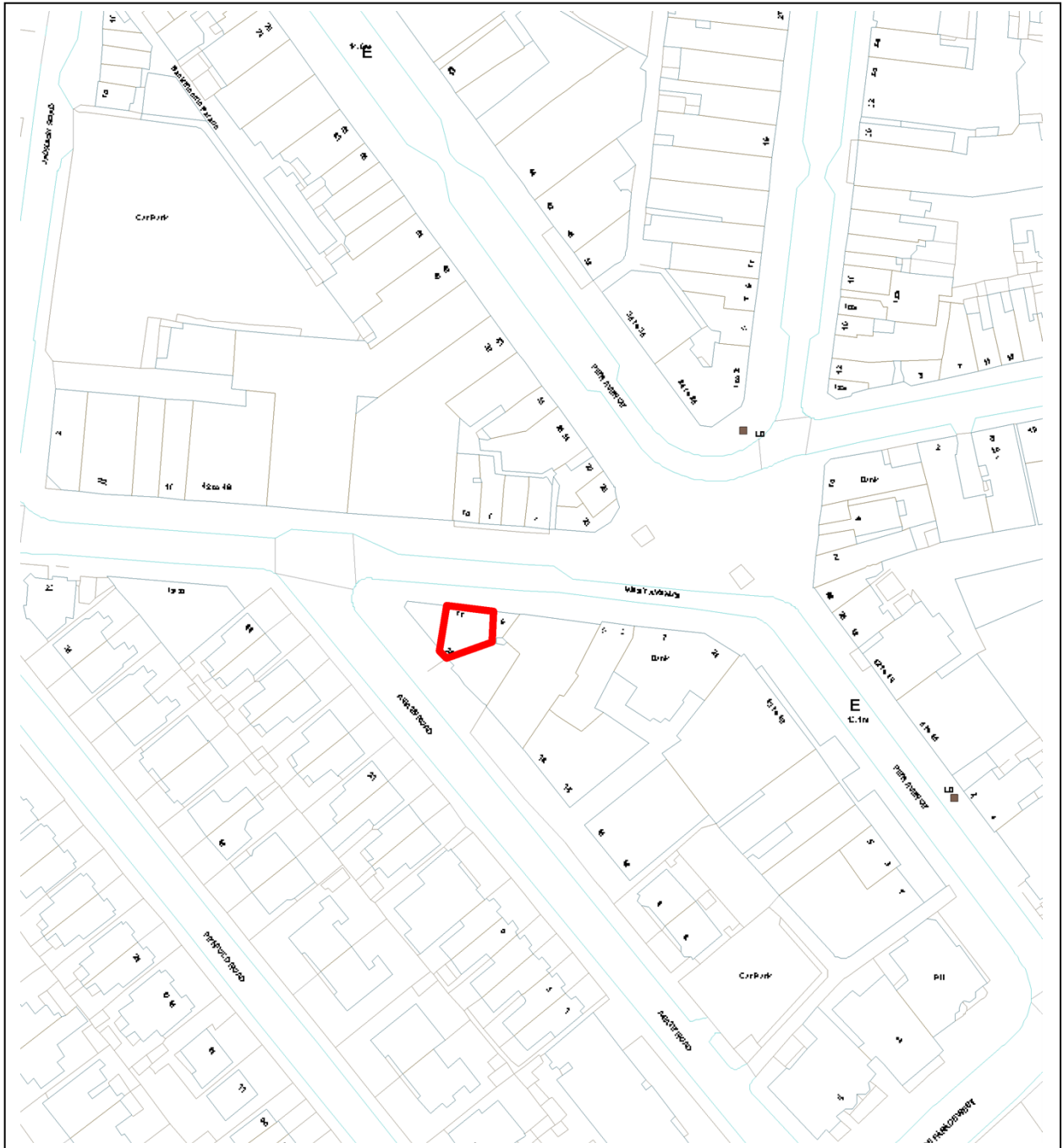


PLANNING COMMITTEE

13 DECEMBER 2011

REPORT OF THE TEMPORARY HEAD OF PLANNING

A.5 PLANNING APPLICATIONS – 11/01168/FUL – 11-13 WEST AVENUE, CLACTON ON SEA, CO15 1QS



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Application:	11/01168/FUL	Town / Parish: Clacton Non Parished
Applicant:	Cube Development	
Address:	11 – 13 West Avenue, Clacton on Sea, CO15 1QS	
Development:	Change of use to Class A2 financial use.	

1. Executive Summary

- 1.1 This application is to be determined by the Planning Committee as the recommendation is a departure from the Development Plan. The proposal is in conflict with Policy ER32a and ER33 as it proposes an A2 use within a Primary Shopping Area.
- 1.2 The officer recommendation is for an approval on the basis that there are material considerations that outweigh Development Plan policy.

Recommendation: Approve

Conditions:

- **Time Limit.**
- **Approved Plans.**

Reason for approval:

This application is in conflict with the Development Plan. However, the following material considerations in combination outweigh the Development Plan:

- Policies in PPS4 and draft Core Strategy.
- Unsuccessful marketing.
- Increase in vitality to town centre.

2. Planning Policy

National Policy:

PPS4 Planning for Sustainable Economic Growth

Local Plan Policy:

ER32a Primary Shopping Area

ER33 Non-Retail Uses Within Primary Shopping Frontages

Core Strategy and Development Policies Proposed Submission Draft:

DP9 Development in Defined Centres

3. Relevant Planning History

On 11/08/10 application 11/00706/FUL for the subdivision of the larger unit into two smaller retail units was approved.

On 12/05/11 application 11/00376/FUL for the change of use of Unit A on the site from A1 to A2 was refused as no evidence was supplied to enable policy ER33 to be set aside.

4. Consultations

Regeneration - Acknowledge that property has been marketed and the retail sector is in a challenging state but drew attention to another unit that will soon become vacant with similar use class.

5. Representations.

5.1 One representation from an address where 'Clacton Cash Exchange' is located was received. This objected to the application due to the amount of existing cheque cashing outlets in the town centre. It noted that there was a chance the shop could become let to a retail use once the economy recovers.

5.2 Competition is not a reason to refuse this scheme and other material considerations outweigh the loss of a retail unit.

6. Assessment

The main planning considerations are:

- Development Plan; and,
- Other Material Considerations;

7. Development Plan.

7.1 The application site is located within the Primary Shopping Area of Clacton as defined by the adopted Tendring District Local Plan (2007). Therefore, Policy ER32a is of primary relevance stating that, within this area proposals for non retail development at ground floor will not be permitted. Policy ER33 details the exceptions for allowing non retail uses within Primary Shopping Frontages stating development will only be permitted where non A1 uses would not detract from the core objective of providing retail outlets for the shopper.

7.2 The application proposes an A2 use within a Primary Shopping Frontage area resulting in a loss of an A1 retail unit where the proportion of frontage in A2 – A5 use already exceeds the 10% threshold specified in the policy being 38%. In terms of shopping frontage, this will increase the number of non-retail units in this length of individual street frontage to 3 out of a total of 6. The percentage of the street frontage not in retail use will increase to 54%.

7.3 The application is therefore in conflict with the Development Plan.

Other Material Considerations.

7.4 In view of this conflict with the Development Plan all other material considerations need to be addressed to see if they outweigh the Development Plan.

- 7.5 The application site is located in the town centre of Clacton and consists of Unit A of 11 – 12 West Road. Unit B is a sweet shop that is being run by a member of the owner's family. This section of West Road contains Peacocks and a novelty shop, but also includes other non-retail uses such as a fish and chip shop and Lloyds Bank.
- 7.6 Unit A has been empty for 5 years, apart for a two month period of clothing retail. During this time it has been extensively marketed. Since January 2010 the agents have had only 3 enquiries, none of which received any further response.
- 7.7 In April 2011 a conditional offer for the premises was made by Cheque Converters who required the property be taken off of the market. Given that this was the first serious offer in over 6 years of marketing the request was accepted.
- 7.8 Planning Policy Statement 4 Policy EC10 states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably. Furthermore, Policy DP9 of the Core Strategy and Development Policies Proposed Submission Draft states that development will be expected to provide an appropriate mix of 'town centre uses' within active street frontages at ground floor level. Both of these policies support the present application.
- 7.9 The Development Plan does define a large part of the town centre as primary shopping frontage. It is only Pier Avenue that really meets the 10% threshold identified in the policy. The Clacton Action Area Plan will in due course address this issue of the extent of the primary shopping frontage.
- 7.10 On the basis of the extensive marketing campaign and the somewhat peripheral nature of this section of the primary shopping frontage, it is your officer's opinion that an A2 financial use would be beneficial to this part of Clacton. Empty shop fronts are harmful to the vitality of the town centre and therefore replacing one with a town centre use is acceptable.
- 7.11 Members will need to judge whether the material considerations are sufficient to outweigh the conflict with the Development Plan. Your officer advice is that in combination these considerations do justify a departure from the Development Plan.

Background Papers.

None.