

SEATON TOWN
(Seaton)

09/0019/MFUL

Target Date: 4th May 2009

Applicant: Tesco Stores Limited

Location: Land North of Harbour Road, Seaton, Devon – ‘The Southern Supermarket’

Proposal: Erection of retail store (5,996 sq m gross) with petrol filling station, with associated car parking, pedestrian and vehicular access, and landscaping.

CONSULTATIONS

Environment Agency

Initial comments:

Elevated concentrations of metals have been identified in a number of the groundwater samples that exceeded the relevant guideline values for arsenic, cadmium, chromium, copper, nickel, lead, zinc and vanadium. However, no significant sources of metal contamination were identified within the soils in that location.

To confirm whether these elevated concentrations may well be indicative of background levels, we require a further round of groundwater sampling to be carried out prior to any excavation/construction work being undertaken. We wish to be consulted on the results of further testing.

We have already requested that Contaminated Land conditions be applied to the outline planning application to protect controlled waters and to ensure that any site investigations and remediation will not cause pollution of controlled waters.

Contaminated land conditions should be applied to any approval.

More detail is required concerning the filling of the site. Further information must be provided regarding contamination potential of any fill material, how the fore shore will be protected against scour and how water quality will be protected upon return flushing of any sea water and how fauna and flora will be protected from negative impacts of flushing.

Latest comments on outline application

With reference to your recent consultation on the above, following submission of amended plans.

We have looked at the amendments and on the matter of Flood Risk can confirm that the comments in our letter dated 2 April 2009 remain unaltered.

However, we are unable to comment on potential Land Contamination issue as the data requested from the applicant has not yet been received by us. Comments regarding this matter will be provided at a later date.

We, therefore, recommend that the application is not determined until we have had chance to comment on the additional information regarding potential contaminated. We expect to receive this week beginning 27 July 2009.

Further to our letter of 6 March and following receipt of the Flood Risk Assessment for the Axe Riverside development, providing development proceeds in accordance with the FRA dated 30 January 2009 there are no objections to this proposal from the flood risk aspect.

Our comments regarding possible contamination and details of the proposals for filling from the site still stand.

Further comments

Have now received further information as requested and would comment as follows.

Parts of the site shown as car parking are affected by contaminants – provided this part of the site is permanently covered as outlined in the information submitted, there is some measure of assurance that the site does not pose a significant risk to the water environment. However, piling construction work will need to be carefully managed to ensure contaminants do not escape. It is recommended that a watching brief is implemented during construction and excavation works.

Concerning groundwaters – contamination is shown on the site. The source of the contamination is still unclear. Elevated levels of heavy metals were identified in groundwater samples but no significant metal concentrations were identified in soils on site. Consequently whilst no objections are raised the landowner needs to be aware of the possibility of residual contamination risks and the fact that any associated impact on controlled waters remains their/site owners' responsibility.

In addition it is recommended that your Council should condition any permission to secure a Validation Report on completion of works to ensure the site has been reclaimed to a suitable standard.

Details of pollution prevention methods should be submitted and approved prior to development to prevent groundwater pollution. Particular attention needs to be paid to surface water drainage from the proposed petrol station and refer to fuel station design guidance published by the government.

Any impact on human health from contamination should be addressed by your own EHO team.

Devon County Highway Authority

Initial comments

Various meetings have now taken place with the applicant's agent and the following points agreed:-

- Right turning lane from Harbour Road rather than the signalled junction is preferred
- Reduced width of internal road preferred and reduced roundabout dimensions
- 2 additional Zebra crossings are to be installed along Harbour Road
- Off site highway works to be subject to a safety audit
- Car park to store is overlarge but recognise dual use as short stay facility for town
- Rest of site should have reduced car parking
- Revised plans expected to remove parking near junction onto Harbour Road
- Understand whole site now to be filled by sea. Would expect revised CEMP
- Will seek public contributions to traffic infrastructure
- Some re-siting of bus stops and facilities will be needed
- Alterations needed to Traffic Regulation Orders

Further comments

Unfortunately the following comments from the Highway Authority apply to both the full application for the southern store and the outline application for the store and the residential development.

I am writing further to my letter to you dated 11/03/09 and following further meetings discussions and analysis of the supporting information in support of and received from the applicant.

We are now in a situation where we have agreed that a right turn lane at the point of access from Harbour Road will be adequate to serve both the stand alone store application and the rest of the regeneration site, the analysis takes into account the link to the east i.e. two points of access serving the whole site.

In addition to the right turn lane we have achieved a reduced width of the internal road and we are also seeking reduced roundabout dimensions, but with a central island that can accommodate public realm etc.

Two additional Zebra crossings are to be installed along Harbour Road strategically placed to allow easy access to the sea front. All of the off site highway improvements are to be subject of a Safety Audit, and we will await the results.

On parking I have continued with my concern that we should not just be applying the national standard at 1 space per 14sqm; however I have acknowledged that the store car park will also serve as a short stay facility for Seaton. With this in mind I would suggest that when we look at the remainder of the regeneration site we look to reduce levels of parking such that there is not an over provision of parking at the expense of potential additional development opportunities.

You will be aware that as with many seaside towns there is a lot of on street unlimited waiting out of season, that is October to April.

I understand that revised plans are to be submitted removing parking along the Harbour Road frontage of the site to soften the appearance on entry to the site something we spoke about at our last meeting. I think it is vital that we achieve something distinctive on entry not just a long featureless single carriageway. Perhaps the use of themed street furniture, design to be agreed for lighting, bollards, seats etc could be considered.

I also understand that Tesco are now willing to fill the whole site via the sea borne option and therefore the CEMP is to be revised to reflect this. I would hope that the local residents in particular Axmouth will be made aware of the revised method of fill, and reduction in levels of HGV borne material. We still of course will need to carefully manage construction vehicles and the like.

I have informed Tesco representatives about the Public Transport contributions and await feedback.

I also understand that negotiations have been undertaken regarding links from the site across land to the west across land not in the applicant's control, which is considered vital linking the site with the Town Centre.

With regard to the outline application I would repeat my earlier comment regarding my intention to treat the current layout as illustrative and would expect a layout more on keeping with Manual for Streets to be submitted as a detail/reserved matters application.

Other matter such as re-siting of bus stops and facilities, and alterations to Traffic Regulation Orders are ongoing, but can be dealt with by condition/agreement

I will write to you again on receipt of further information and should you feel a meeting would be helpful please let me know.

The Highway Authority in their email dated 22 July confirm they are content with the applicant's suggested mechanism for agreeing the details of filling the site to be dealt with at a later date and to be the subject of an appropriately worded planning condition -

"I am quite happy with their suggestion on how best to deal with the fill operation.

With regard to final comments we have not moved forward from my latest responses to you back in June still awaiting safety audit re Sainsbury's and resolution of public transport contribution re all sites. Have received a safety audit 17/07 re Tesco which I will forward to our auditors"

Devon County Archaeologist

No objections subject to conditions.

The Archaeology and Heritage chapter of the EIA submitted in support of the application has highlighted the archaeological potential of the site in the medieval period for salt production, as well as the potential for the preservation – by waterlogging – of artefactual material and palaeoenvironmental deposits. Groundworks, in particular for the preparation of the site for the raising of ground level and for the construction of foundations, may expose and destroy archaeological or palaeoenvironmental deposits that survive within the application area. For this reason, the following condition should be attached to any consent

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme.

Reason: To ensure that an appropriate record is made of archaeological evidence that may be affected by the development'.

I would envisage the archaeological works as taking the form of a staged programme of archaeological investigation. This would initially comprise the excavation of a series of evaluative trenches to determine the nature and extent of any surviving archaeological or palaeo environmental deposits within the application area. The excavation of any geotechnical pits should also be subject to archaeological monitoring and recording. The results of these investigations would allow the impact of the development upon the archaeological resource to be understood and the requirement and scope of any further archaeological works in mitigation for this impact to be determined, agreed and programmed into the construction timetable.

EDDC Landscape Architect

The application information has been revised to account for the comments identified in 21st May 2009 Report. The following comments are based on supplementary document received 24th June 2009 (dated 22nd June 2009):-

- Visual Impact – the landscape proposals adequately address previous concerns for visual impact (refer to ZVI). No additional viewpoints are necessary.
- Identity – the revised proposals sensitively address the 'arrival' concerns and have devised a much improved scheme (access, materials, safety, legibility, etc)
- Connectivity – the link west has been included as part of this application (a major plus) and the pedestrian/cycle access from the east has been greatly improved
- Lighting Impact – additional tree planting within the car parking area and at the main access point combined result in a more comprehensive scheme. A detailed lighting design will be crucial to the success of the scheme (co-ordinated with the long-term establishment of the trees)
- Car Park Design – materials, improved legibility and crossing points, tree planting, canopy structure to the building, etc. create a much improved car parking area
- Western Boundary – building has been set back and amended planting design in combination with additional glazed sections of the building will create a much improved integrated development with the tramway and Tourist Information Centre area.

Recommend approval on the grounds of a satisfactory overall scheme, including a comprehensive landscape scheme which identifies the appropriate mitigation in relation to the

scale of the development site (building and associated car park area) and mass and height of the proposed building.

EDDC Environmental Health

I have considered the further information provided by the applicant in relation to infilling the site. I would expect to see a detailed assessment of the proposal to bring fill by sea which must be put together in full consultation with interested parties such as the Environment Agency, Natural England, Environmental Health, the Harbour Authority, affected landowners and others. This could be dealt with under reserved matters

I would also need to agree a comprehensive noise management plan, discussed in detail with us before submission, as is usual for applications of this nature. Again this could be dealt with as a reserved matter.

Also the contaminated land officer was not consulted separately. Standard condition CT3 should be included on any approval.

EDDC Estates and Economic Development

East Devon District Council owns land to the West of the proposed development as illustrated on the attached ownership plan. Uses on the land currently include a public car park, play area and skate park, picnic area, Tourist Information Centre, Tram Company Station and public toilets.

The Council requests that flood prevention works, are adequate to ensure that its adjoining landholding will not be placed at an increased risk of flooding by the proposed development and if necessary, are required to be implemented as part of any permission for development granted. As we understand it, based on the Flood Risk Assessment, there have been no objections raised by the Environment Agency.

The Council notes from indicative application plans that a link is proposed to the Underfleet, but that the link itself is included within the applicant's Outline application 09/0022/MOUT. The Council has provided comments in relation to the link as part of the Outline application consultation.

South West Water

No objections

South West Water has no objections to the proposals. The development together with the associated residential use has already been agreed to in recognition of the demand placed on the infrastructure by the existing development the proposals will replace.

No comments to make in respect of amended plans.

Architectural Liaison Officer (Police)

Raise concerns, making the following comments.

Seaton is fairly crime free with low reported crime figures across the board. One of the main concerns expressed by the local policing team is that there is a lack of youth provision within the town. This has led to problems with anti social behaviour, specifically graffiti and general nuisance in the areas of the High Street, sea front and Co-op. Young people tend to congregate in these areas as they offer some form of shelter. Following the closure of the youth club situated in the Underfleet car park the only facility available to young people is the Devon County Council Youth Bus which visits the town once a week.

The provision of some form of youth shelter in the area of the current skate park would be beneficial to the town. Even though young people use this area to meet there are very few

complaints from local residents. This would encourage young people to use the park rather than congregating in any new sheltered areas provided by the proposed Tesco building or the proposed new playgrounds in the residential area of the site.

The Co-op, currently Seaton's largest supermarket, has experienced problems with nuisance and anti social youths in the past. Figures from police records reveal complaints regarding underage drinking, abusive behaviour towards customers, playing with trolleys and throwing items.

The local police also report that there have been problems with boy racers using Underfleet car park. The car park is very open with few barriers to prevent vehicles gaining speed. Tesco may wish to take this into consideration and design in planting or even erect barriers to prevent misuse of the store car park, 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.

Consideration should be given to moving the cycle racks closer to the main entrance of the store. This will increase natural surveillance as there is likely to be more footfall to and from the car parking area rather than the pedestrian route. In the current planned location, the bicycles are reasonably hidden due to the location of a trolley bay thereby increasing the opportunity for theft.

The local policing team are concerned about the increase in traffic, specifically lorries, during the building stage of the development. The roads to the site are particularly narrow especially around the village of Axmouth and it is believed that there would be traffic congestion, with a raised potential for collisions.

Natural England

Initial response:-

Regarding the use of a pipeline to bring in material for the land raising - they will need to get a FEPA licence and a CPA licence. These are both obtained from DEFRA Marine Conservation and Environment Unit (MCEU) in Bristol.

The main questions NE would be asking is where is the material coming from which is going to be brought on-shore – will it come from a quarry on land or will it be marine derived aggregate?
If the latter:

- Where will it be taken from?
- If it is from within Lyme Bay, unless there is an extant permission for extraction we may have some concerns due to the sensitivity of the area.
- It may also have a high salinity which could affect the surrounding watercourses.
- And in general – how long will the pipeline be and how long will it be in place?
- Will it be anchored to the seabed?

Further response

Again a generic response from Natural England on all three planning applications which include the supermarket proposals.

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?

These are all very generic points, and which apply to the different applications to varying degrees.

Axe Estuary Wetland Project Officer

The application from Tesco does mention the Wetlands project but they use very out of date information about it. Their application does state an expectation to contribute to the project through the s106 Heads of Terms; however this only relates to the outline plan and no contributions are offered as part of the detailed plan for the supermarket.

We welcome the reference to the land north of the boundary (Sheep's Marsh) becoming part of the wetland project, although it is not specified how this would occur. We understand that the issues relating to the legal covenant, access to the site and the ransom strip adjacent to it have not been resolved. Although this means that it may not be possible to create the visitor facilities initially proposed on this land, it would still be very valuable to the project for its wetland habitats and landscape value. It is one of the key parcels of land which we would like to acquire.

In relation to Ecology and Nature Conservation, their consultants have highlighted most of the possible issues and effects of the development. They flag up the fact that drying out or over flooding of Seaton Marshes and the County Wildlife Site could have a major adverse permanent impact but do not propose any mitigation. They list increased visitor pressure as an adverse impact but do not propose mitigation.

The statement goes into quite a lot of detail on bats, badgers and breeding birds on site. Although it mentions wildfowl and waders and notes that they were present on adjacent land, it does not identify that there would be any impact on them as a result of the development or propose any mitigation. Additionally the operational impacts section does not flag up disturbance of wildfowl and waders using the marshes to the north. They appear to have identified the potential problems for wildlife but not offered any solutions.

Therefore we can't agree with their claim that the effect of the development will be neutral. This application seems to have missed the opportunity to propose exciting mitigation proposals that would enhance the offer of their scheme.

East Devon Visitor Centres Project Development Manager

Response to Tesco Planning applications, for store and in outline, to include the land identified for the building of the Visitor Centre.

The delivery of a Jurassic Coast visitor centre as a part of the regeneration plans for Seaton is identified as an indicator of success under the Council's Corporate Strategy and the priorities identified therein. In addition, at a meeting held in April 2008 with Tesco Stores Limited (TSL), a 'shopping list' was agreed by Seaton's elected Members, including the Town Council, District and County Council. The facilities that members agreed they would want to see delivered by TSL on land within its ownership and as part of the town's preferred regeneration programme included a visitor centre incorporating a cycle hub.

The Visitor Centre project proposes a commercially viable centre, including foyer (potentially inc. TIC), exhibition galleries, shop, plant room, offices for staff, education space, cafe and toilets. The design process is still ongoing but the most recent design plans include a cycle hub provision. The Centre's theme will revolve around rock and water and provide an interpretation for the both the Wetlands and Coast.

The Visitor Centre will transform Seaton's cultural offer, and it is hoped will attract at least 70,000 visits each year. This will stimulate the tourism economy and bring an exciting all-year-round offer to the town which will draw in economic benefits from visitor markets, whilst stimulating the other businesses in the local area by residential populations across East Devon and beyond.

Our requirements for the Visitor Centre, supported by the Exmouth and Seaton Jurassic Coast Visitor Centre Board of Trustees are as follows:-

- A land contribution from EDDC, to enable the centre to be built on Council owned land

- A minimum 1,500 sq m (16,150 sq ft) premises, unless agreed otherwise in advance with the project team.
- Devon County Council has committed £500,000 to the project. Under current proposals, a further capital commitment of £1.7 million is required. Should a capital receipt be received by the Council by way of an access agreement over its land to provide a pedestrian link between the proposed TSL store and the town centre, we would like Members to choose to subsidise the development of the Visitor Centre.
- That the Visitor Centre includes a Cycle Hub to support Devon County's plans for an integrated cycle path linked to the area
- That the site levels be raised under the proposed Visitor Centre site to enable the building of the Visitor Centre on Council owned land. We understand that the site will need to be raised by about one metre only at this location. Tesco has verbally committed, subject to contract, to provide any necessary fill to raise ground levels for the building.
- Officers are currently negotiating terms with TSL to include an undertaking that TSL will build out the public realm and pedestrian link to the town centre and it is hoped that this will include public realm improvements up to the entrance to the Visitor Centre so that integration can be achieved.
- That the building be constructed at the same time as the Store to ensure that both can open at the same time as a preference, or failing this, that all external build be completed on the centre to ensure the public are not approaching the store through an active building site.

Separate discussions will be underway to establish the leasehold arrangements to be agreed with the Council, with the expectation that there will be support on the annual rental for at least the first 10 years (i.e. peppercorn rental agreement).

The design of the proposed Visitor Centre is currently undergoing substantial alteration. We attach with this report images of the current external and internal plans for the Centre. The design process is still on-going but it is hoped that the Board will be in a position to submit a planning application in the near future.

Sustrans

The Stop Line Way long distance cycleway is intended to link Seaton with Weston super Mare. We would really need to see the both the route and cycle facilities incorporated within the planning application. The current route along the Underfleet is very narrow and passes right next to traffic. A traffic free route through the development would be preferred. Suggest that a public art element can be incorporated as well as cycle facilities within the new tourist information centre. Such facilities would be used by visitors and users of the store itself.

TOWN/PARISH COUNCILS

Seaton Town Council

Recommend refusal on the following grounds: [Both for the full planning application for the southern store and the outline for the store and residential development].

- The size of the proposed store is too large for a town of Seaton's size
- Need for the development has not been demonstrated
- Unacceptable impact on the existing centre
- The site location is inaccessible
- Poor pedestrian links to the town centre
- Poor access by public transport and cyclists
- Concerns over Tesco dot.com aspect of the scheme
- Proposed retail kiosks would be detrimental to the vitality and vibrancy of the town centre
- Potential flooding

- Un-sustainability of the infill, given the likely traffic movements over a four to five years period
- No details of the dredged sea materials
- Inappropriate design
- Poor site layout
- Lack of public open space
- Lack of community infrastructure
- Traffic impacts, including increased car use and congestion
- Impact on the residential amenities of adjoining residents
- Air pollution
- Transport Assessment lacks information on likely weekend traffic conditions; increase in traffic; seasonal tourist base traffic; seasonal foodstore trip generation; 704 sq m of additional retail units; and Dot.com traffic.
- Signalised junction is unworkable
- Proposed B8 use is contrary to the design brief
- Problems of constructing storage tanks on shingle and on a floodplain
- Lack of Air Quality Assessment Methodology
- Lack of provision for Public Art
- Loss of Biodiversity

Axmouth Parish Council

Objection, making the following comments.

The Supermarket

Axmouth Parish Council (APC) questions the financial/commercial justification for building such a large supermarket in a coastal town with such a limited catchment area.

Concern that building another supermarket, given the number of Tesco's and Tesco Express's already opened in the immediate area, are contrary to government's rules on competitions.

Concern that the application is less about building a very large supermarket, and more about building a much smaller supermarket with a large Tesco.com distribution depot.

Flood Assessment

The Environment Agency (EA) insists the site be raised to 4.1m AOD which means that a huge amount of fill material needs to be imported to the site by road. The level of the River axe has already risen to alarming levels recently, and EA concedes that water levels will raise very significantly over the coming years. The Flood Assessment fails to reassure settlements in the Axe Valley that the raising of the site level will not cause any residual flooding elsewhere.

Transport Assessment

The Transport Assessment (TA) is misleading due to the fact that it has not assessed traffic conditions in Axmouth at the busiest times, example holiday weekends. It only assesses fill and construction traffic, and has completely ignored the effect of Heavy Goods Vehicles (HGVs) carrying goods and petrol to the completed store on Axmouth. It has also failed to address the traffic implications of a tesco.com depot operating 24 hours every week day with large HGV and smaller delivery lorries.

Paragraph 5.1.31 relating to pattern of accidents at Coronation Corner reinforces the view that this is a very dangerous corner.

The Parish Council strongly objects to the statement on page 3 of the Executive Summary that the applicants have agreed in principle with the Devon County Council highway Authority that all

Heavy Goods Vehicle (HGV) traffic carrying fill and construction material will get to the site via Axmouth, and leave through Seaton Down Hill on the following grounds:

The proposed number of HGV that the proposal will generate is totally unacceptable. The traffic will increase not only during the fill and construction periods, but permanently once the supermarket and dot.cot depot are open for business.

Concern that the health of residents living in close proximity to the road will suffer because of increased Carbon Dioxide emissions from slow moving HGVs.

The amount of noise pollution will be greatly increased even if only empty lorries are allowed through the village. This is particularly applicable to Listed Buildings where mitigation measures are difficult if not impossible to install.

Axmouth Parish Council is very concerned that because of inadequate or non-existent footpaths, the safety of pedestrians particularly children and the elderly will be compromised.

The physical/collateral damage that will be done to homes in Axmouth including and Listed Buildings caused by the possibility of impact and incessant vibration of HGV is unacceptable. Axmouth Parish Council is very concerned that the danger to other road users will be increased at the two dangerous corners in the village; including Coronation Corner, and junction of Church Street, Pound Hill and Chapel Street.

Axmouth Parish Council is very concerned that the structural integrity of the B3172 between Axmouth and Axmouth Bridge will be severely compromised due to the weight of extra HGV the proposal will generate.

Listed Buildings

Axmouth has a high percentage of Listed Buildings (a total of 17 within the village). It is not clear if the Local Planning Authority will ask their Listed Building department to undertake a survey of all the Listed Buildings, and submit a report on their conditions and the likelihood of their being damaged by impact or cracking caused by vibration.

Indemnity that East Devon District Council and Tesco will be prepared to make to any such homeowners against damage either immediate or in the future.

Payment by Tesco for provision of double glazing in all houses, whether Listed or not to lessen noise pollution.

Suggested Planning Conditions

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.

Beer Parish Council

No objections

WARD MEMBER(S)

Cllr Mrs S Jones

Following an initial review of the above application I have concerns regarding these particular applications. The application site has been designated as a regeneration site. The

Supplementary Planning Guidance envisages a mixture of uses on the site including commercial and retail development, a Jurassic interpretation visitor centre, community facilities and a re-sited tramway terminus. For Planning Application 09/0019/MFUL there is no mention of provision for a Gateway Visitor Centre, no mention of links between the proposed application site and the Axe Wetlands Nature Reserve and no mention of provision for a new cycle hub for the terminus of the 'Stop Line' cycle route. We need to have these facilities included in any planning application for the regeneration site as they are pivotal to attracting tourists and visitors into the town. With this application there will be the need to raise the site out of the floodplain. Access to the site is constrained by surrounding land ownerships and it is only possible to transport the in fill material by road. This will necessitate a considerable number of construction traffic movements which will cause disruption not only to Seaton but other nearby settlements. This could be a lengthy process depending upon which in fill method is chosen. The proposed store size is 5,996 sq m gross which would include 1,113 sq m for selling a limited range of non food merchandise including books, CD's/DVD's/Videos, small household/kitchen goods and clothing. The size of the store is too large to support the needs of Seaton and the surrounding settlements and by selling, even a limited range of non food items, it would take trade away from the town centre and in some respects would be in direct competition to the small independent shops that need to be retained in the town if we are to encourage shoppers back into the town centre. Also, the proposed links between the application site and the town centre are poor and would not encourage shoppers to walk from the store into the town. The design of the store does not do justice to its important and strategic position in a town which nestles between a World Heritage site, the Jurassic Coast and an Area of Outstanding Natural Beauty. Any developments on this site need to be of a high quality, and an innovative design. There is no connection from the site to the Axe Wetlands which should be a requirement of any development on this site. As far as Planning Application 09/0022/MOUT is concerned the same comments regarding the infill situation applies and again there is no mention of a Gateway Visitor Centre or a cycle hub for the terminus of the 'Stop Line' cycle route. As regards to the design of the houses and hotel it needs to be a high quality development to reflect its proximity to the Jurassic Coast and surrounding area. We need to promote an attractive riverside edge to the town and provide a mix of high quality housing units.

For all of the above reasons I have issues and concerns about these two applications.

12th May 2009

Further to my comments above, Tesco's have indicated that they would be willing to raise the ground levels of the whole of the land within their ownership prior to the opening of the store. This should increase the likelihood that once the economic climate improves the remainder of the site would be ready for immediate development without the necessity to raise the remaining land. The fill for the site will now be brought in by sea rather than transported by road which will be a much quicker method and will avoid the need to have years of lorries bringing infill to the site which was a major concern with this application.

Tesco have also agreed, subject to contract, to transfer land owned by them to East Devon District Council which would form part of the Axe Wetlands and have also shown in the amended plans a new pedestrian link onto Harbour Road with a further link to the south west. This new link would help integrate the new store with the Town Centre and strengthen the pedestrian links to the town centre shopping area.

The smaller shop unit accommodation that was shown in the original plans has now been removed from the application and it is to be hoped that Tesco could give this part of their land over to the town so that it could be used for the benefit of the town and its residents.

With these amendments this application becomes more acceptable and the amendments have alleviated many of the concerns that I had regarding 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

170 letters of objections have been received

- The use is not suitable for the site
- Loss of residential amenity
- Would undermine small shops in Seaton
- Traffic safety/ highway dangers/unsuitability of the road network for construction/dot com business/ delivery traffic
- Potential for accidents
- Pollution from infill with associated noise
- Loss of gym/pool
- Increase in noise
- The store would be too large for the town
- Dot com business would cause further traffic issues with the locality
- Poor quality of development
- Effect upon the flood plain
- Lack of community facilities
- Large new store will have an impact on character of town
- Potential environmental impact from pumping aggregate ashore
- Potential fuel spillage from petrol station could damage world heritage site and wildlife
- Concerned about potential flood risk in Colyford
- Visual impact of raising whole site is unacceptable
- Questions whole need for development including housing
- Concerned that the site is not suitable for this scale of development.

In addition the agent acting for Seaton Tramway wishes to make the following points:-

- Lack of consultation with the Tram company prior to submission
- Proposal will disadvantage the position of the tram terminal
- The amended FRA does not adequately assess risk to tramway
- Insufficient recognition of the importance of the tramway to the regeneration scheme
- Lack of understanding as to the practical operation of the tramway and terminus
- Impact on workshops and how these will continue to operate
- Clarity needed on northern boundary works and how this might affect tramway
- Needs of tram station not adequately addressed in submitted plans

In addition a petition of 17 signatures against the development has been received

Support

36 letters of support have been received:-

- Development is a good scheme, and essential in regeneration of Seaton
- Addresses local problems such as derelict site, flooding risk, need for competitive grocery retailing
- Proposed store would offer comparison goods
- Reducing need to travel to shop outside Seaton
- Proposed development would attract shoppers to Seaton
- Proposal would attract inward investment
- Proposed store would facilitate consumer choice
- Positive impact on the character of the area
- The area between Harbour Road and Axmouth Bridge needs regeneration
- Most shops in Seaton have been put up for sale and increase in footfall of new shoppers could revitalise them

- Creation of new jobs
- No justification for developing land at the Underfleet when the Tesco site is available
- Sainsbury do not own their site and there is no guarantee their proposals could be realised
- Consider that the Tesco store will be more eco friendly
- Sainsbury proposal would result in a loss of car parking and loss of important green space. When regeneration comes such facilities will be even more important. To lose them now would not be good for the town

RELEVANT PLANNING HISTORY

App.No:	Proposal	Decision	Date
06/3400/MOUT	Re-devt of land to include housing, retail, FS,leisure/tourist devt 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 within the development limits of Seaton on a site identified as Seaton Regeneration Area in the adopted East Devon Local Plan. The application site comprises brown field previously developed land. There are the remains on site of the concrete slabs of the chalets, reception/entertainment buildings.

To the east of the site is the existing Lyme Bay Holiday Village which comprises a number of buildings, chalets, access roads and recreational areas. Further to the east is an industrial park which is a mix of commercial premises served off an access road (Riverside Way). This also adjoins land owned by Axe Riverside Company Limited (see separate report on this agenda). 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 also defined by Harbour Road which currently has a mix of retail, leisure and residential uses. Harbour Road has a number of terraced properties and apartments, some of which are five storeys in height.

Underfleet Road links to Harbour Road to the west of the site. To the west of the Underfleet Road, there are flats and housing, and the existing Seaton Tramway, Tourist Information Centre and associated car park to the east of the road. 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 Town Centre Shopping Area as identified in the Local Plan extends from the traditional centre of Seaton to encompass some parts of the south western corner of the site.

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 old Toll House nearby is also a Listed Building Grade II.

The site is relatively flat, with an increase in 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 has contaminated land constraints from previous development.

To the south of the site are a number of Lombardy and Grey Poplars. The western boundary, adjacent to The Underfleet, 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. Poplars line some of the internal roadways and footpaths within the holiday camp areas.

The former holiday camp, to the west of Lyme Bay Holiday Village, comprises areas of hard standing and roadways associated with the former use; rough grassland with weeds and scrub vegetation covers most of the internal areas of the site, established amongst areas of hard standing. To the north west of the site lies the public open space, comprising amenity grassland and play equipment. 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.

PROPOSED DEVELOPMENT

The proposed development is for full planning permission and includes the creation of a new access from Harbour Road; a supermarket with a gross floor space of 5,996 square metres; car parking to provide 427 spaces, including 20 disabled spaces, 16 parent and toddler spaces and 48 cycle spaces; servicing provision for the supermarket; and a six pump petrol filling station, ancillary building with a gross floor space of 75 square metres, and adjacent recycling facility.

This application needs to be read in conjunction with the allied outline application by the same applicant (09/0022/MOUT – see separate report on this agenda). That application site encompasses the Full application site the subject of this report as well as additional areas for a range of mixed use development proposals.

The site would be raised by about 2 metres. This would ensure that flood escape levels are raised to between 3.90 metres and 4.05 metres Above Ordnance Datum (AOD) and finished floor levels are 4.05 metres AOD or higher. Approximately 60, 000 cubic metres of bulk fill material would be required to achieve the proposed 2 metres increase in ground levels over the whole of the application site.

Members are referred to the appendices to this report which show a series of plans and extracts to illustrate the proposals in more detail.

New Access

Improvements are proposed at the junction to the south of the site. Initially the new access from Harbour Road would include a right turn lane at the junction; a footway; pedestrian crossings; and refuge island. The road width close to this junction would also be widened to improve visibility. The Tesco store would be accessed at a roundabout to the north of the new junction. The proposed pedestrian link onto Harbour Road would provide access to the proposed Tesco store entrance via a ramped approach. The proposed public open space to the south west would provide an important pedestrian link to the town centre. Revised plans have now been submitted showing various amendments to the access provisions primarily being a simplification of the new junction onto Harbour Road, dispensing with traffic lights and relying instead on a right turning lane. This has been instigated by the Highway Authority.

Supermarket

The proposed supermarket would have a gross floor area of 5,996 square metres and a net floor area of 3,836 square metres.

2,035 square metres and 1,113 square metres of the net floor areas would be used for trading convenience goods and comparison goods respectively.

The original application also contained 5 individual lock up shop units within the public square at the front of the building. The units had a gross retail floor space of 635 square metres. The intention was that these units could be used for a range of commercial uses from shops to food and drink establishments. This block has now been deleted following discussions relating to the retail impact of the scheme.

The supermarket would be located on the western part of the application site. The store would have a canopy to the front elevation for weather and solar protection, and a protruding entrance lobby which would define the entrance. The store would be single storey, approximately 7 metres to top of canopy and approximately 8.6 metres to the ridge height. The rear part of the building which would be for non sales use would be reduced in height to approximately 4.5 metres. Ventilation and other plant would sit on this part of the lower roof and this would be enclosed within an open topped, metal and acoustic louvered enclosure.

The south elevation (front of store) would face the new public square. The store would be finished in clear glazing and larch timber cladding. It would have a means of escape door; three automatic teller machines; and a wind turbine (now deleted in the latest plans).

The north elevation would include roof mounted plant; metal louvers to plant areas; means of fire escape door; and delivery docking pod. The rear of the site would be enclosed with 4 metres high fence to service yard and a service gate.

The east elevation is to be finished in clear glazing; smooth recessive colour cladding; timber structural frame; larch timber cladding; and metal louvers to plant areas. It would also have a sprinkler tank.

The west elevation would have the store entrance, with automatic sliding lobby doors; means of escape door; and timber crib retaining wall. It would be finished with smooth recessive colour cladding; clear glazing; larch timber cladding; metal louvers to plant areas; and white aluminium framed double glazed windows. The latest plans show an extension of the wrap around roof feature.

The roof would have a timber structural frame; roof ventilators; and roof lights. The main roof would be finished with roof coverings in recessive colour; X-Lite rooflight; and monodraught windcatcher. The lower roof would be finished with acoustic louvers around.

Amended plans received on 24 June 2009 take on board many of the comments made by officers on the original plans. These amended plans are on the council's web site for Members consideration. A selection of plans will be displayed at the Town Hall prior to the meeting taking place.

Parking Area and access routes

The parking area would be provided to the east of the proposed supermarket and south of the proposed petrol station. A total number of 427 spaces will be provided. Twenty disabled user parking spaces would be provided to the south of the parking area, and the 16 parent and toddler spaces would be provided to the west of the parking area. The 48 cycle spaces would be provided to the south of the proposed supermarket close to the public square. There is a network of pedestrian routes through the site together with tree planting. A significant area for planting is indicated at the entrance to the site from Harbour Road.

A revised pedestrian link across land owned by EDDC has been shown linking the front of the store with The Underfleet on land currently occupied by the former youth club. Whilst this link section is not included within the red line application site the applicants are intending to address the necessary linkage as part of their Section 106 agreement package. A new pedestrian crossing of The Underfleet is indicated although the details and exact location of this will need to be agreed later with local highway authority. A new public square will run across the front of the building and link through to the store car park and a separate link onto Harbour Road.

Petrol Filling Station (PFS)

The proposed petrol station would be located to the north of the parking area and would have a canopy covering 6 pumps. A new 7m x 20m retail kiosk is shown. The west elevation would have the front door; a tanker bay; carbon dioxide and foam fire extinguisher fire cart; and coal bunkers. It would be finished in white aluminium cover flashing; ral coloured pressed metal flashing; white PVF2 coated steel panels; security measures are built into the building as required. Recycling bins are to be located to the west of the PFS with a dedicated lorry and customer access lay by.

Store service yard

The service yard would be located to the north of the proposed supermarket with access off a spur road serving the PFS. The cage marshalling to the west of the service yard would include an unloading and holding area; safes; and cash office. This area would also include a compactor; area for container; reverse scissors lift; level loading; transformer; HV; generator; LV; sprinkler tank; and pump. The cage marshalling to the east of the service yard would include a chiller and freezer. It would also include a Combined Heat and Power; and parking provision. The south of the service yard would have areas for composting; and waste sorting facilities. The northern boundary of the service yard faces a watercourse on the northern side of which runs the Seaton Tramway. The northern boundary will comprise a crib lock timber wall with an acoustic fence on top. The service yard will be capable of handling three articulated lorries and six fixed body smaller vehicles in connection with the dot.com (home delivery) element of the business. The

service yard enjoys its own yard and circulation space and will be secured by locked gates when not in use.

The application has been supported by an Environmental Impact Assessment which has been used both for this application and the outline application reported elsewhere on this agenda. In addition other reports such as Flood Risk Assessment, retail study, contaminated land study, nature conservation and landscape impact studies and a number of other supporting documents form part of the application.

The recent receipt of amended plans and other details has been subject to a further short period of consultation which ended on 29 July. Any late comments received will be reported verbally at the meeting.

Section 106 Agreement

The applicant's agent has submitted the following information in respect of this application's Heads of Terms for a Section 106 Agreement.

Tourism and Economic objectives

The Council has agreed to sell an easement [*this has not yet been formally agreed and is being separately negotiated and discussed with the Council's Estates team*] over its land adjacent to The Underfleet to Tesco as part of the implementation of the development. A financial sum is being negotiated for that sale and it is our understanding that the Council is intending to use the proceeds to help fund the regeneration items set out below: -

- A. the building of the Council's Visitor Centre;
- B. the provision of public realm improvements, including the Sustrans cycle hub in the vicinity of or as part of the Visitor Centre;
- C. a contribution towards the cost of a replacement youth facility

Tesco will also construct a public footpath link across the Council's land at the Corner of Harbour Road and Underfleet to provide a pedestrian route between the new store and the existing town centre shops. This will comprise public realm works and will be open for use prior to the opening of the store (to form part of the Section 106 Agreement relating to the detailed application, which will enhance the prospects for linked trips between the Regeneration Area and town centre shops to stimulate the local economy.

Contributions to improve public transport

In discussions with the County Council, it appears that existing bus services might need to be improved to allow those without private cars to have better access to the new store and Visitor Centre and for those people who will be living on the site to have access to destinations outside Seaton. An overall contribution (still to be agreed) will be made to the County Council to improve existing bus services.

Contribution to public art

A sum to be agreed for the provision of off-site Public Art.

4. Maintenance of public open space/play areas

A sum to be agreed or suitable alternative arrangements for the long-term management and maintenance of public open space/play areas on site.

5. Sustainability

A range of energy efficiency measures, combined with a CHP plant so that in total the new store results in a CO₂ saving of 44% over the current standard for the same size store built in 2006.

6. Filling of remainder of site

Tesco have agreed to fill the majority of the overall site in their ownership, including the application site prior to opening of the store. Tesco have now agreed to adopt an alternative fill method with the majority of material arriving by sea rather than by road although there remains a need for a proportion of material for the fill for the Regeneration Area within in the Applicant's ownership to be brought to the site by road. A further planning application and other licenses will be needed to deal with the import of fill to the site from the sea.