

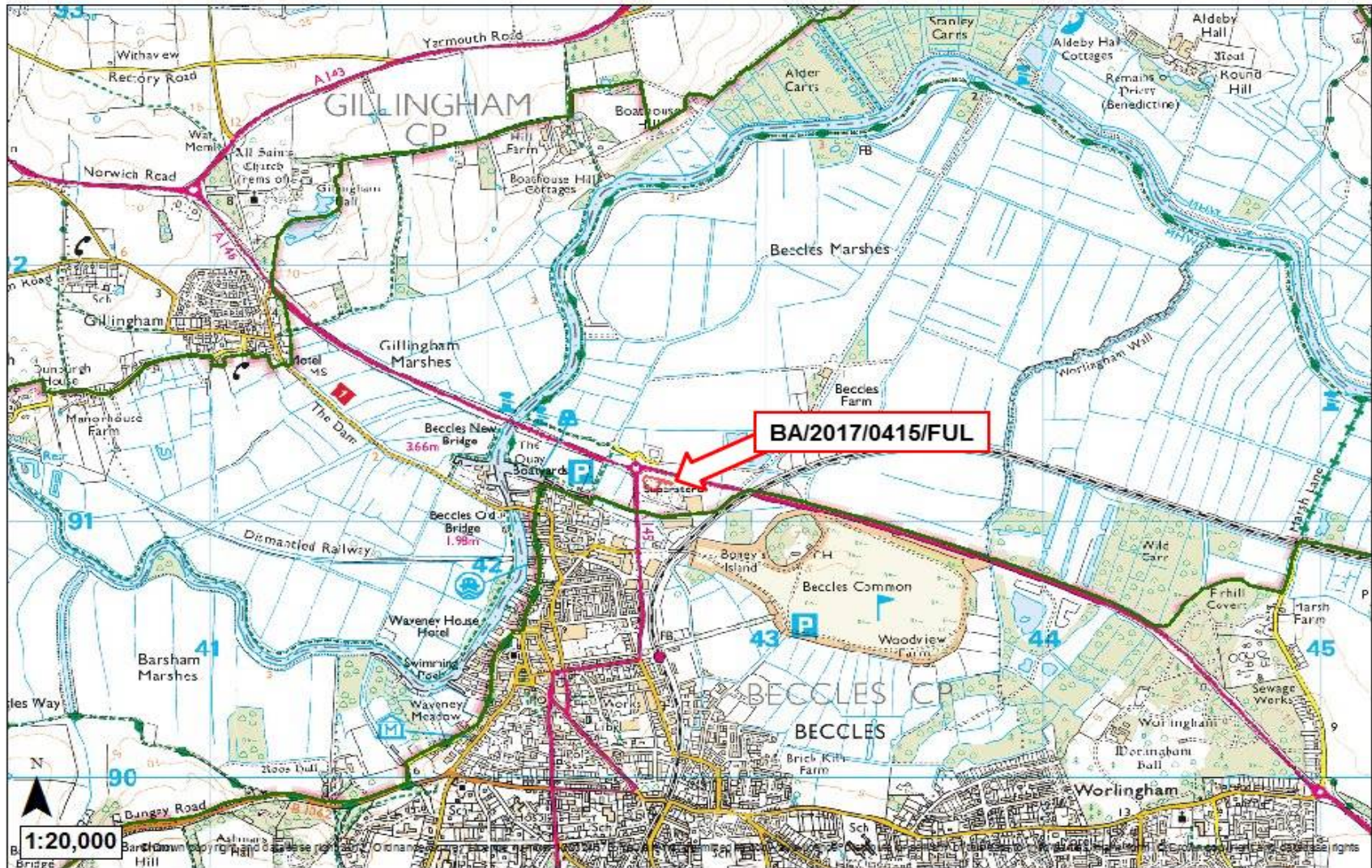
**Reference:**

BA/2017/0415/FUL

**Location**

Morrisons, George Westwood Way, Beccles

BA/2017/0415/FUL - Morrison, George Westwood Way, Beccles



**Application for Determination**  
Report by Planning Officer

<b>Target Date</b>	29 March 2018
<b>Parish:</b>	Beccles
<b>Reference:</b>	BA/2017/0415/FUL
<b>Location:</b>	Morrisons, George Westwood Way, Beccles
<b>Proposal:</b>	Development of 3 retail units, car wash area, tyre service area and two small retail pods (units to comprise of uses within use classes A1, A2, A3 and mixed A1/A3 and A3/A5 uses).
<b>Applicant:</b>	WM Morrison Supermarkets plc
<b>Recommendation:</b>	Refuse
<b>Reason for referral to Committee:</b>	Representations received which raise material considerations of significant weight

## **1 Description of Site and Proposals**

- 1.1 The application site forms part of the Morrisons supermarket car park situated at the junction between the A146 and A145 George Westwood Way in Beccles. The area to be occupied would cover 0.27ha in the north-western corner of the car park. The surface of the site is currently sealed with tarmac and marked out as car parking. The northern and western boundaries of the site are defined by mature tree planting, which was originally planted to screen the supermarket building and the car park from the road. The supermarket building itself is positioned at the eastern of the site.
- 1.2 The site is located in Flood Risk Zones 2 and 3.
- 1.3 The application is for the construction of three retail units, one of which would be a drive-thru unit, two retail pods, a car wash pod and a tyre pod, with the following dimensions:

	Footprint m2	Floor area m <sup>2</sup>	Height m (max)
Retail unit x 2	93	-	4.8 – 4.1 at rear
Drive thru unit	200	-	4.8 – 4.1 at rear
Retail pod x 2	-	15	2.5
Car wash pod	-	13	3.2
Tyre pod	-	26	3.2

All of the development proposed, except for one of the retail pods would be grouped together in the north-western corner of the supermarket car park. The remaining retail pod would be situated adjacent to the western frontage of the store itself.

- 1.4 The proposed retail terrace would be clad in a combination of high level masonry front and side panels and powder coated aluminium glazed frontages, with a light grey aluminium cladding around the remainder of the façade. The retail pods would be clad in a finish to be confirmed with powder coated aluminium trims. The proposed car wash and tyre pods would be a combination of cabin, screen and canopy elements constructed from lightweight materials in colours to reflect the individual operators' signage.
- 1.5 Vehicular access to the site would be via the existing access into the supermarket car park. Pedestrian and cycle access would be via the existing car park pedestrian routes. Servicing would be through the car park to a designated lay-by to the rear of the units. A total of 73 existing car parking spaces in the supermarket car park would be lost as a result of this development.

## 2 Site History

Application Number	Proposal Details	Application Status
BA/1986/7511/HISTAP	O.A. supermarket (32,000 sq.ft gross)	HISAPA
BA/1987/5795/HISTAP	Construct retail food supermarket and associated car parking	APCON
BA/1988/5177/HISTAP	Illuminated fascia sign and 2 floodlit panel signs on boundary	REF
BA/1989/5796/HISTAP	Outline application to construct a petrol filling station	REF
BA/1994/5099/HISTAP	Construct a petrol filling station, replacement lagoon and factory car park	REF
BA/1994/5798/HISTAP	Extension to north elevation	APCON
BA/1994/5799/HISTAP	Installation of satellite antenna for 2 way data communications	APCON
BA/1994/5797/HISTAP	Construct a petrol filling station	REF
BA/1995/5800/HISTAP	Construction of petrol filling station, relocation of balancing lagoon and associated works	HISAPA

BA/1996/5801/HISTAP	Ground floor extension to form additional customer facility i.e. coffee bar	APCON
BA/1997/5180/HISTAP	Illuminated site signage	APCON
BA/1997/5178/HISTAP	Illuminated site signage	REF
BA/1997/5179/HISTAP	3no illuminated signs	REF
BA/1997/5803/HISTAP	Installation of a satellite antenna	APCON
BA/1997/5802/HISTAP	Erection of covered customer trolley shelter	APCON
BA/2001/5183/HISTAP	Provision of banners mounted to lamp posts	REF
BA/2003/5804/HISTAP	Extension to store, amendments to car park and associated works	WDN
BA/2004/5184/HISTAP	Replacement and installation of illuminated and non-illuminated signage	APCON
BA/2005/5185/HISTAP	Erection of illuminated motif, fascia, totem and cash signs	APCON

### 3 Consultations

#### 3.1 Consultations received

##### 3.1.1 Beccles Town Council

Does not meet the requirement of Broads Authority Policy CS20 as it is considered this proposed development is not necessary to support the social and economic needs of the local community. It is considered there is already adequate provision of retail outlets, car wash and tyre services within the town without the need to build these facilities on a flood plain at the edge of town. Therefore the application should be refused.

##### 3.1.2 District Member

This application should be determined by the Broads Authority Planning Committee.

Also I would recommend that the Broad's Authority Planning Committee have a site visit to the Morrisons's site in Beccles to appreciate the infrastructure in this area before they debate and recommend a decision.

##### 3.1.3 Highway Authority

Research has shown that the site is not considered to be a collision cluster site. The proposed increase in traffic, due to the proposed development, will not have a significant or severe impact on highway safety.

The 21 space difference between the 313 spaces required (using 1 No space per 5m<sup>2</sup> on the restaurant and 14 No space per m<sup>2</sup> for the supermarket) and the proposed on the ground provision of 292 No spaces is not significant enough for Suffolk County Council as Local Highway Authority to object to the proposed development. It is unlikely that a safety issue relating to overflow vehicles parking on the public highway will arise. Any overflow vehicles are more likely to park closer by within the private site.



Notice is therefore given that Suffolk County Council as Local Highway Authority recommends that any planning permission that is granted should include a condition requiring the provision of the onsite parking and vehicle manoeuvring spaces as shown on the plan submitted.

#### 3.1.4 Waveney District Council Economic Development Officer

The Economic Development Team seeks to support those planning applications where the application clearly supports the economic growth of the economy. As such we are supportive of the proposed development which should lead to increased employment opportunities and an increase to the local economy.

#### 3.1.5 Environment Agency

In our response dated 15 December 2017 and referenced AE/2017/122293/01-L01 we raised holding objections on this application due to Flood Risk and Contaminated Land. In recent email correspondence with the agent, we initially indicated that our objection regarding Contaminated Land could be resolved through the use of planning conditions. However, following closer inspection and internal discussion, we then informed the agent that this would not be appropriate and that our holding objection would remain until a satisfactory Preliminary Risk Assessment has been provided.

We have not had any discussions with the agent regarding Flood Risk. The agent can overcome this objection by submitting a satisfactory Flood Risk Assessment, as described in our letter.

### 3.2 Representations received

- 3.2.1 One representation, objecting to the scheme on the grounds of another car wash/tyre service business is not required; there will be an increase in traffic with associated risks; the hours of operation will prolong the increase in traffic with the associated risks.

## 4 Policies

- 4.1 The following Policies have been assessed for consistency with the National Planning Policy Framework 2012 (NPPF) and have been found to be consistent and can therefore be afforded full weight in the consideration and determination of this application.

[NPPF](#)

[Core Strategy Core Strategy Adopted September 2007 pdf](#)

CS1 Landscape Protection and Enhancement  
CS4 Creation of New Resources  
CS22 Economy

[Development Management Policies DPD](#)  
[Development-Management-DPD2011](#)

DP2 Landscape and Trees  
DP3 Water Quality and Resources  
DP4 Design  
DP10 Advertisements and Signs  
DP11 Access on Land  
DP29 Development on Sites with a High Probability of Flooding

- 4.2. The following Policies have been assessed for consistency with the NPPF and have found to lack full consistency with the NPPF and therefore those aspects of the NPPF may need to be given some weight in the consideration and determination of this application.

Core Strategy

CS20 Rural Sustainability

Development Management Policies DPD

DP18 Protecting General Employment

DP28 Amenity

- 4.3 Neighbourhood Plan

Not applicable.

- 4.4 Material considerations

National Planning Policy Framework [NPPF](#)

## **5 Assessment**

- 5.1 In assessing this application the main issues to consider include: The principle of the development; flood risk and contamination; highways; design and materials; and landscape and trees.

The principle of development

- 5.2 The development proposed is retail/service based comprising retail pods to include a drive-thru unit and a carwash and tyre fitting service. The site of the proposed development is contained within the Morrisons site which has an established retail use. Therefore the proposed development would be complementary to the existing use of the site.
- 5.3 Policy DP18 of the Development Management Policies seeks to protect sites that are currently in employment use. Criterion (f) of this Policy requires proposals for retail use to be compliant with the sequential approach to site selection as defined in PPS4, which has now been replaced by the NPPF. Annex 2 of the NPPF defines the proposed development as a 'main town centre use' and as the application site is not located within a defined centre nor on a site allocated for retail purposes, paragraph 24 of the NPPF requires the Local Planning Authority to apply the Sequential Test to this application. Paragraph 24 of the NPPF states Local Planning Authorities should:

*“...require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.”*

Recent case law has confirmed that the Sequential Test has to be applied to the application and proposals as submitted and that there is no longer any requirement under paragraph 24 of the NPPF for the applicant to consider disaggregation as part of the application process. When potential sites are being assessed the three key elements that require consideration in order to determine if a site is indeed sequentially preferable are suitability, availability and viability.

- 5.4 Accordingly, this application has been supported by a full Sequential Assessment. This assessment concludes that in accordance with the requirement to look at flexibility, sites that are either 5% larger or smaller than the 385.5sqm proposed by the application have been considered in the assessment. It is clear from carrying out this assessment that there are no sequentially preferable sites and the application proposal therefore passes the Sequential Test.
- 5.5 The initial consultation response received from Beccles Town Council challenged whether indeed the assessment had considered all the possible town centre or edge of centre sites available to accommodate this proposal. The applicant therefore worked with the Economic Development Team at Waveney District Council (WDC) to identify and assess any other sites. WDC stated that there is scarce availability of development sites in both Beccles and Bungay which would be suitable for the A Class developments as indicated on the submitted plans, but identified a further three sites for consideration. These sites have all been robustly assessed and discounted as being unavailable, unsuitable or unviable. WDC has stated that the Economic Development Team seeks to support planning applications where the application clearly supports the economic growth of the economy. As such they are supportive of the proposed development which should lead to increased employment opportunities and an increase to the local economy.
- 5.6 On the basis of the above information, the robust assessment carried out to support this application and the involvement of, and advice received from, the Economic Development Team at WDC it is considered that the development proposed is in accordance with the requirements of Policy DP18 of the Development Management Plan and the NPPF and that the principle of the development is therefore acceptable.

#### Flood Risk and Contamination

- 5.7 The site is situated in Flood Risk Zone 3 as indicated on the Broads Authority's Strategic Flood Risk Assessment. The development proposed is



classified as 'less vulnerable' development as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. As such it is necessary for the Sequential Test to be applied. As set out above there are no other available sites capable of accommodating the proposed development as submitted. Therefore there is no prospect of finding an alternative site situated within a lower flood risk zone for this development. On this basis a full assessment in terms of flood risk must be made of the suitability of this site to accommodate the development proposed.

- 5.8 Whilst the application has been supported by a full Flood Risk Assessment (FRA) the Environment Agency has raised a holding objection to the application on the basis that the FRA does not comply with the requirements set out in the Planning Practice Guidance, Flood Risk and Coastal Change. It does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. Until a FRA is submitted which provides an accurate assessment of the flood risk associated with this development on this site they cannot remove their objection. The applicant has stated that they will not be submitting the amended FRA required. Therefore this application cannot be considered as being in accordance with Policy CS 20 of the Core Strategy, Policy DP29 of the Development Management Policies DPD or the NPPF and cannot therefore be recommended for approval.
- 5.9 Paragraph 120 of the NPPF states that in determining a planning application the potential sensitivity of the area or proposed development to adverse effects from pollution should be taken into account. Where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner. The Environment Agency has also raised a holding objection on the basis of contamination. The site has historically been used as a landfill site between 1965 and 1975, known as Beccles Marshes. The Environment Agency therefore requires the submission of a Preliminary Risk Assessment which considers all previous uses and potential contaminants associated with those uses before they can consider removing their holding objection. Again the applicant has stated that they will not be submitting the report required. Therefore on this basis, without the specialist assessment of the possible effects of this development the development has to be considered as not conforming to paragraph 120 of the NPPF and it is not possible to recommend that this application be approved.

### Highways

- 5.10 The one representation received has cited the adverse impact on highway safety arising from this development as a reason for objecting to the proposed development.
- 5.11 The site of this proposed development is on part of the existing Morrisons car park. The establishment of the buildings and associated vehicle circulation space included in this development would result in the loss of 73 car parking spaces. However the Highway Authority has raised no objection to this development on grounds of an adverse impact on highway safety, advising

that the site is not considered to be a collision cluster site and the proposed increase in traffic will not have a significant or severe impact on highway safety.

- 5.12 As detailed above, they also advise that whilst there would be a deficiency of 21 parking spaces across the entire site as a result of the development, this would not justify an objection. A condition is, however, recommended covering parking and vehicle manoeuvring spaces as shown on the plan submitted. The proposal is therefore considered to be in accordance with paragraph 32 of the NPPF and Policy DP11 of the Development Management Policies DPD.

#### Design and Materials

- 5.13 The future occupiers of the buildings and the tyre and car wash businesses have not been identified as part of this application. The buildings have therefore been designed in a fairly generic way to meet the functional needs of a variety of future occupiers and in design terms they are not remarkable. The materials to be used have been chosen to create modern, functional, low maintenance buildings which can then be customised in terms of colour and signage by any future occupier. Given the nature of the development, and its location, and the character of the development in the vicinity of the site it is considered that the design of the retail pods and the car wash and tyre business buildings are not unacceptable. It is recommended that if planning permission were to be granted for this development that conditions be imposed requiring the submission for approval of details of the materials, colour schemes and signage to be used on each of the buildings once the end user has been identified before development commences. On this basis this development is not considered to be contrary to Policy DP4 of the Development Management Policies DPD.

#### Landscape and Trees

- 5.14 The application site is situated in the northwestern corner of the Morrisons carpark. The car park itself is screened from the surrounding landscape and the roads to the north and west by established tree planting on the buffer land separating the car park from the roads. It is important that this tree planting is retained to continue to effectively screen the car park and to also screen the proposed development. The development proposed is in close proximity to these mature trees and there is therefore a risk that any earthworks and excavations required to construct the development could compromise the future health and vitality of these trees. In order to assess the potential impact of this development on these trees it is necessary for a full Arboricultural Impact Assessment to be submitted prior to the determination of this application. No such report has been submitted and it is not therefore possible to support this application. At this stage the application has to be considered as contrary to Policy DP2 of the Development Management Policies DPD.
- 5.15 The car park itself currently includes a number of small landscaped areas, some of which would be lost as a result of the development proposed. The

scheme as submitted does not include a landscaping scheme. It is therefore recommended that if planning permission were to be granted a condition should be imposed requiring the submission for approval of a full and detailed landscaping scheme.

- 5.16 Although the above issues have been raised, and there is currently insufficient information submitted to be able to support this application in terms of landscape, it is considered that if the future of the mature tree planting could be ensured and a satisfactory landscaping scheme is submitted, that in landscape terms the general principle of the development would be acceptable and unlikely to result in significant harm to the local landscape character or give rise to notable visual effects.

#### Amenity

- 5.17 The scheme as proposed includes a drive-thru business as well as a carwash business and a tyre replacement business. It is considered that the location of these premises adjacent to the A146 and A145 and removed from the supermarket building and any residential properties would ensure that the scheme would have no adverse impact on the amenity of any existing development or business. The proposal is therefore considered to be in accordance with Policy DP28 of the Development Management Policies DPD.

## **6 Conclusion**

- 6.1 In conclusion, the proposal to construct a retail/service based development on this site is acceptable in principle as the site has an established retail use and evidence has been submitted that the development proposed passes the Sequential Test. However, regrettably, insufficient information/evidence has been submitted to enable the Environment Agency's holding objections in terms of flood risk and possible contamination to be removed. Furthermore insufficient evidence has been submitted to address any possible impact on the existing screening of the site and therefore it is not possible to make an informed assessment of the landscape impact of the development.
- 6.2 Whilst it is possible to impose conditions on planning permissions requiring the submission of additional information to address or mitigate a particular impact of a development, it is not good practice to condition matters which are fundamental to the acceptability of a development. In this case the information required is necessary to determine how the development would address flood risk and the possible contamination of this site, both of which impact on public health/safety. It is therefore essential that this information is submitted prior to the determination of this application to enable the Environment Agency to assess the implications of this development and accurately advise whether it is fundamentally acceptable and, if so, what, if any, mitigation would be required.
- 6.3 If the information required by the Environment Agency had been submitted and the issues of flood risk and contamination had been satisfactorily addressed an argument could have been made that the impact on the

screening trees and the production of a suitable landscaping scheme for the site could have been conditioned. However this is not the case.

- 6.4 On this basis it has to be concluded that the development is not in accordance with the relevant Policies in the Core Strategy and the Development Management Policies DPD or the NPPF.

## **7 Recommendation**

Refuse

## **8 Reason for Recommendation**

- The site is located in an area classified as Flood Risk Zone 3 in the Broads Authority's Strategic Flood Risk Assessment. Whilst the development proposed is classified as a 'less vulnerable' development as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance and the NPPF Sequential Test has been satisfied the application fails to demonstrate that the flood risk associated with this development has been accurately addressed and mitigated. In the opinion of the Broads Authority the proposal therefore has to be considered as being contrary to Policy CS20 of the Broads Authority Core Strategy 2007 – 2021, Policy DP20 of the Broads Authority Development Management Policies DPD 2011 – 2021 and to the NPPF.
- The site is located on a former landfill site and insufficient information has been submitted to satisfactorily demonstrate that the development of this site can be undertaken without giving rise to unacceptable risks from contamination at the site. The development therefore has to be considered as non-conforming to paragraph 120 of the NPPF.
- In the opinion of the Broads Authority insufficient information has been submitted to satisfactorily address the impact on existing established screen planting immediately adjacent to the site and the landscape impact of the overall development cannot therefore be accurately assessed. The proposal therefore has to be considered as contrary to Policy CS1 of the Broads Authority Core Strategy 2007 – 2021, Policy DP2 of the Broads Authority Development Management Policies DPD 2011 – 2021 and to paragraph 115 of the NPPF.

Background papers: BA/2017/0415/FUL  
Author: Alison Cornish  
Date of report: 8 March 2018 Appendices: Appendix 1 – Map

BA/2017/0415/FUL - Morrison, George Westwood Way, Beccles

