

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	07/11/18
Planning Development Manager authorisation:	SCE	15/11/18
Admin checks / despatch completed	en	15/11/18

**Application:** 18/01494/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** East of England Co-operative Society Ltd

**Address:** Co Op Local Food Store 162 - 164 Old Road Clacton On Sea

**Development:** Proposed installation of security bollards to external facing ATM.

### 1. Town / Parish Council

Clacton is non parished.

### 2. Consultation Responses

ECC Highways Dept  
(Amended Comments)

Recommends Application for Approval

ECC Highways Dept

It would appear that the proposed development will be on land considered Private Forecourt fronting the food store, however it is strongly suggested that this is confirmed prior to any development commencing as all development should be entirely clear of the limits of the highway. Should this land be confirmed as Private Forecourt then the Highway Authority raises no objections to the proposal.

Informative1: 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; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

### 3. Planning History

95/01267/FUL	(Part of 162/164 Old Road, Clacton on Sea) Change of use of surplus storage area at rear of existing shops to that of 2 - No. bedsit flatlets with parking all within	Refused	30.01.1996
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	curtilage of site.		
03/00668/FUL	Rear extension and new shop frontage.	Approved	25.07.2003
04/00718/FUL	Installation of ATM	Approved	28.05.2004
04/00967/FUL	Installation of 1 metre satellite dish for connection to ATM	Approved	19.07.2004
04/01289/FUL	Repositioning of deliveries entrance	Approved	24.08.2004
18/01494/FUL	Proposed installation of security bollards to external facing ATM.	Current	

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER31 Town Centre Hierarchy and Uses

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

SPL3 Sustainable Design

PP5 Town Centre Uses

#### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) 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 48 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. They raise 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 48 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.

## **5. Officer Appraisal (including Site Description and Proposal)**

### **Site Description**

The application site is an existing retail unit, Co-op Foodstore, 162-164 Old Road, Clacton on Sea. The site is located within the settlement development boundary of Clacton on Sea and within an urban regeneration area.

### **Proposal**

This application seeks permission for the erection of two security bollards to the external facing atm.

### **Assessment**

The main considerations for this application are the design and appearance, impact upon neighbouring amenities and highway safety.

### **Design and Appearance**

QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.

The proposed bollards will be sited to the front of the existing ATM along Old Road and therefore will be publically visible. However, due to the bollards being positioned in close proximity to the ATM and being set back from the highway, as well as there being other bollards and other street furniture along Old Road, it is considered that the proposal will not cause any significant impact upon the street scene.

### **Impact upon neighbouring amenities**

The proposed bollards are not considered to cause any significant impact upon the neighbouring amenities.

### **Highway Safety**

As the proposal will be placed upon the existing pavement Essex County Council Highways have been consulted. No objections have been raised and a condition stating that the bollards should be clear of the highway has been suggested and imposed upon the permission.

### **Other Considerations**

Clacton is non parished.

No further comments have been received.



## Conclusion

In the absence of material harm resulting from the proposed development the application is recommended for approval.

### 6. Recommendation

Approval - Full

### 7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Drawing No. 4768.15-PLI Rev A and Design and Access Statement dated September 2018.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 All development shall be entirely clear of the limits of the highway.

Reason: To preserve the integrity of the highway in the interests of highway safety.

### 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.

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; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

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653 The Crescent,  
Colchester  
CO4 9YQ

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	<b>YES</b>	<b>NO</b>
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<b>Are there any third parties to be informed of the decision?</b> <b>If so, please specify:</b>	<b>YES</b>	<b>NO</b>