

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	16/08/18
Planning Development Manager authorisation:	AN	20/8/18
Admin checks / despatch completed	AN	21/8/18

Application: 18/00927/FUL **Town / Parish:** Harwich Town Council

Applicant: Mr W M Morrisons

Address: Morrisons Superstore Iconfield Park Garland Road

Development: Installation of new Sunlite retail unit.

1. Town / Parish Council

Harwich Town Council Harwich Town Council has no objection to this application.

2. Consultation Responses

ECC Highways Dept The Highway Authority does not object to the proposals as submitted.

Informative1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

Environment Agency Thank you for your consultation received on 18 July 2018. We have inspected the application, as submitted, and have no objection to the application but offer the below advice to yourselves and the applicant. The site is located next to a petrol filling station on a superficial deposit of alluvium, designated as secondary A aquifer.

Therefore, we would like to provide the following advice to the LPA and the applicant.

Land Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be

implemented as approved.

Sustainable Drainage Systems (SuDS) informative

1. Infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins shall only be used where it can be demonstrated that they will not pose a risk to the water environment.
2. Infiltration SuDS have the potential to provide mobilise pollutants and must not be constructed in contaminated ground. They would only be acceptable if a site investigation showed the presence of no significant contamination.
3. Only clean water from roofs can be directly discharged to any soakaway or watercourse. Systems for the discharge of surface water from associated hard-standing, roads and impermeable vehicle parking areas shall incorporate appropriate pollution prevention measures and a suitable number of SuDS treatment train components appropriate to the environmental sensitivity of the receiving waters.
4. The maximum acceptable depth for infiltration SuDS is 2.0 m below ground level, with a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels.
5. Deep bore and other deep soakaway systems are not appropriate in areas where groundwater constitutes a significant resource (that is where aquifer yield may support or already supports abstraction).
6. SuDS should be constructed in line with good practice and guidance documents which include the SuDS Manual (CIRIA C753, 2015) and the Susdrain website.

3. Planning History

01/00352/ADV	Illuminated sign mounted on canopy of Safeway Petrol Filling Station	Approved	29.03.2001
01/00353/ADV	Banners mounted on lamp columns in Safeway Store car park	Approved	29.03.2001
95/01383/FUL	(Land off Station Road Roundabout, Dovercourt) Variation to conditions 3 and 21 of planning permission for industrial/warehousing, retail units, fast food, PFS, hotel and residential (LPA reference: TEN/93/0206)	Approved	23.01.1996
96/00967/ADV	(Proposed Safeway site, land off Station Road Roundabout, Dovercourt) Temporary site signboard	Approved	12.09.1996
96/01248/FUL	(Land off Station Road Roundabout, Dovercourt) Variation to approved scheme TEN/96/0445 regarding parking, landscape	Approved	21.11.1996

	and elevations to superstore		
96/01538/ADV	(Land off Station Road Roundabout, Dovercourt) Display of advert illuminated and unilluminated for Safeway store, land and petrol station	Approved	07.01.1997
97/00291/FUL	(Safeway Superstore, Dovercourt) CC/TEN/6/97 - Erection of temporary building for 3 years as Harwich Tourist Information Centre	Approved	27.03.1997
97/00400/ADV	(Safeway Store, Land east of Station Road, Dovercourt) Internally illuminated sign (north elevation)	Approved	09.05.1997
97/00855/FUL	(Safeway Stores, Land off Station Road Roundabout, Dovercourt) Installation of 1.8m diameter satellite antenna	Approved	21.08.1997
97/01406/ADV	(Harwich Tourist Information Office, Safeway's Car Park, Dovercourt) 2 illuminated signs	Approved	15.01.1998
99/00446/FUL	Variation of Condition 02 of planning permission TEN/93/0206 and Condition 01 of planning permission TEN/96/1170 to allow submission of reserved matters within an extended 3 year period to 6th April 2002	Approved	09.07.1999
04/01542/ADV	2 x Poster panels forming an integral part of bus shelter	Approved	24.11.2004
04/02359/ADV	Advertising signage.	Approved	01.02.2005
12/00525/FUL	Erection of steel mesh, timber framed fencing to part of existing store canopy to use as external garden centre (retrospective).	Approved	21.08.2012
12/00527/ADV	Display of 8 no. non-illuminated signs (retrospective).	Approved	22.08.2012
13/00877/FUL	Extension to side of existing supermarket.	Approved	04.11.2013
17/00677/FUL	Extensions to main entrance lobby and cafeteria.	Approved	31.08.2017
17/00928/ADV	Rebranding external signage to include four fascia signs, one motif box, one totem, canopy and car wash signs.	Approved	24.07.2017

17/01877/FUL	Development of car wash area, tyre service area & two small retail pods (within the existing car park).	Approved	11.04.2018
17/01944/NMA	Non-material amendment to application 17/00677/FUL - use of Kingspan Optimo KS600 - 1000 Insulated wall panels, Colour - Moss Green (RAL 6005) for the extension to the customer cafe.	Approved	29.11.2017
17/01951/FUL	Construction of a new plant room in the service yard to house new refrigeration plant (retrospective).	Approved	12.02.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

ER32 Town Centre Uses Outside Existing Town Centres

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

CP1 Sustainable Transport and Accessibility

PPL1 Development and Flood Risk

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three

'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal

Site Description

The application site is the Morrisons Supermarket, Freshfields Road, Harwich located to the north east of St Nicholas roundabout off the A120. The site comprises of a large superstore, petrol station and car wash, and a large car parking area. The store is located out of the town centre being commercial and industrial in character with Harwich Gateway Retail Park to the west and Harwich International Port located to the north.

The site lies within the Settlement Development Boundary for Harwich and also within Flood Zones 2 and 3.

Proposal

The applicant seeks planning permission for the change of use of five parking spaces to a Sunlite retail unit, who operate as a dry cleaning company. The structure will measure 3 metres in height, 6.2 metres in width and 2.6 metres in depth and will be sited approximately 20 metres to the west of the Morrison's Supermarket.

The proposal will result in the employment of two full-time members of staff, and the opening hours will be 7am - 10pm Monday to Saturday and 10am - 4pm Sundays and Bank Holidays.

Assessment

1. Principle of Development

The proposed retail use is considered to be a town centre use. Policy ER32 of the Saved Plan sets out an overarching preference for such uses to be directed towards existing town centres. However, given the size of the proposed additional retail area it is considered to be ancillary to the existing, established retail use and so it should not be considered separate new unit. Therefore, the principle of development is acceptable subject to the detailed consideration below.

2. Visual Impact

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed building will be highly visible given its close proximity to the west of the main Morrison's Supermarket. However, given there are numerous buildings including the supermarket, tourist information centre, petrol station and car wash, the proposal will assimilate well within its

surroundings. Further, the building itself is relatively minor in size and will not appear overly prominent, and therefore the proposed building is not considered to result in visual harm.

3. Impact to Neighbouring Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Due to the sites location amongst other commercial buildings and that it is well set back, there are no neighbouring properties that will be impacted upon as a result of the proposed changes.

4. Highways Impacts

The proposal will result in the net loss of five standard bay parking spaces, resulting in the number of overall parking spaces reducing to 362. Essex County Council as the Highways Authority have therefore been consulted as part of the application, however they have stated that they do not raise any objections. Furthermore, Essex County Council Parking Standards state that for an A1 food store use, the vehicle space maximum should be 1 space per 14 square metres. The existing layout shows significant additional spaces than is required by the above standards, and therefore whilst the proposal will result in a net loss of five parking spaces, there is still considered to be sufficient parking within the site.

5. Flooding Issues

The application site falls within Flood Zone 3, which is categorised as land at highest risk of flooding. Accordingly the agent for the application has submitted a Flood Risk Assessment, which has highlighted the flood risk dangers and explained the mitigation measures in place include the floor level being no lower than the existing car park and the use of suitable materials.

The Environment Agency have been consulted and state they have no objections but as the site is located next to a petrol filling station on a superficial deposit of alluvium, designated as secondary A aquifer, they provide advice in relation to potential contamination. A condition will be imposed to secure remediation should contamination be discovered during construction. They also provide advice in relation to SUDS, however given the small scale of the building and confirmation of surface water drainage to the existing system supplying the superstore, a condition will not be attached to this decision.

Further, the Environment Agency's Flood Risk Vulnerability and Flood Zone compatibility table confirms that the development would fall under the 'less vulnerable' classification which is appropriate for a Flood Zone 3a such as this.

Other Considerations

Harwich Town Council has no objection to the proposed development.

There have been no other letters of representation received.

Conclusion

In the absence of any material harm as a result of this proposal, the development is recommended for approval.

6. **Recommendation**

Approval.

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers PL_00, PL_01, PL_02, PL_03 and document titled 'Sunlite Retail Pod - Flood Risk Statement'.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 If, during development, contamination not previously identified is found to be present then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority for approval detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason -The site is located in close proximity to a petrol filling station and underlying geology.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.