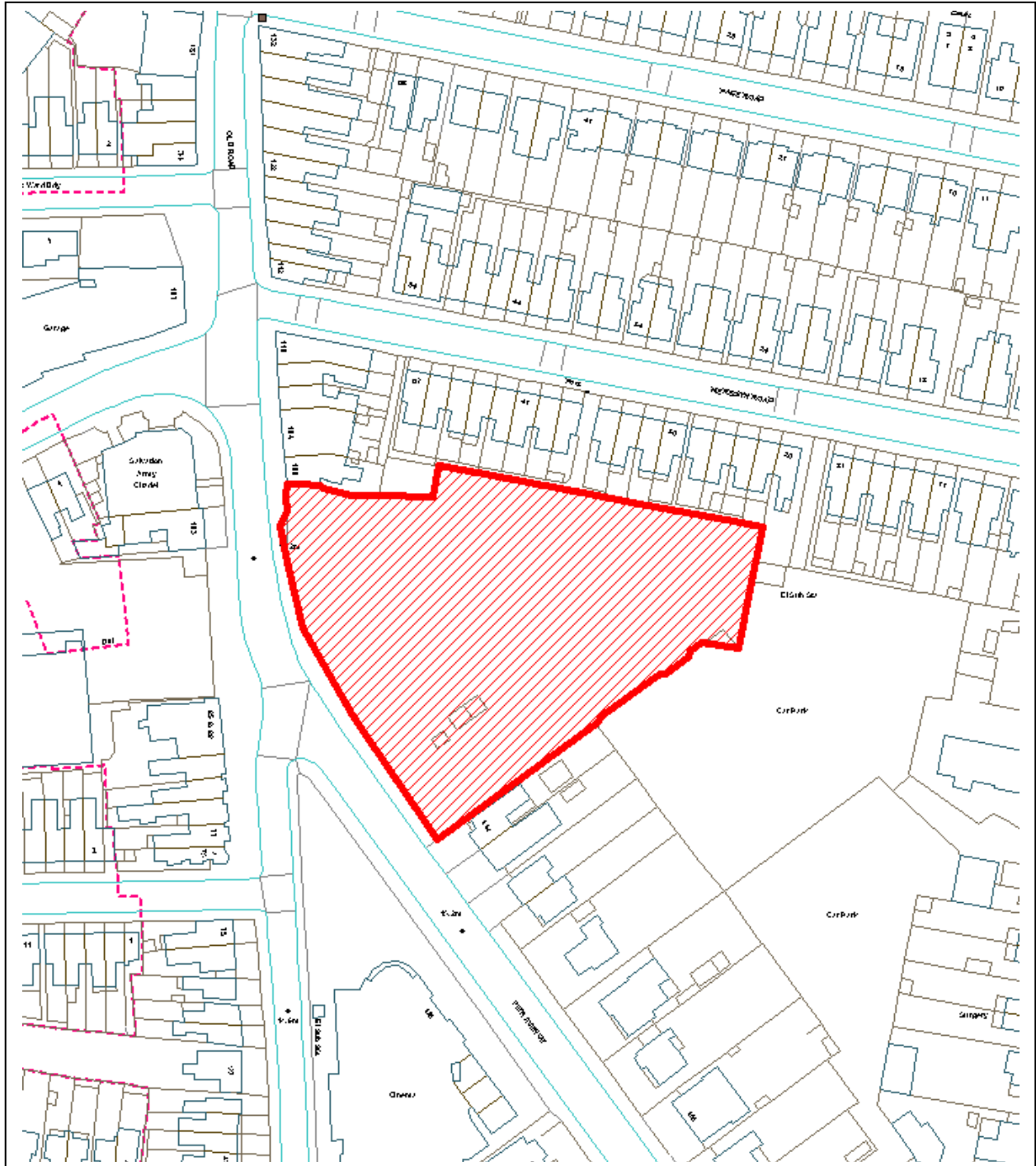


PLANNING COMMITTEE

26 FEBRUARY 2013

REPORT OF THE HEAD OF PLANNING

**A.3 PLANNING APPLICATION - 12/00856/FUL - WARWICK CASTLE MARKET SITE PIER AVENUE, CLACTON ON SEA, ESSEX, CO15 5HN**



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<b>Application:</b>	12/00856/FUL	<b>Town / Parish:</b> Clacton Non Parished
<b>Applicant:</b>	Aldi Stores Ltd	
<b>Address:</b>	Warwick Castle Market Site, Pier Avenue, Clacton On Sea, CO15 5HN	
<b>Development:</b>	Regeneration of site through erection of foodstore together with associated car park and landscaping.	

## 1. Executive Summary

- 1.1 The application is for the redevelopment of the site comprising of single-storey food store with 80 no. vehicle parking spaces, 5 no. disabled person vehicle parking spaces, 7 no. carer & child vehicle parking spaces and 8 no. cycle spaces.
- 1.2 The use of this site as a foodstore is supported through policy and is integral to the area, to address the vitality and viability of this part of Clacton on Sea town centre.
- 1.3 In design terms it is considered that the store is acceptable in its context in that it is contemporary architecture within an area of mixed development. The existing site offers no benefit in terms of visual amenity. It is considered that, the implementation of public art and open space between the road and store would improve the quality of the public realm.
- 1.4 The traffic and parking demand that will be generated by the proposed new replacement store will not generate a significant increase in traffic or parking demand when compared to the previous use of the site.
- 1.5 The proposed development, positively responds to the need for a sustainable form of development.
- 1.6 Having had regard to all material considerations, it is considered that the scheme is consistent with planning policy and that subject to appropriate conditions and s106 contributions, it is recommended that the application be granted planning permission.

### Recommendation: Approve

That the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development subject to:-

- (a) Within 3 months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters
  - Local Labour Agreement
  - Public Art
  - Monitoring
- (b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate) and with the reason for approval set out in (ii) below.

**Conditions:**

1. Standard time limit for commencement – three years
2. Development to be in accordance with approved plans
3. Restriction to retail store use only – no subdivision
4. Retail trading hours restricted to 0800hrs to 2200hrs Monday – Saturday and 1000hrs to 1600hrs on Sundays and Bank Holidays
5. Short term car parking to be provided for non-customers (1.5hr duration restriction)
6. Material samples to be approved
7. Construction Method Statement to be submitted and approved prior to commencement
8. Construction hours of working – plant and machinery
9. Hard and soft landscaping
10. Restriction on delivery hours 0700hrs and 2100hrs Monday – Saturday and 0900 – 1900 on Sundays and bank/public holidays
11. Crime prevention measures to be submitted and approved i.e. CCTV, security lighting
12. External Lighting scheme to be agreed
13. Wheel cleaning facilities to be provided within the site
14. New access off Pier Avenue and highway improvements to include:
  - bell mouth access;
  - 2 no. footways with dropped kerbs;
  - Visibility splays measuring 43x2.4x43 metres;
  - Back to back right turns within Pier Avenue at site access and Old Road. Right turn lanes to include 2 no. central pedestrian refuge islands;
  - Upgrading of two nearest bus stops to ECC specification;
15. Travel Plan
16. Footway between building and disabled/carer&child parking spaces to be minimum width of 3m and link between site and car park to south shall be a minimum 3m wide pedestrian/cycle link
17. Surface Water Drainage strategy/flood risk assessment to be approved in writing prior to any development commencing.
18. Acoustic screen to be provided to offer line of sight protection to upper windows for noise sensitive properties along Meredith Road.

**Reason for Granting Planning Permission:**

In terms of the principle the retail use as a foodstore, is supported through policy and is integral to the area, to address the vitality and viability of this part of Clacton town centre. In design terms, the building improves upon the vacant site in that it is a simple crisp modern design that creates an active frontage to the Old Road/Pier Avenue. The height which is single storey will not detract from the existing pattern of development. The relationship of the proposals between Old Road and the foodstore will create benefits such as an area of open space together with enhanced landscaping and a public art feature, which will collectively improve the quality of the public realm. The potential traffic and parking demand that will be generated by the proposed development will not generate a significant increase in traffic or parking demand when compared to the previous use of the site and the proposed relocated site access will not have any adverse impact on safety of the transportation and highways network. Furthermore, the application site has good public transport accessibility and the development will help in securing investment for the wider area and support physical regeneration.

Having considered the proposal against the statutory development plan and taking into account other material considerations, Officers consider that the proposed development is acceptable and that planning permission should be granted subject to an appropriate Section 106 being entered into and suitable planning conditions being imposed.

**Positive and Proactive Statement:**

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 those 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.

**2. Planning Policy**

National Policy:

National Planning Policy Framework (2012)

Local Plan Policy:

*Tendring District Local Plan (2007)*

QL1	Spatial Strategy
QL2	Promoting Transport Choice
QL6	Urban Regeneration Areas
QL8	Mixed Uses
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
QL12	Planning Obligations
ER31	Town Centre Hierarchy and Uses
COM1	Access for All
COM2	Community Safety
EN1	Landscape Character
EN13	Sustainable Drainage Systems
TR1a	Development Affecting Highways
TR1	Transport Assessment
TR2	Travel Plans
TR3a	Provision for Walking
TR5	Provision for Cycling

TR7	Vehicle Parking at New Development
TR8	Public Car Parking
CL7	New Town Centre Retail and Mixed-Use Development
CL14	Open Market

*Tendring District Local Plan Proposed Submission Draft (Nov 2012)*

SD1	Presumption in Favour of Sustainable Development
SD2	Urban Settlements
SD7	Securing Facilities and Infrastructure
SD8	Transport and Accessibility
SD9	Design of New Development
SD10	Sustainable Construction
PRO4	Priority Areas for Regeneration
PRO5	Town, District, Village and Neighbourhood Centres
PRO6	Retail, Leisure and Office Development
PEO19	Green Infrastructure
PLA3	Water Conservation, Drainage and Sewerage
PLA4	Nature Conservation and Geo-Diversity
COS1	Regeneration At Clacton Town Centre and Seafront
COS2	Clacton Town Centre
COS5	Warwick Castle Market Site

Other guidance:

Essex Parking Standards (2009)

Essex Design Guide (Urban Place Supplement, 2005)

**3. Relevant Planning History**

1991 - Use of whole site on Wednesdays 4pm to 9pm for car boot sales - Granted (91/00687/FUL).

1991 - Bring and sell car sales, Mondays 4pm-9pm, Fridays 4pm- 9pm – Refused (91/00794/FUL).

1991 - Variation of condition 2 imposed upon planning permission TEN/1448/85 to allow use to operate from 7.30am to 2.30pm on Sundays instead of 8.30am to 4.30pm on Sundays – Refused (91/01284/FUL).

1992 - Use of land as a full market on Fridays each week, operated at same times as markets held on Tuesdays and Saturdays (6.45am to 5.30pm) - Granted (92/00257/FUL).

2001 - Mixed retail development with associated car parking and servicing facilities for Class A1 retail development. Demolition of 1 No. toilet block – Refused (00/01732/FUL).

2001 - Mixed used development incorporating Class A1 retail and Class B2 office development with associated car parking and servicing facilities. Demolition of toilet block – Refused (01/01013/FUL).

2002 - Mixed use development incorporating class A1 retail and class B1 office development with associated car parking and servicing facilities. Demolition of toilet block - Refused (02/00139/FUL)

2005 - Proposed non-food retail/office redevelopment with new site access and ancillary parking – Withdrawn (03/02288/FUL).

#### **4. Consultations**

##### Essex County Council Highways

4.1 No objection subject to conditions relating to:

- Wheel cleaning facilities to be provided within the site
- New access off Pier Avenue and highway improvements to include:
  - bell mouth access;
  - 2 no. footways with dropped kerbs;
  - Visibility splays measuring 43x2.4x43 metres;
  - Back to back right turns within Pier Avenue at site access and Old Road. Right turn lanes to include 2 no. central pedestrian refuge islands;
  - Upgrading of two nearest bus stops to ECC specification;
  - Travel Plan
- Footway between building and disabled/carer&child parking spaces to be minimum width of 3m and link between site and car park to south shall be a minimum 3m wide pedestrian/cycle link.

##### Anglian Water

4.2 No objection subject to a controlling condition relating to the provision of a drainage strategy.

##### TDC Public Experience

4.3 The amended hours proposed by the applicants (i.e. deliveries between 0700-2100hrs Monday to Saturdays and 0900-1900hrs Sundays/Bank Holidays/Public Holidays) would be acceptable for this particular site. This is not consistent with the retail outlet at the bottom of St Osyth Road but the noise environment to the rear of that store is different in nature to that of this proposal.

4.4 The applicant's acoustic report suggests that an acceptable plant target would be 35dBA at 10m, to give a resultant level of 28dBA at residential properties in line with the lowest backgrounds as measured by survey. This could be achieved by condition to provide barrier attenuation of 10dBA, which would need to provide full line of sight protection to upper windows for noise sensitive properties along Meredith Road. This would need to take the form of a good quality acoustic screen, lined with a suitable acoustically absorbent material designed to provide appropriate attenuation, suitably protected. The detail of this acoustic screening should be agreed in writing with the local planning authority, prior to any installation.

## **5. Representations**

5.1 A total of 10 representations have been received, 7 in support, 2 in objection and providing observations.

5.2 The supporting comments are summarised as follows:

- Development has been a long time coming;
- Regeneration of this site will provide greater choice
- Employment opportunities;
- Keep people in Clacton town centre;
- Visual improvement;
- Well thought out plans;
- Short term parking to be provided;
- This is most realistic outcome for the site;
- Do not want to see site undeveloped for next 20 years;
- Aldi provides value for money;
- Operational noise will be no louder than Lidl store;
- Hope store will become a reality as site is an eyesore, and
- See no reason to refuse.

5.3 The following summarised objections have been made:

- Do not need another supermarket;
- Supposed to be a leisure and tourism area;
- Other big sites standing empty;
- Would reduce tourists visiting the town;
- Site should be promoted as jewel in the crown;
- Bland building;
- Who will police taxi rank;

## **6. Assessment**

6.1 The main planning considerations are:

- Site Context
- Proposal
- Principle of Development
- Design and Layout
- Highway Considerations
- Lighting
- Residential Amenity
- Landscaping
- Planning Obligations - Section 106 and Heads of Terms

## **Site Context**

- 6.2 The application site is located at the junction of Pier Avenue and Old Road, Clacton-on-Sea and is irregular in shape (roughly triangular), and comprises some 0.57 hectares in area. The site lies within the Clacton Town Centre boundary, as defined by the adopted Tendring District Local Plan (2007).
- 6.3 The site itself is formed of concrete hard standing and largely devoid of any notable landscaping or features other than a single-storey block of public toilets to the south of the site and a number of trees along the eastern boundary. The site is enclosed by advertising hoardings and 1.8m close-boarded fencing, of various states and condition, along the Old Road frontage. The northern boundary, to the rear of properties facing Meredith Road, is formed of 1.8m concrete post and panel fences. The eastern boundary is open to the adjacent Council operated car park, separated by a small area of landscaping with a small concrete ramp providing pedestrian access between the two areas. The southern boundary of the site is formed of 1.8m post and chain link fencing.
- 6.4 Old Road, the main thoroughfare through the district centre, lies to the eastern boundary of the application site and offers the publicly visible views of the proposal site. To the south of the site is a row of two-storey buildings, built sometime around the 1950s, and now in retail use. To the south west of the site, at the junction of Old Road and Pier Avenue can be found a former cinema, now occupied by Gala Bingo. This building presents itself at the termination of the vista along road and marks the entrance into Pier Avenue and onto the Clacton Primary Shopping Area. This building is of Art Deco styling and is of four storey design and constructed of a mix of rendered and brickwork elevations and a flat roof. Directly to the eastern side of Old Road is a row of three-storey high late Victorian period terraced properties in a mixed use of retail, fast food takeaways and restaurants with residential above.
- 6.5 Further north, and directly adjacent to these Victoria Terraces is a food supermarket (Lidl). This store is set back from the street frontage with an approximate 3m high arched brick wall to the site boundary with Old Road. The associated car park lies beyond this wall. This foodstore building is approximately 4m in height to the eaves with a rendered façade, grey metal cladding in the gable and a pan tile roof.
- 6.6 A Salvation Army Church and Community Centre building is located to the junction of old Road and St. Osyth Road. This building is a two-storey structure formed primarily of red brickwork with stone banding, cills and copping under a steeply pitched roof and was constructed some time around 1900. The Salvation Army Catherine Booth Community Centre is directly adjacent the main hall and is accommodated within a two-storey converted Victorian house and has been extended and modified to include a shop front.
- 6.7 A circa 1920 constructed parade of shops are located directly north of the application site on Old Road. These buildings are of two-storey design with a flat roof.
- 6.8 Meredith Road is situated immediately north of the application site, with rear gardens areas to residential properties projecting rearwards towards the proposal site.
- 6.9 Historically the site was first developed for the Warwick Castle Hotel circa 1900. The Hotel was demolished in the early 1970's and the site has been in use as an open-air market since then until recently when the market relocated to Jaywick.



## **Proposal**

- 6.10 The proposal is for the erection of a new food retail unit with associated car parking and external landscaping (following demolition of the existing public toilets). The proposed food store will provide a total gross floor area of 1475 square metres and a net internal retail floor area of 990 square metres. 80% of floorspace will consist of convenience goods with the remaining 20% used for the sale of a varied range of non-food products.
- 6.11 The application documents describe a total of 25 – 30 local jobs being created.
- 6.12 A total of 92 car parking spaces (including 5 no. Disabled persons and 7 no. carer & toddler spaces) are to be provided. 8 no. bicycle spaces are to be situated near the front entrance.
- 6.13 The building is to be situated to the northwest corner of the site and orientated so that the store faces Old Road and Pier Avenue. Car parking is to the south and east of the building with new landscaping to the northern boundary. A paved area with room for some public art is to be immediately forward of the entrance lobby.
- 6.14 A contemporary styled building is proposed utilising white rendered external walls.
- 6.15 The application includes the following documentation:
- Design and Access Statement
  - Acoustic Consultancy Report
  - Statement of Community Involvement
  - Sustainability Statement
  - Planning and Retail Statement
  - Transport Assessment
- 6.16 The application supporting documents describe the following operational requirements:
- A linear storage area to run parallel with retail area to facilitate efficient transfer of goods;
  - Adequate clear space for manoeuvring of service vehicles;
  - Sufficient car parking for customers;
  - Entrance to be emphasised to create an attractive and recognised retail entrance;
  - Minimal distance between tills, entrance and cash office;
  - Staff rooms and storage;
  - 3.5m clear floor to ceiling height
- 6.17 The supporting documents make the following summarised points:
- ALDI's philosophy is to provide high quality products within a pleasant shopping environment, whilst ensuring that they are offered to the customer at heavily discounted prices.
  - Discounted prices are achieved through considerable bulk buying power, specialisation in the number of lines offered and maximising efficiency within the operation of the stores. Prices are not lower because the quality of products is less.
  - ALDI have received widespread recognition of the quality of the brand, regularly winning awards including, 'Which?' Best Supermarket Award and Winner of the Grocer Awards 'Grocer of the Year and Discounter of the Year.
  - An ALDI Store will extend and enhance the existing convenience provision within not only the immediate locality but, by providing a facility which is highly accessible to the

surrounding community, will address the Government's key objective of minimising social exclusion.

- In respect of potential competition and serving a specific need, ALDI stores differ from larger foodstore formats in a number of respects. When the composition of product lines is considered, ALDI sell only an extremely limited range of meat lines so as not to compete with local butchers.
- ALDI do not sell cigarettes, lottery tickets, newspapers or magazines and stock only a small range of branded wines and spirits as well as a limited range of breadlines and a small number of boxed cakes.
- The ALDI store format does not include specialist meat, fish, delicatessen, chemist or bakery counters, which are commonplace with larger supermarket chains.

### **Applicant Pre-Application Public Consultation**

- 6.18 The applicant advises that current proposals have evolved over a number of years and involved extensive discussions with the local community. Officers are advised that community engagement has been widespread and included two public exhibitions and a leaflet drop of local residents. The exhibitions, held at Pier Avenue Baptist Church, were well-attended and the Aldi full project team was on hand to explain the scheme and answer any questions. It is reported that feedback from this was positive, with the main areas of feedback being; redevelopment of an 'eyesore', retail choice and job creation. Local residents on Meredith Road raised concerns over the potential impact that a two-storey development would have on light and privacy and also asked that the shared boundary between the store and their properties had secure boundary treatment and was well-landscaped and both these aspects are included in the submission. Prior to submission Aldi sent out a leaflet to 500 addresses in the immediate vicinity of the site to update residents on progress, as well as setting out how the scheme had incorporated feedback. A freepost address and email was set up so that residents could make further comments. Aldi also had a dedicated telephone line open throughout the process for the public to contact should they have any ongoing questions.

### **Principle of Development**

- 6.19 The proposal site is situated within the defined Clacton-on-Sea Town Centre, as defined by Policy ER31 of the adopted Local Plan. As such, there is no conflict with planning policy in this regard and therefore no objection in principle to the development of this site for a retail food store.
- 6.20 Achieving sustainable development is seen as the mantra within the National Planning Policy Framework (The Framework), and developments that accord with the Development Plan and reflect sustainable development should be approved without delay. The Framework sets out however that there are three aspects of sustainable development – an economic, social and environmental role.
- 6.21 With regards to the economic role there is a strong commitment within The Framework to ensure that sustainable economic development is supported and encouraged through the planning system and that it does not act as an impediment to sustainable growth. The provision of a development incorporating a food store is considered to be a form of economic development, which the Government does encourage through The Framework.
- 6.22 Development that provides economic benefit and which will increase the range of retail offer for the town and which has the potential to increase employment and spending within the

built up area of Clacton-on-Sea, is a material consideration in the determination of this application which must weigh in favour of the development proposal.

### **Design and Layout**

- 6.23 The proposal involves the erection of a single-storey, double height, flat roof store. The design provides curtain wall glazing in an anthracite grey frame to the west elevation facing Old Road and wraps around the corner of the building alongside the new access (on the south elevation). The remaining elevations are mainly formed using crisp white rendered panels.
- 6.24 The south elevation addresses the proposed car park and this elevation is provided with high level anthracite framed glazing to bring natural light into the retail space. No high level windows have been provided to the northern or eastern elevations.
- 6.25 A cantilevered canopy runs alongside the glazing on the west elevation facing High Road and wraps round the building to the south elevation for three bays.
- 6.26 In design terms the scheme is functional and of a layout/design that meets corporate requirements. Essex County Council urban design advice was sought in relation to the proposals. ECC advocate a mixed use development on the site as in their opinion this will offer a number of benefits including a more active and interesting frontage and stronger spatial enclosure of the gateway space formed at the junction of Pier Avenue and Old Road.
- 6.27 Your officers' views are that the proposal building represents straightforward contemporary architecture. The palette of materials, including glazed facade and colour is simple and not unattractive on the street frontage. The glazing onto Old Road creates a more active frontage than the previous vacant use of this site. The additional landscaping and public art features proposed, together with the contemporary approach to the design will contribute positively to the street scene.
- 6.28 The design, mass and bulk of the development are considered to respond adequately to the sites orientation and context. It will sit well within the existing pattern of development and improve the quality of the public realm.

### **Highway Considerations**

- 6.29 The application site is currently served from an access on Pier Avenue which is located close to the southern site boundary adjacent to an existing taxi rank. The proposals include the provision of a new vehicular access leading to the associated car parking area, which will also be available for general use (time limited to 1.5 hours).
- 6.30 The application is accompanied by a Transport Assessment which concludes by stating:
- The site is accessible by a choice of travel modes and would promote trip linkage with other local facilities;
  - Traffic impact would be within acceptable limits;
  - There are no road safety issues;
  - The internal site layout is well conceived in terms of layout and composition, and
  - Conclude that the proposed development is acceptable from a transport perspective.
- 6.31 Essex County Council, as highway authority have been fully consulted on the proposals and they raise no objection to the proposals subject to:
- Wheel cleaning facilities to be provided within the site

- New access off Pier Avenue and highway improvements to include:
  - bell mouth access;
  - 2 no. footways with dropped kerbs;
  - Visibility splays measuring 43x2.4x43 metres;
  - Back to back right turns within Pier Avenue at site access and Old Road. Right turn lanes to include 2 no. central pedestrian refuge islands;
  - Upgrading of two nearest bus stops to ECC specification;
  - Travel Plan
- Footway between building and disabled/carer&child parking spaces to be minimum width of 3m and link between site and car park to south shall be a minimum 3m wide pedestrian/cycle link.

6.32 The proposed access arrangements and associated parking arrangements are considered acceptable.

### **Lighting**

6.33 A controlling condition is recommended in order to secure an acceptable scheme of lighting for the site.

### **Residential Amenity**

6.34 The application site is bordered by residential properties to the north, which front Meredith Road. In terms of overlooking neighbouring residential properties, the single-storey nature of the development ensures that the store will not have a detrimental impact on the surrounding residential properties. When considering alternative designs for the site, officers were mindful that any introduction of a second or even third storey on this site may introduce a level of direct overlooking of private rear amenity areas as well as overshadowing and a reduction of existing daylight amenities. This would be materially harmful to residential amenity. Therefore the proposed scale is respectful of neighbouring amenity.

6.35 To ensure that there is no significant adverse impact on neighbouring properties arising from noise generated by the development, an acoustic screen should be provided. This can be secured by condition and will protect the upper windows of the properties along Meredith Road. Accordingly, the scale, orientation and design of the proposal building are considered satisfactory in reducing impact on local amenity, and in particular, in relation to the residential amenity of nearby residents.

### **Landscaping**

6.36 The proposals include a landscape buffer, comprising of new planting, along the entire northern boundary, which is shared with the rear garden areas of properties fronting Meredith Road. In addition, planting is also proposed to the front of the site and within the car parking area. Hard landscaping together with a public art feature will be used to the front/side of the Old Road/store access area as well as to the car parking areas.

6.37 The proposed hard and soft landscaping scheme is considered acceptable and even an enhancement over existing arrangements.

### **Planning Obligation – Section 106 and Heads of Terms**

6.38 Section 106 agreements, or planning obligations, are legally binding commitments by the applicant/developer and any others that may have an interest in the land to mitigate the

impacts of new development upon existing communities and/or to provide new infrastructure for residents in new developments. The policy tests which planning obligations must meet in order to be lawful were recently enshrined in statute by the Community Infrastructure Levy Regulations 2010. Planning obligations must be: 1) necessary to make the development acceptable in planning terms, 2) directly related to the development, and 3) fairly and reasonably related in scale and kind to the development.

6.39 In this instance the following Heads of Terms are proposed:

- Local Labour Agreement
- Public Art
- Monitoring

*Local Labour Agreement*

6.40 The applicant has agreed to a local recruitment strategy which will include details of how they shall use their reasonable endeavours to promote and encourage the recruitment of employees and other staff in the locality of the application site for the construction of the development and for the uses of the development.

*Public Art*

6.41 The applicant has agreed to provide public art near to the store entrance. Whilst this could be secured via a commuted sum, officers propose that the developer provides and erects the feature, following a design achieved through local consultation, potentially via a local school or interest group. This matter is being progressed and an update will be provided at the meeting.

*Monitoring*

6.42 A monitoring fee is required in relation to each item (including Travel Plan to be secured by condition). The applicant has agreed to this provision.

Background Papers

None.