

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
17th March 2021

REFERENCE: HW/FUL/21/00001

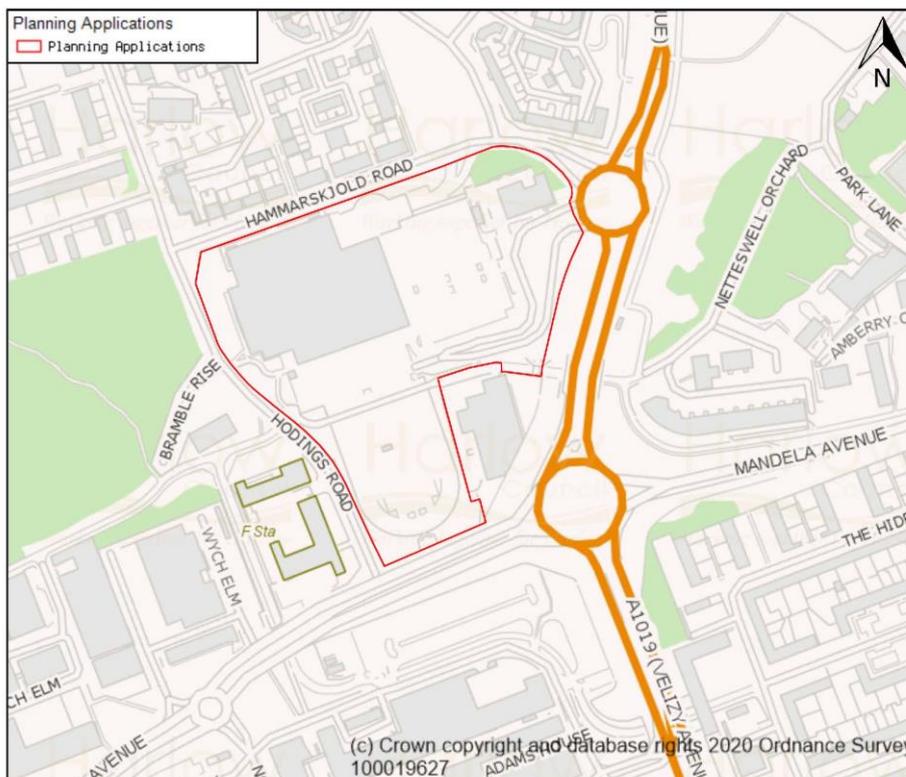
OFFICER: John Harrison

APPLICANT: C/O Agent

LOCATION: J Sainsburys
Fifth Avenue
Harlow
Essex
CM20 2AG

PROPOSAL: Erection of a Goods Online (GOL) facility (Use Class B8) with associated loading and servicing area and Click and Collect bays, alterations to layout of car park.

LOCATION PLAN



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REASON BROUGHT TO COMMITTEE: Two objections have been received.

Application Site and Surroundings

The application relates to the large Sainsbury's store site on the edge of the town centre with access to off roundabout which forms the junction of Fifth Avenue/Allende Avenue and Hammarskjold Road. Hammarskjold Road is the northern boundary of the site and there are houses with Bowhill Way addresses on the opposite side of this road from the store. The western site boundary is Hodings Road with open space directly opposite. To the south-east is the Harlow Telephone Exchange. To the west and south-west of the site are Amherst Court, a block of flats in Bramble Rise and the Harlow Fire Station.

The supermarket is towards the north-west corner of the site. The petrol station is on the eastern side adjacent to the roundabout, between the entrance for customer vehicles and Hammarskjold Road. The loading bay is situated between the supermarket and the petrol station with a separate access off Hammarskjold Road. This also provides pedestrian access to the store off Hammarskjold Road near the north-west corner of the petrol station. There are also two pedestrian accesses to the site off Hodings Road, one of which also provides access to a cyclepath which crosses the site east-west on a bridge. There are a number of preserved trees on the site, the most significant in terms of dealing with this application being a row between the access to the loading bay and the northern end of the car park.

The store opening hours are 7am to 10pm on weekdays (with the petrol station opening at 6am) and 10am to 4pm on Sundays (7.30am to 10pm for the petrol station).

The site is not in a Conservation Area and is not close to Listed Buildings.

Details of the Proposal

The application is to provide a good-online facility for the store. This is to provide a facility for loading vans with customers' orders for home delivery. This involves erecting a single-storey extension on the eastern side of the building, 30m x 23m. This would be between the building and the petrol station with the remainder of the area between the new building and the petrol station providing a parking and loading compound for the vans. Spaces for 21 vans are shown, some of which are parking spaces and some of which are loading spaces, but the layout is such that if all spaces were full not all vans could be driven straight out. Access to it would be through the customer car park. There would also be a layby off the car park for individual customers who have made click and collect orders to pick up their purchases. This has a canopy to provide weather protection.

The building would be flat-roofed and windowless. It would be finished in squirrel grey cladding (RAL 7000) with an anthracite grey (RAL 7016) fascia. The loading spaces would be covered by a canopy which extends from the proposed new building along the northern boundary of the compound. This would be anthracite grey (RAL 7016) with polycarbonate cladding on the rear. There would be a 2.4m high timber fence behind the canopy.

The proposed facility would operate between the hours of 6.30am and 11pm 7 days a week

The application has been amended. As originally submitted no provision was made for the pedestrian access off Hammarskjold Road so people coming to the store from that direction would have to walk through the petrol station. The application has been amended to provide a footpath so this is no longer necessary.

It should be noted that there is a related advertisement application for signage needed in relation to the new facility. It is envisaged this will be dealt with under delegated powers after the committee has determined this application.

RELEVANT PLANNING HISTORY:

Application Reference Number: HLW/91/0231 (Outline)

Proposal: Erection of Class A1 retail shop, with petrol filling station, automatic cash dispensers and car parking including re-routed cycle path and wayleave into telephone exchange and a new road layout at the junction of Hammarskjold Road and Fifth Avenue.

Application Status: Granted conditionally on appeal
8 June 1992

Application Reference Number: HLW/92/0242 (Reserved matters)

Proposal: Retail store, petrol filling station, automatic cash dispensers, access car park and landscaping

Application Status: Granted conditionally
Date Application Received: 4 January 2021

Application Reference Number: HW/ADV/21/00002

Proposal: 1 x Click and Collect Panel Sign; 1 x Click and Collect Banner Sign; 1 x Double Sided Wayfinding Sign; 1 Click and Collect Canopy Sign; 1 x Call Point Sign; 1 x Collection Point Wayfinding Sign; 2 x Entry Wayfinding Sign and 2 x Double Sided Exit Wayfinding Signs.

Application Status: Pending Consideration
Date Application Received: 4 January 2021

It is envisaged this application will be dealt with under delegated powers following the determination of the planning application.

CONSULTATIONS

Internal and external Consultees

Essex Fire Brigade

Access for fire services purposes is considered to be satisfactory. More detailed observations will be considered at the building regulations stage.

Essex County Council - Highways

From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policies IN1, IN2 & IN3 of the Harlow Local Development Plan 2020.

Environmental Health

The provided noise impact assessment for the proposed facility predicts a sound level increase of 0.6dB(A) above current background level which is likely to be of negligible significance. Provided all the mitigation measures indicated in the report are adhered to. In addition to the measures contained within the report I would also recommend that it is a condition that vehicles must not be left idling at any time and that reversing beepers (if fitted) are not used.

HDC - Cleansing And Environment

No Comment Received.

Council arboriculturalist

No objection as the applicants have indicated the adjacent trees would not need to be pruned.

Neighbours and Additional Publicity

Number of Letters Sent: 134

Total Number of Representations Received: 14

Date Site Notice Expired: 29 January 2021

Summary of Representations Received

Fourteen objections have been received. Issues raised are:

Increased noise

Increased pollution

Increased traffic congestion and accident risk

Loss of parking spaces

Request removal of the stairs as this area is used to for anti-social behaviour

Loss of pedestrian access to Hammarskjold Road

One objector has also made the supporting comment:

The vans will help customers as less traffic visiting the store.

PLANNING POLICY

The relevant policies of the Harlow Local Development Plan 2020 are:

PL1 – Design Principles for Development

PL2 – Amenity Principles for Development

PL3 – Sustainable Design, Construction and Energy Use

PL7 – Trees and Hedgerows

IN1 – Development and Sustainable Modes of Travel

IN2 – Impact of Development on the Highway Network

IN3 – Parking Standards

PLANNING STANDARDS

National Planning Policy Framework (NPPF) (2019) - sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them. These policies will provide local communities with the tools they need to energise their local economies, meet housing needs, plan for a low-carbon future and protect the environmental and cultural landscapes that they value. It seeks to free communities from unnecessarily prescriptive central government policies, empowering local councils to deliver innovative solutions that work for their local area.

Supplementary Planning Documents/Current Planning Guidance

The Harlow Design Guide SPD (2011)

The Essex Parking Standards: Design and Good Practice (2009)

Summary of Main Issues

This development has been brought about by the increased demand for supermarket home deliveries following the coronavirus pandemic, a demand which it is predicted will remain even

after the present emergency ends. At the moment many Sainsbury's customers wanting home delivery are supplied from outside Harlow and the company understandably wants to have a local facility. There is a connectivity between the existing store and the proposed new facility so it is logical for them to want to locate the facility here. Issues to be considered in dealing with this application are impact on neighbours, appearance, traffic issues and impact on trees. The benefits of the scheme should be weighed against any harm.

Impact on neighbours

The nearest houses in Bowhill Way are 30 metres from the site, so they would not be significantly affected in terms of loss of light or overlooking. It is, however, important to consider possible noise impacts.

A noise report has been submitted with the application which has been accepted by the Council's Environmental Health Officers which predicts that noise levels will only be 0.6 dBA noisier than the existing noise generated by the supermarket. This level of noise difference would be perceived as negligible. Obviously the use would continue beyond the present store opening hours, but there is no planning condition on the supermarket restricting its opening hours, so in theory it could operate 24 hours/day. In any event the noise report indicates the later operating hours will not unduly affect nearby residents. A number of conditions are recommended to ensure noise levels are minimised relating to reversing alarms, radio playing and vehicles idling and the use only to operate within the hours specified. The latter is necessary as the noise assessment has been made on the basis of the proposed hours (including Sundays) and, if later operating hours were to be proposed in future a new assessment would be required.

The supermarket service access is directly onto Hammarskjold Road and this would not be affected by the proposal. Access to the new facility would, however, be to through the car park and onto the Fifth Avenue roundabout. Most vehicles leaving the facility will proceed along Fifth Avenue in either direction. On the basis of the noise report, the proposal is considered to be acceptable in terms of policy PL2 of the Local Plan.

Appearance

The design of the building is somewhat utilitarian, but the nature of the use requires such a building. Given the context, between the store and the petrol station, this is considered to be acceptable. The main view of the building from outside the site would be from Hammarskjold Road. There is already the rear view of the supermarket from here, so it is not particularly attractive, but the new building would be largely screened by the existing preserved trees. The canopy for customers collecting their own products is broadly akin to the canopies for trolleys elsewhere in the car park in terms of appearance and impact. The proposal is therefore considered to comply with policy PL1 of the Local Plan.

Traffic issues

The proposal is likely to result in a reduction in vehicle miles travelled as fewer customers are likely to come to the store to do their own shopping and vans would not need to travel into Harlow to make Sainsbury's deliveries. As explained, access to the facility would be through the customers' car park and onto the Fifth Avenue roundabout. Thus, there would be ready access onto a major road designed to take traffic.

The proposal would result in the loss of a number of store parking spaces. The number would be reduced from 470 to 386. The switch to home deliveries has resulted in reduced demand for supermarket car parking. It would not be in the applicant's interests to have inadequate parking provision, but if the car park ever did completely fill up or almost fill up, there is a long

length of “approach roads” from the roundabout to the car park, so it is highly unlikely traffic would tail back onto the public highway. No objection has been received from the Highway Authority.

As originally submitted the proposal involved the removal of part of the pedestrian access to the store from Hammarskjold Road, so pedestrians would have had to walk through the petrol station. Eight of the objections referred to this. The application has been modified so a pedestrian access will be provided between the proposed new facility and the petrol station.

The proposal has to be assessed against policies IN1, IN2 and IN3 of the Local Plan and it is considered acceptable in these respects.

Impact on trees

As explained, there is a row of trees on the northern boundary of the proposed facility. A new fence will be built adjacent to these trees, but the applicants have indicated that no pruning or other work will be needed, so clearly the requirements of policy PL7 of the Local Plan will be complied with. It should be noted that these trees add to the sound attenuation from the proposed use.

Other issues

One neighbour has indicated stairs, presumed to be a reference to the ones providing pedestrian access off Hammarskjold Road are being used for anti-social behaviour. This relates to an existing situation and is not relevant to consideration of this planning application. Had the application not been amended to provide direct pedestrian to the site off Hammarskjold Road there would be a risk these stairs would be used less and therefore more likely to be used by drug takers, but the application has been amended to retain this link.

CONCLUSIONS

The main issue raised by this application is the noise impact of the proposal, particularly on the nearest residents in Bowhill Way. The applicants have, however, supplied a noise assessment which indicates it will not cause noise levels significantly more than those caused by the existing supermarket and refusal of permission for this reason would not be justified. The proposal is considered to be acceptable in terms of appearance, traffic issues and impact on trees. There are no policies in the Local Plan supporting refusal of the application, so approval is recommended.

RECOMMENDATION

That Committee resolve to GRANT subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Prior to the first use of the proposed goods-online facility, the footpath along its eastern boundary shall be constructed as shown on the approved plans. Thereafter it shall be permanently maintained in use.

REASON: To provide pedestrian access to the existing supermarket from the north in accordance with policy PL3 of the Harlow Local Development Plan 2020.

- 3 Prior to the first use of the proposed goods-online facility the wooden fence along its northern boundary shall be constructed as shown on the approved plans and thereafter permanently maintained.

REASON: To protect the amenity of nearby residents in accordance with policy PL2 of the Harlow Local Development Plan 2020

- 4 The proposed goods-online facility shall only operate between the hours of 6.30am and 11pm – 7 days a week. Delivery schedules shall be so organised that vans would in the normal course of events be expected to return to the facility by the closing times. Records relating to this shall be kept for at least three months and made available to the Local Planning Authority if requested. In the event of a circumstance such as vehicle breakdown or unusual congestion and a van arrives at the facility at a later time than this it shall only be parked and not unloaded.

REASON: To protect the amenity of nearby residents in accordance with policy PL2 of the Harlow Local Development Plan 2020.

- 5 No van reversing alarms shall be used on the site before 7.30am (8.30 am on Sundays) and after 8pm.

REASON: To protect the amenity of nearby residents in accordance with policy PL2 of the Harlow Local Development Plan 2020.

- 6 The development hereby permitted shall be carried out in accordance with the approved plans as shown listed in the table below.

REASON: For the avoidance of doubt and in the interests of proper planning.

- 7 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays and at no time on Sundays or Bank Holidays.

REASON: To protect the amenity of nearby residents in accordance with policy PL2 of the Harlow Local Development Plan 2020.

Plan Reference	Version No.	Plan Type	Date Received
PL-A-2001	--	Location Plan	04.01.2021
PL-A-2002	--	Existing Site Plan	04.01.2021
PL-A-2003	Store	Existing Plans	04.01.2021
PL-A-2004	--	Existing Roof Plan	04.01.2021
PL-A-2005	--	Existing Elevations	04.01.2021
PL-A-2006	A	Proposed Elevations	16.02.2021
PL-A-2006	A	Proposed Site Plan	08.03.2021
PL-A-2007	A Store	Proposed Plans	16.02.2021
PL-A-2010	A Detailed	Proposed Elevations	16.02.2021
PL-A-2011	A Click & Collect	Proposed Elevations	16.02.2021
PL-A-2013	A Car Park	Proposed Signage	16.02.2021

INFORMATIVE CLAUSES

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address these concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.