is less than ideal – a detailed landscape scheme should be conditioned with a particular emphasis to improve the legibility and attractiveness at the points of entry to the building and to inform a hierarchy and focus (details should include additional seating, tree planting, etc). There are clear benefits in the re-design of the tram station and Tourist Information Centre area (southern part of the site), however, the segregation of the skate park from the overall play provision is still considered to be a negative outcome of this layout. The final detail layout requires further design input if a long-term sustainable solution is to be agreed – this should be conditioned.

Lighting Impact – this could be conditioned. The lighting scheme must be sensitively designed but with the exception of the Service Area and Visitor Centre it is considered to be of negligible impact. Hours of operation and service yard lighting design are critical factors in ensuring the proposals are acceptable.

Car Park Design – the impact from car parking is expected to be neutral or a minor reduction (net benefit). However, it is anticipated that the overall scheme will produce a minor adverse impact, mainly due to the service yard and buildings.

Boundaries – the northern boundary should ideally be wider to support the vegetative edge to the town. Advice will be needed with the Council’s Arboricultural Officer with regard to the long-term management of the willows on the northern boundary. The other boundaries are considered to be acceptable but recommend a detail landscape condition – particular emphasis should be placed on selection of tree species (with regard to native species and climate change).

### Recommendation

The proposed scheme and submitted information is considered acceptable in terms of visual impact.

Should the application be approved it would be appropriate in my opinion to re-visit the detail design, in particular the Public Amenity Space and the location of the Skate Park.

On the proviso that the above points would be conditioned the application in general landscape terms is recommended for approval.

**South West of England Regional Development Agency**

No objections

## **South West Water**

No objections subject to foul flows only being connected to the public sewer

## **Architectural Liaison Officer (Police)**

Makes the following comments for the attention of the applicants and inclusion in the scheme:

Seaton is fairly crime free.

As the existing skate park presently receives no complaints from residents its relocation nearer to neighbouring properties may cause some complaints due to noise. It is important that the young people who will use the facility are involved in any redesign as this will encourage ownership and reduce the possibility of misuse.

The facility should be complemented with a youth shelter. The local policing team recognises that there is a lack of youth facilities within Seaton. This has led to anti social behaviour in the High Street and along the sea front.

These areas are popular as they offer some form of shelter.

The underground car park is likely to become an attraction for young people if no alternative is provided because it offers shelter from adverse weather conditions. Further security issues need discussing with the applicants prior to any development commencing including car park stairwells becoming loitering areas if they are not the subject of surveillance measures.

One of the proposed bicycle racks requires moving to enable natural surveillance and the location of one of them adjacent to an ATM is not advised.

The staff entrance needs to be well lit and open to view. At present it appears to be hidden behind the ATM area and may also be partially obscured by the ramp serving the car park. The removal or relocation of the ATM unit would open this area increasing natural surveillance.

The applicants may wish to consider barriers to the car to prevent "boy racers" from using the car park area especially during hours of closure.

Planting within the car park should be low (no taller than 1m in height), well maintained and should not restrict natural surveillance or create hiding places for car criminals.

## **Natural England**

Unfortunately Natural England has provided a single response for the northern and southern supermarket planning applications plus the outline application for a southern store and residential development (09/0022/MOUT). Therefore some of the comments made do not relate to this northern supermarket

### **1. Impacts on SAC sites**

There are 3 in the area:-

#### Axmouth to Lyme Regis Undercliffs SSSI (part of Sidmouth to West Bay SAC)

- None of the developments are likely to have a direct effect on this site. Indirect effects would only be likely if there was any pollution as a result of the construction of developments which should be avoidable. Not sure whether the pipeline to bring in aggregate for land raising has any potential for impacts?

#### River Axe SAC/SSSI

- None of the developments are likely to have a direct effect on the site because it is upstream of the site. However 2 of the features of interest Sea Lamprey (SAC feature) and Atlantic Salmon (SSSI feature) are anadromous/migratory fish so any piling work, work causing acoustic noise or siltation of the estuary could impact on these species. This impact is most likely to result from the Axe Riverside development. The illustrations show a significant change to the waterfront in this location with a built up wall where there is currently nothing but I have not seen any detailed drawings of how this will be constructed. (If these exist could you let me know where to find them?)

### Beer Quarry Caves SAC/SSSI

- None of the developments will have a direct effect on the site which is located several km to the west. However, it is possible that some of the bat species using the caves may use the habitats in and around the Regeneration area for feeding and commuting. In particular the riverside and the northern boundary have been identified as having significant bat activity. NE would be looking for the developments to demonstrate that they will retain significant feeding routes and provide some enhancements. Lighting treatments of the boundaries of the developments will need to be particularly sensitive.

### 2. Protected Species

- As for Beer Caves above

### 3. BAP Habitats and species

- In PPS 9 and the NERC Act there is a duty on LAs to retain these habitats or seek compensation/mitigation for their loss.
- The waterfront treatment has the potential to result in loss of saltmarsh UK BAP habitat in front of the new seawall as a result of increased wave erosion.

### 4. Axe Wetlands – opportunities and threats

- There is an opportunity to deliver excellent visitor links to the developing Axe wetlands to the north. This will form a key visitor attraction for the area as well as being the principle green space for the Regeneration developments. Whatever permissions are granted they must provide appropriate access links through them to the wetlands and must not result in access opportunities being lost or compromised in the future.
- The developments should also ensure that the northern boundary is treated sensitively in terms of landscaping and location of uses to ensure that it minimises disturbance (noise and visual intrusion) to the wildlife, birds in particular which could result from the development.
- We would also like to see the delivery of the Visitor Centre at the earliest opportunity so ask the question – if the Tesco outline application is granted can there be any guarantee that it will be built or when this might be?

### **Axe Estuary Wetland Project Officer**

Our predominant concern about this application is the impact of the store on the landscape. We are pleased to see the Visitor Centre viewing over the estuary and in the location originally identified in the Seaton Regeneration Brief. However now that the store is proposed beneath it, the size and location of the building on raised ground levels will be very unsightly within the floodplain landscape. This will be a key recreational entrance to the town, highly visible from the cycleway, the wetlands and the tramway.

The development in this location will clearly have some impact on the grazing marsh to the north through increased disturbance. We welcome the proposal to widen the ditch and to incorporate reed bed within it, since this will improve habitat and provide a barrier to access along this edge. We would prefer to see a wider buffer between the store and skate park and the County Wildlife Site. We would like to see enough planting that the store is visually screened to improve its appearance from the north. We would suggest that trees could be managed to maintain a high visual screen on the western side of the building, leaving open views from the viewing gallery only. This would require a sufficient buffer zone to allow the canopy of these trees to develop.

We do welcome the offer of a financial contribution to increase biodiversity gain off site as part of the Heads of Terms for s106 contributions. However there is no suggested amount and therefore it is impossible to assess the improvements that could be made as a result.

The Non-Technical Summary states that the proposal offers a “gateway” to the Wetlands. In very early discussions, this was anticipated to involve increasing the size of the nature reserve and the access links to it from the visitor centre, as well as the facilities within the reserve, including a lake and hide. In fact their proposed “gateway” is only on paper, showing a route on to land we don’t own. We understand that, given that the developer does not own the land to the north, it may not currently be possible to provide these improved access links. However we would request that the contribution the developer makes is sufficient to allow us to achieve this in the future.

There is no mention of our visitors in relation to parking provision or increased tourism. We are anticipating 30 – 60,000 visitors a year, the majority of whom would be directed to this car park. This is an essential part of the overall plan for regenerating tourism in the area and should be included in these plans.

### **East Devon Visitor Centres Project Development Manager**

The Sainsbury scheme provides for a Visitor Centre of commercially viable size. This incorporates a third floor viewing platform at the top of the entrance lobby with views over the Wetlands and estuary, gallery spaces, a café and retail space and a large ground-floor entrance foyer.

The current provision is greater than the minimum specified requirement and this has implications for build costs, future maintenance and business rates. The final scheme costs and maintenance liabilities have not yet been clearly established, since the Council has not entered into negotiations with SSL in its capacity as landowner.

We would support the principle that SSL underwrite the cost of providing the Visitor Centre building in a completed form to the operating Board, as part of the Council receiving any form of capital receipt for the land.

The option under current review is that the Visitor Centre would be an integrated part of a retail store building. The details of the leasehold structure for this integrated building, including the future maintenance and repair and service charge regime, have not been established, as the Council has not yet made a decision to sell the land for development. The option of the visitor centre embedded within the store is viable only if there are additional benefits with regards a long term partnership with the store, or support for building costs in the future.

If this long term support and commitment is not forthcoming, then the Visitor Centre would instead benefit from having its own stand-alone footprint and ground floor level entry, the design and positioning of which are shown in the attached plans. We would propose that the capital funding for such a separate visitor centre come out of the Council’s capital receipt for the land. Current build cost estimates for a separate Visitor Centre at the specification level

discussed with SSL, have been in the region of £3 million, and we would like to see this commitment upheld.

We would require adequate parking provision to be provided for Visitor Centre visitors, and that all parking be accessible, well lit and within easy access of the Centre (i.e. lifts would be required to access the centre directly from the car park). We would require that any costs connected with such car-park lifts (whether by way of service charge or otherwise) are excluded from and fall outside of the Visitor Centre business costs, to support the Centre's ability to be remain sustainable.

We would require adequate lifts and escalators to be provided to access the Visitor Centre, since we have reported to SSL that access by stairs alone would act as a barrier to visitors. This will be required as part of the build costs.

## **TOWN/PARISH COUNCILS**

### **Seaton Town Council**

Approve [no other comments submitted]

### **Axmouth Parish Council**

The Council considers this application would provide a good kickstart to the Seaton regeneration as it provides not only a supermarket but also provision for a new visitor's centre, a new tramway terminal and station and provision for a Sustrans cycle hub.

HGV Traffic is a concern for the parish and is considered inappropriate for the village. Traffic will only increase during construction and then permanently supply the supermarket. Resident's health could suffer as a result of increased CO2 emissions

Noise pollution would greatly increase and this is particularly applicable to Listed Buildings where mitigation measures are very difficult if not impossible to install. The lack of footways through the village would compromise safety for pedestrians, especially children and elderly residents. Cyclists using the Sustrans route would face serious risks to their safety from an increase in the number of HGVs along this route .Physical damage to properties is likely with possible impact and vibrations.

Other road users will face safety issues with two existing sub standard junctions.

The structural integrity of the B3172 between Axmouth and Axmouth Bridge would be severely compromised by the extra weight of HGVs which together with a restricted width and cars parking by bird watchers would need to be taken into account.

If the planning authority is mindful to allow this application would it impose, as a planning condition, a weight limit of 7.5 tons on the B3172 between Boshill crossroads and the Axmouth/Seaton boundary. This would prevent injury to pedestrians and damage being done to the village by ensuring that all HGV traffic would need to find another route into the site both in the short and the long term.

The council would ask that all trees planted to screen the buildings/car park be native to the area and that all measures are take to reduce light pollution on the north and east sides (marshes and estuary) to an absolute minimum.

It was felt that, with the above provisos, on the whole this application does have merit.

## **Colyton Parish Council**

Colyton Parish Council supports this application in principle but parking and traffic movements in the surrounding area needs addressing i.e. Boshill Cross and Junctions on the A3052. The community provisions made within the application are welcomed.

### Response to amended plans

The Parish Council objects to these three applications [two Tesco and one Sainsbury applications] on the grounds they would have a detrimental impact on Colyton Parish i.e. on retail businesses, traffic volume through the parish etc. It is understood an open meeting is to be organised to discuss these applications. Please can you confirm this and let me know the date and time.

### WARD MEMBER(S)

**Cllr J Knight** - I see this application as an asset to Seaton in its present form, especially with all the added incentives, this in turn will kick start the regeneration area and make it a reality as to something on a piece of paper as it stand at the moment.

In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against.

**Cllr Mrs S Jones** - Supports the Application

The site is designated as a regeneration site. The proposal would improve retail provision in the town, create new employment opportunities, increase the attractiveness of Seaton to visitors and tourists with the provision of a world heritage and wetlands visitor centre, a newly built tramway terminus, a proposed drop off point adjacent to the visitor centre and relocated tourist information centre, a new cycle hub for the terminus of the 'stop line' cycle route from Minehead, a purpose built skateboard park and a new children's play area.

Further to my comments above it needs to be emphasised that the land which Sainsbury's wish to build their store on is not currently in their ownership and East Devon District Council will need to put this land, which is currently in their ownership, out to tender. Therefore, there is no guarantee that Sainsbury's would be the company which would secure this land. The construction of a supermarket on this land may have the potential to have a negative effect on the development on the adjacent site which needs to be developed viably. This does raise some concerns with this application.

In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against.

### REPRESENTATIONS

#### **Objections**

18 letters received citing the following reasons:

- Excessive traffic generation from construction
- Not in keeping with the area
- Loss of hedgerows
- Size of store adjacent to a sensitive nature conservation area
- Visually intrusive
- Potential noise issues
- Would prefer no supermarket
- Skateboard park would be too close to residential properties creating noise

- Unacceptable impact on Co-op which will probably close
- Concerns about basement car park
- This is the wrong site – should concentrate on Harbour Road for redevelopment not the Underfleet area
- Loss of public open space area not acceptable
- Loss of public toilets regrettable
- This does nothing to regenerate Harbour Road end of town

## **Support**

86 letters received making the following comments

- Will attract people from elsewhere to the town
- Will kick start the area and provide choice
- Lack of facilities and choice at present
- Will enhance appearance of area when taken together with other potential development being offered
- Right scale of development for the town
- No need for major fill and disruption that will cause
- Different operator from Tesco will bring trade into town
- New visitor centre will be an attraction

In addition petitions in support containing 32 names have been received.

## **RELEVANT PLANNING HISTORY**

App.No:	Proposal	Decision	Date
06/3400/MOUT	Re-development of land to include housing, retail, FS, leisure/tourist development with access and POS	Undetermined	29/01/07

## **PLANNING POLICIES**

### **National Planning Guidance:-**

- Planning Policy Statement 1 “Delivering Sustainable Development”
- Supplement to Planning Policy Statement 1 “Delivering Sustainable Development”
- Planning Policy Guidance Note 4 “Industrial, Commercial Development and Small Firms”
- Draft Planning Policy Guidance 4 “Sustainable Economic Development”
- Planning Policy Statement 6 “Planning for Town Centres”
- Planning Policy Statement 10 “Planning for Sustainable Waste Management”
- Planning Policy Guidance Note 13 “Transport”
- Planning Policy Guidance Note 17 “Planning for Open Space, Sport and Recreation”
- Planning Policy Statement 22 “Renewable Energy”
- Planning Policy Guidance Note 23 “Planning and Noise”
- Planning Policy Statement 23 “Planning and Pollution Control”
- Planning Policy Statement 24 “Planning and Noise”
- Planning Policy Statement 25 “Development and Flood Risk”

### **Regional Planning Guidance**

- Regional Planning Guidance for the South West (RPG 10)
- Draft Regional Spatial Strategy for the South West 2008 – 2026

- Regional Economic Strategy for the South West of England 2006 – 2015

### **Devon Structure Plan (2001 – 2016)**

- ST1 (Sustainable Development)
- ST4 (Infrastructure Provision)
- ST15 (Area Centres)
- ST20 (Re-assessment and Safeguarding Employment Land)
- ST21 (Regeneration Priority)
- CO6 (Quality of New Development)
- CO11 (Conserving Energy Resources)
- CO12 (Renewable Energy Developments)
- C13 (Protecting Water Resources and Flood Defence)
- WM1 (Waste Management Hierarchy)
- TR1 (Devon Travel Strategy)
- TR2 (Co-ordination of Land-Use/Travel Planning)
- TR4 (Parking Strategy, Standards & Proposals)
- TR5 (Hierarchy of Modes and Transport Assessment)
- TR6 (Network Integration)
- TR7 (Walking and Cycling)
- TR9 (Public Transport)
- TR11 (Safeguarding Transport Networks)
- SH1 (Shopping Facilities – Sequential Test)
- SH2 (Shopping Facilities and Settlement Hierarchy)

### **Exeter and the Heart of Devon Economic Development Strategy 2005 – 2008**

### **East Devon Economic Development Strategy 2005 – 2008**

### **East Devon Local Plan (1995 – 2011)**

- S2 (Built-up Area Boundaries for Area Centres and Local Centres)
- S4 (Development Within Built-up Area Boundaries)
- S7 (Infrastructure Related to New Development)
- D1 (Design and Local Distinctiveness)
- D2 (Sustainable Construction)
- D3 (Access for the Disabled)
- D4 (Landscape Requirements)
- EN5 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites)
- EN15 (Control of Pollution)
- EN16 (Contaminated Land)
- EN20 (River and Coastal Flooding)
- EN21 (Surface Run-off Implications of New Development)
- E2 (Employment Generating Development in Built-Up Areas)
- E3 (Safeguarding Employment Land and Premises)
- SH1 (Town Centre Shopping Areas)
- SH2 (Primary Shopping Frontages)
- SH3 (Large Stores and Retail Related Uses in Area Centres)
- RE2 (Open Space, Sports Facilities and Parks)
- TA1 (Accessibility of New Development)
- TA4 (Footpaths, Bridleways and Cycle ways)
- TA7 (Adequacy of Road Network and Site Access)
- TA9 (Parking Provision in New Development)

## **Supplementary Planning Guidance**

- Seaton Town Design Statement 2008.
- Development Brief - Seaton Regeneration Area: Adopted in March 2005.
- Trees and Development: Adopted in April 2005.

### **SITE LOCATION AND DESCRIPTION**

The application site is situated in within the development limits of Seaton and also within the Seaton Regeneration area as shown in the adopted East Devon Local Plan and the adopted Development Brief (shown as open space, activity hub and car parking)

The application site comprises a large Council owned surface public car park providing 365 long and short stay car parking spaces, a large area of public open space used as playing fields, The Underfleet public highway, and land to the west of The Underfleet which comprises a grassed amenity area. The Seaton Tramway line follows the sites eastern boundary. The terminus is located in the southern portion of the site, with a public toilet block located immediately south of the terminus building. Additionally a tourist information building is located within the car park. On the northern edge of the application site is an amenity area providing a children's mini pitch, picnic tables, a skate park and play park.

The site is approximately 40m wide at its narrowest point extending to 180m at its widest point to the north. It extends 375m from north to south. The site is largely flat with a gentle fall south to north of 0.5m. At the northern and eastern boundaries the site falls away towards open drainage channels, which results in a variation in the site elevation between 2.0m in the north and 3.5m to the south. There is an increase ground level to the south towards Harbour Road. The ground level is between 1.5 metres and 2.4 metres above Ordnance Datum or mean sea level. The site is in the flood plain of the River Axe, and is potentially subject to both fluvial (river) and tidal flooding. The site is also below the Environment Agency's long term flood levels and within Flood Zones 2 and 3. The site is contaminated land.

To the east of the site is the former Lyme Bay Holiday Village which comprises a number of buildings, chalets, access roads and recreational areas. To the north of the site lie the Seaton Marshes. Land beyond this northern boundary comprises open pasture/wetland which is defined as a County Wildlife Site, a Coastal Preservation Area and an Area of Great Landscape Value. There are existing residential and retail development areas to the south and west of the site. The southern boundary is at the junction of Underfleet Road and Harbour Road which currently has a mix of retail, leisure and residential uses and is the main road into and out of Seaton Town. Harbour Road has a number of terraced properties and apartments, some of which are five storeys.

To the west of the Underfleet Road, there are flats and housing, and the existing Seaton Tramway, Tourist Information Centre and associated car park are sited within the application site. Along the Underfleet Road, there are a number of three and four storey apartments, which are located towards Harbour Road, and two storey semi-detached and terraced properties towards the north of the site. The site is shown to be outside the Town Centre Shopping Area as identified in the Local Plan

Axmouth Bridge is located to the east of the regeneration area and is the oldest surviving concrete bridge in England. Axmouth Bridge is a Scheduled Ancient Monument.

The eastern boundary is primarily comprised of shrubs. Scrub vegetation and lines of pollarded Poplar trees broadly follow the alignment of the Seaton Electric Tramway tracks as they run from the terminal in the west, heading north and then turning east. Within the northern boundary of the site lies an area of public open space, comprising amenity grassland and play equipment. A skate park lies towards the north eastern boundary of the site. Further to the

north of the site, lie extensive open areas of marshland countryside, under agricultural/pastoral use.

The site is currently defended from tidal and fluvial flooding by existing flood defences along the Seaton Tramway embankment to the east and The Esplanade to the south. The top level of the Seaton Tramway embankment averages at 3.35 metres AOD adjacent to the site with lower points of 3.08 metres AOD and possibly 2.44 AOD and lower, further north, and the 1-in-200 peak surge tidal level will be 4.00 metres AOD in AD 2070.

The site is currently defended from flooding to between a 1-in-15 year and a 1-in-70 year standard (approximately) along the eastern boundary (for embankment levels of 3.08 metres AOD and 3.35 metres AOD respectively). The site is low lying behind this level at around 1.5 to 2.6 metres AOD and is considered at risk from overtopping from the sea.

The site is accessible from the town centre via Marsh Road, which is privately maintained albeit a public footpath exists over its length terminating on Fore Street next to the Town Hall. Access from the town centre is also available from the top end of Fore Street where it joins The Underfleet, from the southern end from Harbour Road, and via a further area of private land near the Co-operative retail store reaching Fore Street to the south of the Town Hall.

## **PROPOSED DEVELOPMENT**

The proposed development includes the creation of a foodstore with a net sales area of 2,614sq m (28,137sq ft) and a gross external area of 4744sq m (51,064sq ft). At first floor level above the foodstore would be a visitor centre providing a gross external area of 2776sq m (29,880sq ft). The proposals also include the following elements:-

- A decked parking area would provide 213 short stay spaces for the retail store at ground level and 217 spaces for long stay tourist parking at a lower ground level.
- A replacement skate park is proposed in the northwest corner of the site.
- Also included is a replacement children's play area and trim trail
- A Sustrans (sustainable transport) Cycle Hub
- Extension and improvement to the long distance cycle route
- A redeveloped tram terminus including shops and cafe
- A re-housed tourist information centre.

Members are referred to the extracts from the planning drawings and Design and Access statement which show the proposals in more detail.

It should be noted that all the land the subject of this application is principally in the ownership of EDDC. Seaton Town Council own part of the application site and the site also contains areas of highway land in the ownership of Devon County Council. Modern Electric Tramways are a joint applicant; they have a leased arrangement with EDDC to operate the tramway and associated buildings on the site. Certificate B as required has been served on EDDC, Seaton Town Council and Devon County Council.

The application has been the subject of an Environmental Impact Assessment. All the necessary documents have been submitted in line with the Council's screening opinion and scoping exercise and have been forwarded to interested parties as well as being served on the Government Office.

This scheme has been modified from the initial submission. A revised set of documents has been submitted updating and amending the original EIA information. The applicants have suggested draft heads of terms in their letter dated 23 July which is reproduced in full below. These documents have been subject to a further period of consultation with statutory bodies and the general public as well as other interested 3<sup>rd</sup> parties. The consultation exercise ended on 29 July. Any comments received following the completion of this report and the date of the Committee will be the subject of a verbal update at the meeting.

The applicants have submitted the following in support of their application detailing the contributions they intend to make in the event of planning permission being granted.

Sainsbury's and Modern Electric Tramways are willing to discuss entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to provide the following and any other planning obligations, in so far as it can be demonstrated that the obligations will make the development acceptable in planning terms and meet the tests set out in Circular 05/05 Planning Obligations:-

#### Community Facility Hub

The proposed development includes a tourist information centre within the entrance of the visitor centre, a stand alone sustrans cycle hub and public conveniences within the foodstore, visitor centre and sustrans cycle hub. These elements of the proposed development meet the objective of the community facility hub policy requirement for the Seaton Regeneration Area and removes the need for any planning obligation. Notwithstanding this, in order to safeguard against not fulfilling the policy objective, the applicants are willing to enter into a planning obligation to provide a contribution of £12,500 in the event that tourist information centre is not provided and £235,000 in the event that the sustrans cycle hub is not provided.

#### Visitor Centre

The proposed development includes a visitor centre above the foodstore. This element of the proposed development meets the objective of the visitor centre policy requirement for the Seaton Regeneration Area and removes the need for any planning obligation. Notwithstanding this, in order to safeguard against not fulfilling the policy objective, the applicants are willing to enter into a planning obligation to provide a contribution of £500,000 in the event that visitor's centre is not provided.

#### Axe Wetlands Project

The applicants are prepared to enter into a planning obligation to provide a financial contribution of £30,000 to the Axe Wetlands Project as provided for in the Environmental Statement accompanying the application.

#### Sports Pitch Land

The proposed development results in the loss of the existing mini pitch. The applicants are prepared to enter into a planning obligation to provide a financial contribution of £55,000 as gap provision for loss of mini pitch to cover delivery and on-going maintenance for a period of 10 years.

#### Links to Town Centre

The applicants are prepared to enter into a planning obligation to provide new pedestrian crossings on The Underfleet and enhancement of public rights of ways including signage improvements to the cost of £44,000.

#### Green Travel Plan

The applicants are prepared to enter into a planning obligation to provide a green travel plan in line with the skeleton included as part of Technical Appendix 2 of the Environmental Statement accompanying this application.

#### Public Transport

The applicants are prepared to enter into a planning obligation to provide a financial contribution of £150,000 to be directed towards bus enhancements.

#### Public Art

The applicants are prepared to enter into a planning obligation to provide a financial contribution of £56,500 towards public art.

#### Youth Centre Facilities

The applicants are prepared to enter into a planning obligation to provide a financial contribution of £300,000 towards youth facilities in Seaton.

#### Town Centre Manager

The applicants are prepared to enter into a planning obligation to provide a financial contribution of £30,000 to cover a period of 3 years towards a Town Centre Manager.

#### Links to Remainder of Regeneration Area

The application is prepared to enter into a planning obligation to change from 'light railway' to 'tramway' that part of the Modern Electric Tramways operation within the application site to enable links across the tramlines to be achieved through to the remainder of the Seaton Regeneration Area in line with policy objectives. A financial contribution is also offered towards delivery of the physical links to the remainder of the Seaton Regeneration Area of £30,000.

[Supermarket Percentage Split between Convenience & Comparison Uses70:30]\* secured by condition in line with Circular11/95.