

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AN	17/7/2018
Planning Development Manager authorisation:	SCE	17.07.18
Admin checks / despatch completed	AP	18/7/18

Application: 18/00646/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Ms Becky Mumford

Address: Land Site at Martello Caravan Park Kirby Road Walton On The Naze

Development: Variation of Condition 2 of 15/00666/FUL to vary plans resulting in a minor increase of 134 sqm gross floor area, amending the size and layout of the storage area and staff offices, entrance location, and parking and trolley bay locations.

1. Town / Parish Council

Frinton & Walton Town Council Approve

2. Consultation Responses

ECC SuDS Consultee See documents dated 17th May 2018.

Tree & Landscape Officer The proposed alteration to the building does not appear to affect the proposed soft landscaping.

Essex County Council
Archaeology No objection. See document dated 08.05.18

ECC Highways Dept The Highway Authority has assessed the minor amendment to the building and does not wish to raise any objections

3. Planning History

11/00244/FUL	Erection of Class A1 retail supermarket and petrol filling station with associated access, car parking, servicing, landscaping and pedestrian footbridge.	Approved	19.10.2012
11/00903/OUT	Proposed redevelopment of the Martello Caravan Park for a new residential neighbourhood with ancillary mixed-use commercial zone. Phase 1 comprising a site area of fifteen acres and providing 150 dwellings including sheltered housing and ancillary commercial zone to include a food superstore, retirement home and doctors group practice/health centre.	Withdrawn	12.08.2011
12/00410/FUL	Proposed major engineering works to raise the lever of the front 3.2 hectares of the site above the flood	Approved	

	plain and the provision of the base course for new service roads, roundabout and car park.		
14/01085/FUL	The implementation of a new access road and associated highway infrastructure to support the redevelopment of the later development of the Martello site.	Approved	26.01.2015
15/00666/FUL	Regeneration of the site through construction of foodstore together with associated parking & landscaping, and regrading of levels to facilitate development.	Approved	06.11.2015
16/01131/DISCON	Discharge of condition 3 (surfacing materials), 7 (hard and soft landscaping), 9 (landscape management plan), 11 (foul water strategy), 14 (linkthrough details) and 19 (Construction Method Statement) of approved planning application 15/00666/FUL.	Current	
16/02054/DISCON	Discharge of condition 6 (Recruitment Strategy) of approved planning application 15/00666/FUL.	Approved	30.01.2017
18/00415/DISCON	Discharge of conditions 20 and 21 of planning permission 15/00666/FUL. Written Scheme of Investigation Report and Archaeological Trial Trench Evaluation Report.	Approved	30.04.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL6 Urban Regeneration Areas

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER18 Caravan and Chalet Parks

ER31 Town Centre Hierarchy and Uses

ER32a Primary Shopping Area

COM1 Access for All

COM2 Community Safety

COM21 Light Pollution

COM23 General Pollution

COM29 Utilities

COM31A Sewerage and Sewage Disposal

EN12 Design and Access Statements

EN13 Sustainable Drainage Systems

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

TR1A Development Affecting Highways

TR1 Transport Assessment

TR2 Travel Plans

TR3A Provision for Walking

TR5 Provision for Cycling

TR6 Provision for Public Transport Use

TR7 Vehicle Parking at New Development

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

SD1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PP1 New Retail Development

PP2 Retail Hierarchy

PP4 Local Impact Threshold

PP5 Town Centre Uses

PP14 Priority Areas for Regeneration

PPL1 Development and Flood Risk

PPL5 Water Conservation, Drainage and Sewerage

PPL7 Archaeology

PPL8 Conservation Areas

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. 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.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. Importantly the Inspector has confirmed that the housing requirement for Tendring of 550 new homes per annum for the period up to 2033 is based upon sound evidence. There are however concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. 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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

The Council can demonstrate, with robust evidence, a five-year supply of deliverable housing sites and this has been confirmed in recent appeal decisions. This is based on a housing requirement of 550 dwellings per annum which has been confirmed as sound by the Inspector for the Local Plan examination. Therefore policies for the supply of housing are not out of date and applications for housing development are to be determined in accordance with the Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

History

- 15/00666/FUL approved: Regeneration of the site through construction of foodstore together with associated parking & landscaping, and regrading of levels to facilitate development.

- 16/01131/DISCON is still a pending application. Conditions 3, 7, 14 (on 24/8/16), 9 (on 8/9/16), and 19 (on 17/10/16) have all been discharged. However, condition 11 (foul water strategy) is still outstanding.
- 16/02054/DISCON discharged condition 6.
- 18/00415/DISCON discharged conditions 20 and 21.
- Condition 11 (foul water strategy) is still awaiting agreement from Anglian Water under 16/01131/DISCON. There is no record of condition 12 (surface water) having been submitted for formal discharge and the applicants have been made aware of this on a number of occasions. They have confirmed this is currently being compiled.
- The remaining conditions 10, 15 and 16 are pre occupation so can be dealt with at a later date.

Proposal

- The application seeks variation of condition 2 of 15/00666/FUL to vary plans resulting in a minor increase of 134 sqm gross floor area, amending the size and layout of the storage area and staff offices, entrance location, and parking and trolley bay locations.
- Amendments have been made by the applicants to alter the entrance area and trolley store location, and at the case officer's request additional large specimen shrubs have been provided within the soft landscaping. Soft landscaping details and management plan previously approved under discharge of conditions 7 and 9 are now replaced by that contained within this application due to the extended footprint taking up part of the previously approved front planting bed.

Representations

- The Town Council recommend approval

Assessment

- The changes proposed represent a minor increase (around 62 sq m) in the approved floor area. This does not affect the approved retail area but improves the approved staff and storage areas.
- The proposal results in minor external changes including reduced glazing to the south elevation; enlarged plant enclosure; relocation of personnel door on North elevation; altering the entrance door location within the entrance lobby; relocating the trolley store; increasing the extent of tiling under the canopy; and relocation of one parking space.
- The enlarged plant area brings the building closer to the highway on the northern boundary, which is the rear of the store but is where vehicular access is gained to the site so is a prominent elevation. Additional landscaping has been secured to soften the impact of this change and it is still set back from the main northern elevation, although the road alignment results in no landscaping in front of this area. There is a 3m high Green Screen which wraps around the proposed extension and further down the side boundary comprising 21 screens in total planted with Hedera helix 'Woerner' which is English Ivy to provide a dense soft landscaped screen to this area. On balance given the small change in relation to the approval and improved planting to the deep landscaping bed on the majority of the northern elevation and the green screens there would be no significant harm to visual amenity as a result of the plant extension.
- The proposed changes are therefore considered visually acceptable and have no impact upon the retail floor space previously approved.
- There is no change to the number of parking spaces provided just one relocation to allow for the relocated trolley park. The Highway Authority has no objection.
- The changes proposed do not affect the overall bulk of the building and would have negligible impact upon the setting of the Walton Conservation Area and the Martello Tower Grade II listed building and Scheduled Ancient Monument.
- There is also no impact upon neighbouring residents as the site lies opposite the approved Marks and Spencer Food Hall.
- Suds confirm the changes proposed are not considered to have a significant impact on surface water drainage and will be assessed at the discharge of condition stage. The modest extension proposed would not therefore have any material impact upon flood risk being located at the very edge of, but within, the flood zone.
- The proposed variation to 15/00666/FUL is therefore acceptable subject to alteration to the wording of the original conditions to reflect those already discharged as detailed above. The site has been cleared and archaeological work is completed. ECC Archaeology have commented to confirm the final archaeological fieldwork report is still to be submitted so a condition to secure this is required.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans and contained within the submitted reports as follows:

Drawing numbers 1293 CHE: 100 L, 101 D, 102 E, and 104 B; and V1293 L01 B.

Landscape Maintenance and Management Plan Document No: V1293_R01B Rev B.

As submitted and approved under 15/00666/FUL: Drawing numbers 14001 - 05 and 14001 - 06; and Reports and Technical Information:

- o Archaeological Desk-Based Assessment (Heritage Collective)
- o Architectural Drawings and Design and Access Statement (The Harris Partnership)
- o Ecological Assessment (Ecology Solutions)
- o Environmental Noise Report (Sharps Redmore)
- o Flood Risk Assessment and Drainage Strategy Report (Stirling Maynard)
- o Planning Statement (Planning Potential)
- o Recycled Aggregate
- o Statement of Community Involvement (Communications Potential)
- o Transport Assessment and Travel Plan (Connect)

Reason - For the avoidance of doubt, in order to ensure the development is carried out in accordance with the approved details in the interests of proper planning.

- 2 The surfacing materials for the car park and all other public circulation areas shall be as approved under 16/01131/DISCON unless otherwise agreed in writing by the Local Planning Authority.

Reason - In order for the Local Planning Authority to retain control over the materials to be used for the proposed development in the interests of visual amenity and to protect and enhance the character and appearance of the area.

- 3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended by the Town and Country Planning (Use Classes) (Amendment) (England Order) 2005 (or any order revoking or re-enacting those Orders with or without modification), the retail foodstore hereby permitted shall be used for Class A1 (Retail) purposes only.

Reason - In order for the Local Planning Authority to retain control over the uses on the site because the retail impact of the development on the town centre of Walton on the Naze has been made on the basis of the information submitted for the scale and nature of the development hereby permitted.

- 4 Notwithstanding the provisions of Article 3, Schedule 2, Part 8 or Part 42 Class A, B or C of the Town and Country Planning (General Permitted Development) Order 1995, as amended, (or in any order revoking or re-enacting that order with or without modification) there shall be no extension to the hereby permitted foodstore or provision of retail floor space in the hereby permitted foodstore in excess of 1254 square metres net sales without the express permission of the Local Planning Authority of which no more than 334 square metres shall be used for the sale of comparison goods; neither shall there be any subdivision of the net sales floor area; nor provision of ancillary or subsidiary retail units within that sales floor area or the creation of any mezzanine floors.

Reason - In order for the Local Planning Authority to retain control over the uses on the site because the retail impact of the development on the town centre of Walton on the Naze has been made on the basis of the information submitted for the scale and nature of the development hereby permitted.

- 5 The local recruitment strategy shall be as approved under 16/02054/DISCON unless otherwise agreed in writing by the Local Planning Authority.

Reason - In order to recruit and procure services locally to help and improve employment and training opportunities for local residents.

- 6 The approved landscaping details as shown on drawing number V1293_L01 B shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

- 7 The landscape maintenance and management plan Document No: V1293_R01B Rev B shall be carried out as approved in accordance with the details and the timescales in the plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the proper management and maintenance of the approved landscaping in the interests of the amenity and character and appearance of the area.

- 8 All of the following shall be provided or erected and/or installed prior to the occupation of any part of the development and, notwithstanding the details submitted with the application, none of the following shall be installed or erected and/or installed until a detailed scheme showing full details of each has been submitted to and approved in writing by the Local Planning Authority (including a date for installation or a timetable for implementation where applicable):

- a. All external lighting, including details of measures to minimise light pollution to adjoining residential properties
- b. All external plant and machinery
- c. A scheme for the provision and implementation of water, energy and resource efficiency measures during the construction and occupation of the development
- d. All boundary treatments including engineering and facing material details of all retaining walls
- e. A Service Management Plan (specifying delivery times and the means of securing and managing the car parking areas)
- f. Flood resistance and resilience measures
- g. A Flood Evacuation Plan

The approved details shall be constructed/implemented and adhered to therein after, unless otherwise agreed in writing with the Local Planning Authority.

Reason - In order to protect residential amenity; highway safety; heritage assets and in the interests of sustainability.

- 9 Notwithstanding the details submitted with the application, no development shall commence (excluding operations consisting of site clearance; demolition works; archaeological investigations; investigations for the purposes of assessing ground conditions; remedial work in respect of any contamination or other adverse ground conditions; diversion and laying of services; and groundworks) until a foul water strategy has been submitted to and

approved in writing by the Local Planning Authority. No occupation of the hereby permitted retail store shall occur until the works have been carried out in accordance with the approved foul water strategy.

Reason - To prevent environmental and amenity problems arising from flooding and to prevent pollution of the water environment.

- 10 Notwithstanding the details submitted with the application, no development shall commence (excluding operations consisting of site clearance; demolition works; archaeological investigations; investigations for the purposes of assessing ground conditions; remedial work in respect of any contamination or other adverse ground conditions; diversion and laying of services; and groundworks) until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority.

The surface water management strategy shall provide information about:

- o An appropriate level of treatment for all run off leaving the site
- o The method employed to delay and control the surface water discharged from the site
- o The design and maintenance of water storage (above or below ground)
- o Measures taken to prevent pollution of the receiving groundwater and/or surface waters
- o A timetable for implementation
- o A management and maintenance plan for the lifetime of the development (including any arrangements for the adoption by any public authority or statutory undertaker)

No hard-standing areas shall be constructed until the works have been carried out in accordance with the approved surface water strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason - To prevent environmental and amenity problems arising from flooding and to prevent pollution of the water environment.

- 11 The hereby permitted retail store shall have a finished ground floor level of no lower than 4.87 metres above Ordnance Datum (AOD) and the finished car park level shall be set no lower than 4.1 metres above Ordnance Datum (AOD).

Reason - To reduce the risk of flooding to the proposed development and future occupants.

- 12 The following details shall be carried out in accordance with the drawings and information approved under 16/01131/DISCON, unless otherwise agreed in writing by the Local Planning Authority:

- a) The shared footway/cycleway at the proposal site access continued round the kerbed radii into the car park
- b) The pedestrian link through the car park between the proposal site's western boundary and the food store building with a minimum 3 metre wide shared footpath/cyclepath

The development shall be carried out in accordance with the approved drawings and shall be completed prior to first occupation of the hereby permitted retail store.

Reason - To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

- 13 No occupation of the hereby permitted retail store shall take place until the following have been provided or completed:

- a) The highway works attached to planning permission reference 14/01085/FUL

- b) A priority junction off the highway works mentioned under item a) above as shown in principle on the planning application drawings. Junction shall include but not be limited to a minimum 43 x 2.4 x 43 metre visibility splay
- c) Upgrading to current Essex County Council specification of the two bus stops nearest the proposal site which have the highest frequency of service. Upgrade shall include but not be limited to provision of real time passenger information
- d) A pedestrian central refuge island and associated dropped kerbs and tactile paving at the eastern end of the proposed right turn lane in Kirby Road
- e) Dropped kerbs and tactile paving at the Kirby Road/'Mill Lane Link' junction

Reason - To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

- 14 Prior to occupation of any part of the development, a Staff Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Staff Travel Plan shall include details of how the developer will reduce single occupancy car use in journeys to work; to promote sustainable means of transport for staff; provide details of an annual Staff Travel Survey. The Staff Travel Plan shall be implemented in accordance with the agreed details for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority .

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 15 No occupation of any part of the development hereby permitted shall occur, until such time as the service yard and car parking areas indicated on the approved plans, including any spaces for the mobility impaired have been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 16 No occupation of any part of the development hereby permitted shall occur, until such time as the bicycle parking facilities indicated on the approved plan have been provided. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking of bicycles related to the use of the development.

Reason - To ensure sufficient bicycle parking within the site at all times in the interests of sustainability.

- 17 The Construction Method Statement shall be as approved under 16/01131/DISCON unless otherwise agreed in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

Reason - To control the construction phase in order to ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and to protect the amenities of the occupiers of nearby residential properties.

- 18 Following completion of the archaeological fieldwork, and in accordance with the Written Scheme of Investigation approved under 18/00415/DISCON , the developer will submit to the Local Planning Authority a final archaeological fieldwork report, which shall include information on the full site archive and arrangements for deposition.

Reason - To protect and preserve any below ground heritage assets.

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.

Highways Informative:

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and specifications of, the Highway Authority, details to be agreed before the commencement of works. The following should be noted

- o Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works
- o All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)
- o All highway related details should be agreed with the Highway Authority
- o The proposal should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009
- o Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River
- o If the applicant believes they need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively they can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk

Planning permission does not negate the requirement for consent and full details of the proposed works will be required at least two months before the intended start date.

The applicants are advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO1 Essex Highways Colchester Highways Depot, 910 The Crescent, Colchester CO4 9QQ.

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

The Applicant should be advised to contact the Essex County Council travel plan team at travelplanteam@essex.gov.uk to confirm arrangements for the planning and implementation of the travel plan.

The developer is reminded of the need to consider the advisory comments of the Environment Agency; Anglian Water; and the ECC Archaeological Officer contained within the background papers of the application when providing details to discharge these conditions of the planning permission.

The applicant is advised that the details required to be submitted in connection with the conditions above should include consideration of rain water harvesting; and renewable energy measures including heat recovery from fridge; freezers and plant/machinery.

The applicant is advised that in connection with the conditions above the following details should be contained within the surface water strategy:

- o The hydrological and hydrogeological context of the development
- o Infiltration testing in line with BRE 365. If infiltration is found unviable then run off rates for all storms up to the 1 in 100 year event inclusive of climate change shall be limited to a maximum of 2.1 litres per second
- o Storage on site which will cater for the 1 in 100 year critical pluvial storm inclusive of climate change in combination with a 1 in 20 year tidal event inclusive of climate change