

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	19/09/19
Planning Development Manager authorisation:	AN	23/9/19
Admin checks / despatch completed	ER	24/9/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SS	24/09/2019

Application: 19/01174/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Mike Cotter - CDS (Superstores International) Ltd

Address: The Range Valleybridge Road Clacton On Sea

Development: Variation of condition 3 of application 04/00765/FUL to enable the sale of a limited range of food and drink items

1. Town / Parish Council

Clacton – Non Parished.

2. Consultation Responses

N/A

3. Planning History

00/00229/FUL	Mobile catering unit (Renewal of planning permission TEN/98/1584)	Approved	23.03.2000
00/01487/FUL	Fire protection works: Erection of a sprinkler tank and pumphouse to serve a sprinkler system within existing retail store	Approved	17.10.2000
96/01035/FUL	(B & Q, Valleybridge Road, Clacton on Sea, Essex) Erect 3.6m high galvanised weld mesh fence and gates to form secure loading bay compound	Refused	29.10.1996
96/01189/ADV	(B & Q DIY Supercentre, Valley Bridge Road, Clacton on Sea) Individual surface mounted letter signs	Approved	25.10.1996
96/01502/ADV	4 No. 8 m flagstaff and flags	Approved	06.01.1997
98/01584/FUL	Mobile catering unit (B & Q Car Park)	Approved	16.02.1999
99/00962/FUL	To enclose the existing service yard and form a secure area, by the erection of a 2.7m high fence, with "Goods In and Fire Escape" gates included.	Approved	31.08.1999

03/00275/FUL	Mobile catering unit (renewal of planning permission 00/00229/FUL)	Approved	07.04.2003
04/00765/FUL	Vary Condition 2 and 6 of planning permission TEN/1089/86-floorspace.		29.07.2005
04/00768/FUL	Alterations to retail warehouse.	Approved	01.08.2005

4. **Relevant Policies / Government Guidance**

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

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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**

Site Description

The application site is currently occupied by The Range, and is located to the northern side of Valley Road, within the parish of Clacton-on-Sea. The southern section of the site is an area for car parking, while the large store is located to the northern section. The surrounding area is heavily urbanised, with a mixture of residential and commercial development.

The site falls within the Settlement Development Boundary for Clacton-on-Sea, as agreed in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Description of Proposal

This application seeks planning permission for the variation of Condition 3 of earlier planning permission 04/00765/FUL, to enable the sale of a limited range of food and drink items.

The previous condition was as follows:

"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)."

The application seeks to vary this condition so that it reads as such:

"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."

Assessment

Paragraph 86 of the National Planning Policy Framework (2019) states local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Policy PP4 of the Emerging Local Plan states applications for retail, leisure and office development outside of the town centre of Clacton-on-Sea will require an impact assessment if the development is over 929 square metres gross floor space.

The main thrust of these policies is to ensure that uses such retail leisure and office development are steered towards town centres where possible, in order to preserve and not harm the vitality of the town centre. However on this occasion it is acknowledged that The Range is an existing large out of town centre site, offering numerous services. That being proposed is a small extension of the range of goods being provided, with a maximum of 280 square metres to be used for the sale of food and drink. This will not increase the level of retail space and falls well short of the 929 square metres threshold highlighted above, while it is also noted that Farm Foods is located adjacent to the east which sells a range of similar goods being proposed within this application. It is

therefore concluded that the proposed development will not result in significant harm to the vitality of the Clacton-on-Sea town centre.

Other Considerations

Clacton-on-Sea is non-parished no comments are required.

There have been no other letters of representation received.

Conclusion

While the proposed development will see an additional retail use located outside of the Clacton-on-Sea town centre, The Range is a well established unit currently offering numerous services. The proposal results in no additional retail space, merely increasing the range of goods available from the existing unit, and will therefore have a neutral impact to the vitality of the town centre. Accordingly the proposal adheres to local and national policies and is recommended for approval.

6. Recommendation

Approval.

7. 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.

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.