

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	29 <sup>th</sup> Aug/19.
Planning Development Manager authorisation:	GN	29/8/19
Admin checks / despatch completed	EP	30/8/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	PC	30/8/19

**Application:** 19/01011/FUL **Town / Parish:** Manningtree Town Council

**Applicant:** East of England Co-operative Society

**Address:** Fiveways Supermarket Riverside Avenue East Lawford

**Development:** Two storey extension and alterations to food store to include cafe and extended retail floor space.

### 1. Town / Parish Council

No comments received

### 2. Consultation Responses

Waste Management Environmental Protection	I have reviewed the application and have no adverse comment to make.
ECC Highways Dept	The Highway Authority does not object to the proposals as submitted.
Building Control and Access Officer	The means of escape from the first floor café would appear to be questionable.
Licensing Section	No objection.

### 3. Planning History

00/01478/FUL	Installation of 1.0m diameter satellite antenna on wall mounting	Approved	09.10.2000
91/00618/ADV	Illuminated direction sign to car park and two long term parking signs	Approved	15.09.1992
98/00972/ADV	(Co-op Fiveways, Riverside Avenue East, Manningtree) Replacement fascia signage	Approved	03.09.1998
99/00952/FUL	Installation of Automated Teller Machine (ATM)	Approved	11.08.1999
99/00953/ADV	Automated Teller Machine surround sign. Automated Teller Machine projecting sign	Approved	11.08.1999
07/01170/FUL	Two storey extension and alterations to food store; to include	Approved	02.06.2009

	cafe and extended retail floorspace.		
91/00563/ADV	Illuminated projecting sign.	Approved	26.06.1991
12/00612/FUL	Two storey extension and alterations to food store; to include cafe and extended retail floorspace. (Extension of time on previously approved 07/01170/FUL).	Approved	16.10.2012
15/00788/ADV	Replacement signage comprising of 2no. illuminated fascia signs and 6no. non illuminated signs.	Approved	20.07.2015
16/00798/FUL	Two storey extension and alterations to food store to include cafe and extended retail floor space.	Approved	12.07.2016
19/01011/FUL	Two storey extension and alterations to food store to include cafe and extended retail floor space.	Current	

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL3 Minimising and Managing Flood Risk

ER7 Business, Industrial and Warehouse Proposals

ER31 Town Centre Hierarchy and Uses

EN13A Renewable Energy

TR7 Vehicle Parking at New Development

TR1A Development Affecting Highways

TR8 Public Car Parking

TR5 Provision for Cycling

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

PPL1 Development and Flood Risk

PP1 New Retail Development

Local Planning Guidance

Essex Design Guide

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 (2019) 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 (including Site Description and Proposal)**

### **Site Description**

The site lies on the western edge of Manningtree within the defined town centre boundaries. The site is part of the existing car park for the supermarket which takes access from Riverside Avenue East. To the west are industrial and commercial areas and to the north the river wall and the River Stour beyond.

The existing food store was constructed in 1989/90 and comprises a single building, with the main entrance on the southern side adjacent to the car parking. The building is single storey with a ridge height of approximately 8m. There is a mezzanine floor at the rear of the store providing ancillary office and staff rest areas. The building is red brick with a grey corrugated metal roof.

### **Description of Proposal**

The application essentially seeks to renew previous planning permissions for the same form of development following applications in 2007, 2012 and 2016, none of which have been implemented. The most recent planning consent expired in July 2019.

An extension to the front (south elevation) of the existing food store is proposed. The proposed extension will be part single and part two storey across the entire south elevation of the building. The extension will provide additional floor space of 322sq.m on the ground floor and a further 142sq.m on the first floor; this provides a total net increase of floor space of 464sq.m. The extension will occupy the existing forecourt and extend into part of the existing car park. At ground floor level the additional floorspace would provide for new checkout tills, entrance lobby, a food and drinks preparation area and servery for the café with seating area. The existing post office will be relocated to the rear of the store; there would also be an office, ATM and kiosk on the ground floor. At the first floor level, the scheme provides additional seating for the café, including a terrace area with views across the river on the building's east elevation. On the west elevation, the first floor extension will contain a plant room and services. The roof between the two first floor sections would be used for photovoltaic cells to provide electricity for the store. The additional facilities would provide six extra jobs (two FT, 4 PT).

Externally the application also includes a new car park layout to include a recycling area, new disabled and parent/child spaces located near the store entrance, relocation of the motorcycle parking and a new external paved area along the southern width of the site to link the café with the entrance of the building.

### Principle

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. The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

This application effectively proposes the renewal of four previous applications; there has been no material changes to planning policy since the last approval.

### Design & Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

This application is for a relatively small extension to an existing supermarket within the defined boundaries of Manningtree town centre.

In terms of design, the proposed elevations and material are considered acceptable and would enhance the existing, fairly bland exterior of the supermarket. The two corner towers would provide some visual interest and provide a seating area from which there would be views over the river to the north. The use of large areas of glazing and timber cladding would also give the building a modern and visually acceptable appearance. The glazed areas would improve the level of natural light getting into the building and the proposed use of photovoltaic cells would help to improve the sustainability of the development.

## Highways

Whilst the extension would take up existing car parking spaces adequate car parking would remain at the development, the applicant having acquired additional parking spaces since the original store was permitted. No figures of anticipated additional use of the store once extended have been provided but this is unlikely to be significant given the amount of additional floorspace to be provided. Essentially this application is for the modernisation and upgrading the existing store. The Highways Authority offer no objection to the proposed alterations to the parking layout.

## Flooding

The Environment Agency has historically raised issues regarding safety of users of the extension from flooding and advised that the current Flood Evacuation Plan (FEP) should be reviewed and updated. In view of the previous grant(s) of planning permission subject to a condition requiring submission and agreement of a FEP prior to occupation it is considered an appropriate way of addressing the matter. The extension forms only a small part of the store, part of which is at first floor level. Requiring a FEP prior to occupation would cover the whole store and meet the requirements of the Technical Guidance to the Framework on flood risk.

As the proposed development relates to an extension to an existing retail food store, it is classified in the NPPG Flood Risk Vulnerability Classification as "Less Vulnerable". No additional persons will be placed at risk by the proposals and the development is located behind the flood defences. As such, the development is deemed acceptable in relation to flood risk and passes the sequential test. As the proposed use is considered Less Vulnerable, the NPPF states that the exception test is not required in this instance.

An Emergency Flood Response Plan has been produced as part of the submitted Flood Risk Assessment; the EFRP would assist the safe evacuation of the site, should flooding be predicted.

The FRA recommends the following;

- As the store was already present in 2010 the site is registered with the Environment Agency's 'Floodline Warnings Direct'. However it is recommended that before work starts on the extension that the registered contact information is checked / updated as necessary;
- The East of England Cooperative Society should adopt the 'Flood Evacuation Plan' produced as part of this assessment and provide training to all staff working on the site.
- As the potential depth of on-site flooding could be >2m in the event that defences fail, it would be impractical to look at flood avoidance or flood resistant measures for either the extension or the existing building. However, it would be prudent to take this opportunity to incorporate 'flood resilient' measures and materials in the construction of the extension.

A condition has been attached to previous permissions requiring that 'The development hereby permitted shall not commence until an emergency flood evacuation plan for the site has been submitted to and approved in writing by the Local Planning Authority'. However, an extensive Emergency Flood Evacuation Plan has been submitted with this current application and repeating the condition is not deemed 'necessary' (a requirement of paragraph 55 of the NPPF).

## Other Considerations

The proposed application area lies outside of the Manningtree and Mistley Conservation Area, but the boundary of the car park abuts the conservation boundary. The proposed development would have little or no impact on the conservation area or the important views into it identified in the Manningtree and Mistley Conservation Area Management Plan.

The proposals would of a scale appropriate to Manningtree, provide better facilities and would help to support the retail base of the town.

No letters of representation have been received.

## 6. Recommendation

Approval – Full

## 7. Conditions / Reasons for Refusal

- 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 and details: JT59 20 revision C, JT59 21 revision C, JT59 23 revision N, JT59 24 revision G, JT59 25 revision K, JT59 26 revision D and the details contained within the J. P. Chick and Partners Ltd Level 2 Flood Risk Assessment, Scoping Study dated 7th June 2019 and received on 5th July 2019.

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

- 3 Notwithstanding the details shown on the application drawings no development shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development unless otherwise agreed, in writing, at a later date with the Local Planning Authority.

Reason - To ensure that the materials are appropriate for this visually prominent riverside location within the town centre and that the visual amenities of the area are protected.

- 4 No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate those which are to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institution publication 'BS 5837:2012 - Trees in relation to design, demolition and construction.'

Reason - This is a site in a prominent public location where appropriate landscaping is a visually essential requirement.

- 5 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - This is a site in a prominent public location where appropriate landscaping is a visually essential requirement.

- 6 Notwithstanding the provisions of Article 3, Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the first floor of the development shall only be used as a café/restaurant (A3) ancillary to the main use of the site for retail purposes.

This part of the development shall not be used for any other purpose without the express permission of the Local Planning Authority.

Reason - This planning application has been considered as an extension to the existing food retail store (A1) at ground floor level with ancillary A3 development on the first floor. The implications of an A1 use at first floor level or an independent A3 use have not been assessed. The Local Planning Authority would wish to assess the possible impacts of such use before agreeing to such changes.

- 7 The revised car parking bays, motorcycle parking and cycle racks shall be constructed in accordance with the approved details prior to the opening of the cafe to the public or as otherwise approved in the agreed details.

Reason - To ensure that there is adequate parking for the development in the interests of highway safety.

- 8 The development hereby permitted shall not commence until details of proposed renewable energy systems, including the size and location of the photovoltaic panels have been submitted to and approved in writing by the Local Planning Authority. The panels shall be provided in accordance with the approved details prior to the opening of the café to the public or as otherwise approved in the agreed details.

Reason - To ensure that the panels are located in a position that does not detract from the visual amenities of the proposed extension and that the benefits of renewable energy proposed in the application will be achieved.

- 9 The finished floor levels of the proposed extension shall set be no lower than the existing 2.86m aOD.

Reason - In order to ensure people utilising the building are safe in the event of flooding.

- 10 Prior to the commencement of the development details of flood resilient measures/materials to be used in the construction of the extension shall be submitted to and approved, in writing, by the Local Planning Authority. The approved details shall be incorporated into the development and retained thereafter.

Reason - Due to the siting of the building in a high risk flood zone details of flood resilient measures are required to show how the impact on the building could be reduced in a flood event.

## **8. Informatives**

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.

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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester

CO4 9YQ

<b>Are there any letters to be sent to applicant / agent with the decision?</b>		NO
<b>Are there any third parties to be informed of the decision?</b>		NO