

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	01/06/18
Planning Development Manager authorisation:	AN	14/6/18
Admin checks / despatch completed	AS	15/6/18

AK

Application: 18/00638/FUL **Town / Parish:** Harwich Town Council

Applicant: Standard Life Investments UK Real Estate Fund

Address: Unit 2A Harwich Gateway Retail Park Freshfields Road

Development: Sub-division of Unit 2A (to create two new units), external alterations and change of use of new Unit 2A from Class A1 (shops) to Class A3 (restaurants and cafes).

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 proposed change of use.

Waste Management No comments.

Food Health and Safety No comments.

Licensing Section No comments.

3. Planning History

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
95/01384/FUL	Variation to condition 6 of planning permission for industrial/warehousing, retail units, fast food, petrol filling station, hotel and residential (LPA Ref: TEN/93/0206)	Approved	23.01.1996
96/01170/FUL	(Land off Station Road Roundabout, Dovercourt) Variation of condition 2 of consent TEN/93/0206 to allow the submission of reserved matters and their date of commencement for a further two years	Approved	12.11.1996

03/01693/DETAIL Construction of six retail units, garden centre and associated car parking and servicing Approved 10.11.2003

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

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

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

PPL1 Development and Flood Risk

SPL1 Managing Growth

SPL3 Sustainable Design

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF 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 216 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. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they can carry some weight in the determination of planning applications. 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 216 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 Unit 2A, Harwich Gateway Retail Park, Freshfields Road, Harwich. The site forms part of a large retail site, which includes six other retail units; B&M, Argos, Carpetright, Peacocks, Dominoes and Costa, and was formally occupied by Brantano until it vacated the premises in March 2017. The surrounding area is largely characterised by built form, with the above highlighted retail units, two supermarkets and a public house hotel.

The site falls within the Settlement Development Boundary for Harwich, as established within both the saved Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft, and also lies within Flood Zone 3.

Proposal

This application seeks planning permission for the sub-division of the existing unit to create two new units. One unit is proposed to remain as an A1 (Shops) use, with the submitted information confirming that an agreement is in place for Card Factory to occupy this. The second unit is proposed to be an A3 (Food and Drink) use.

The works will involve external changes in order to fully sub-divide the units, namely with the inclusion of four signs, two new automatic sliding doorsets, new fixed windows in place of the existing block work and four additional bollards to match the existing four bollards.

History

Under planning permission 14/01382/FUL, approval was granted to sub-divide the unit adjacent to the application site, with one unit remaining an A1 use and the additional unit changing use from A1 to A3, which included external alterations, an external seating area and bollards.

Assessment

1. Principle of the Development

The existing A1 retail unit has been vacant since March 2017. The submitted information demonstrates that sufficient marketing of the site has been undertaken by Morgan Williams, including the use of their in-house database, circulation around commercially available websites (Costar, Shop-property and EGI) and a property brochure which was mail-shot on six separate occasions to all active retail agents. However, as no interested parties came forward, the property was marketed on a sub-divided basis in a similar manner as above. In October 2017, interest was made by Card Factory who then agreed terms for one half of the unit, whilst the second unit will continue to be marketed for either an A1 or A3 use.

The preferred use of the building would be for A1 retail, however the building has been marketed for a total of 3 years and has not been taken on by an alternative A1 retailer and has now been vacant for over 1 year. An alternative use therefore needs to be found and the proposed A3 use represents a complimentary use to retail enabling shoppers to stay longer in the area to the benefit of the local economy, and is in-keeping with the previous planning permission to the unit adjacent that has seen approval for an A3 Costa.

The principle of the change of use from A1 retail to A3 is therefore acceptable subject to the detailed considerations below.

2. Visual Appearance

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 front glazed entrance is comparable to the size of the glazed entrances on the existing units, as is the proposed signage, with them both being particularly in-keeping with the adjacent site recently granted planning permission for a similar proposal. The existing unit has bollards in front of the entrance doors. The provision of additional bollards therefore raises no visual amenity concerns, whilst the additional glazing will a visual enhancement to the existing block wall.

3. Flood Risk

The ^{applicant} site lies within Flood Zone 3 and as such the applicant has submitted a Flood Risk Assessment to highlight the flooding risks and the justification for the proposed works. It is considered that the proposal represents no change from the existing 'less vulnerable' retail use in flood risk terms and there is no additional floor space or hard surfacing proposed. The proposal is therefore acceptable in terms of flood risk.

4. Highway Safety

The unit shares the large public car park with the other six units which has ample capacity to meet the needs of the proposal. Further, Essex Highways Authority has no objection to the proposal, and therefore the proposal is acceptable in terms of highway safety.

Other Considerations

There are no residential properties in close proximity to the site so no concerns regarding residential amenity.

Advertisements are shown on the plans however these do not form part of this application as they require advertisement consent - an informative will be added to this effect.

Harwich Town Council has no objections, whilst there have been no other letters of representation received.

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 337.PL.01, 337.PL.02, 337.PL.03, 337.PL.04, 337.PL.05, 337.PL.06, 337.PL.07 and 337.PL.09.

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

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.

Advert Consent

Advertisements are shown on the plans however these do not form part of this application and they require separate advertisement consent.