



TENDRING DISTRICT COUNCIL

Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

AGENT:	Mr Mark Wood - MWA 12 The Glenmore Centre Jessop Court Waterwells Business Park Gloucester GL2 2AP	APPLICANT:	Mr Mike Cotter - CDS (Superstores International) Ltd Unit 15 William Prance Road Plymouth PL6 5ZD
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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 19/01174/FUL **DATE REGISTERED:** 5th August 2019

Proposed Development and Location of the Land:

**Variation of condition 3 of application 04/00765/FUL to enable the sale of a limited range of food and drink items
The Range Valleybridge Road Clacton On Sea Essex**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY GRANT PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted, subject to the following conditions;

- 1 No more than 225 square metres of the floorspace within the retail unit shall be used for the sale of pet supplies. The floorspace is defined as including half of the adjacent aisle width.

Reason - In order to maintain the vitality and viability of Clacton Town Centre and minimise the floorspace devoted to non bulky goods.
- 2 No more than 135 square metres of the floorspace contained within the retail unit shall be used for the sale of stationery. The floorspace is defined as including half of the adjacent aisle width.

Reason - In order to maintain the vitality and viability of Clacton Town Centre and minimise the floorspace devoted to non bulky goods.
- 3 The premises shall not be used for any purposes other than the sale of carpets, furniture, electrical goods, sanitary ware including bathrooms, kitchens and bedroom unit decorative products, including ceramic tiles, wallpapers, paint and floor coverings, timber wall boards, packs of sand and cement, guttering and pipes, doors and other building materials and home improvement goods, tools and equipment, garden supplies and associated items, auto parts, sports goods, chandlery and marine accessories, hobbies and toys, textiles/furnishings, pet supplies, stationary, kitchen equipment, cookware, utensils and accessories, ceramics, tableware, glassware and bathroom accessories and for no other purpose, including any other purpose set out in the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification).

Notwithstanding the above, up to 280 square metres within the premises can be used for

the sale of food goods.

Reason - In order to safeguard the vitality and viability of Clacton Town Centre and minimise the floorspace devoted to non bulky goods.

- 4 The layout of the car parking spaces shall be in full accordance with drawing number 004 004, as confirmed within the letter from the Local Planning Authority dated 11 August 2005. The car parking spaces shall be retained and used solely for the parking of vehicles at all times and shall not be used for any storage or retailing of goods and equipment.

Reason - To ensure a minimum level of parking provision for this extended retail unit to minimise the potential parking of vehicles in nearby residential streets that with evening and weekend opening would be harmful to residents' amenities and to highway safety.

- 5 The mezzanine floor shall not exceed 1,673 square metres. No insertion of any additional floorspace including any mezzanine shall take place at any time.

Reason - The proposals only include a mezzanine floor in part of the building. There is scope to increase the floorspace still further. If such a proposal were forthcoming it would require fresh consideration of its impact on the vitality and viability of Clacton town centre and on car parking levels.

DATED: 24th September 2019

SIGNED:



Catherine Bicknell
Head of Planning

IMPORTANT INFORMATION :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

ER32 Town Centre Uses Outside Existing Town Centres

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

PP4 Local Impact Threshold

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.

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
 - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.