

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JD	24/08/2020
Planning Development Manager authorisation:	SCE	25.08.2020
Admin checks / despatch completed	DB	25.08.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	25.08.2020

Application: 20/00860/FUL **Town / Parish:** Clacton Non Parished

Applicant: Motor Fuel Group

Address: Petrol Filling Station 238 Old Road Clacton On Sea

Development: Extension to existing sales building, forecourt canopy de-linked & raised from 4.2m to 5.1m to the underside and additional parking spaces.

1. Town / Parish Council

Clacton Non Parished

2. Consultation Responses

ECC Highways Dept No response.

3. Planning History

00/00003/FUL	Extension to house automated teller machine	Approved	17.02.2000
01/01926/FUL	Installation of LPG storage vessel and dispenser	Approved	20.12.2001
92/00900/ADV	(Old Road Travellers Check, 238 Old Road, Clacton on Sea) Illuminated site identification sign	Approved	18.09.1992
95/01283/ADV	(Shell Garage, Old Road, Clacton on Sea) Replacement signage for garage forecourt and canopy	Approved	28.11.1995
96/00062/FUL	(Shell Garage, 238 Old Road, Clacton on Sea) Installation of laser wash and portico, with plant and trash store, separate jet wash and portico, air/water and vacuum replacement facilities	Approved	17.09.1996
96/00073/ADV	(Shell Garage, 238 Old Road, Clacton on Sea) Garage forecourt signage for jet wash, laser wash, associated porticos, air/water, vacuum and menu boards	Approved	17.09.1996

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

Tendring District Local Plan 2007

QL9 Design of New Development

QL11 Environmental Impacts and Compatibility of Uses

ER37 Small Convenience Stores Outside of Centres

TR1A Development Affecting Highways

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

PP1 New Retail Development

PP4 Local Impact Threshold

CP2 Improving the Transport Network

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 site is that of a petrol filling station, operated by Shell, at a corner of the junction of Old Road with Olivers Road. The southern boundary of the site is contiguous with rear boundaries of properties on Cambridge Road.

The surrounding locality is generally residential, the site is just beyond the fringe to Clacton town centre.

Proposal

Extension to existing sales building, forecourt canopy de-linked & raised from 4.2m to 5.1m to the underside and additional parking spaces.

The existing retail floorspace to the sales building is 56 sq m. The proposal would increase the retail floorspace to 114 sq m, an increase of 58 sq m. The retail floorspace would be enlarged by a flat roofed extension to the eastern elevation of the sales building.

A canopy above the petrol dispensing pumps is linked to the front eaves of the sales building by a smaller canopy. The smaller canopy would be removed and the main canopy increased in height.

Appraisal

The increase in height to the canopy would make very little difference to the appearance of the site as it appears as a whole in the streetscene in which it is set. The removal of the linking, smaller area of canopy would seem to improve the appearance of the site from some views.

The extension to the sales building would be at a part of the site which is barely seen from outside the site; the extension would be screened by the existing building in views from Old Road and is so far into the site when viewed from Olivers Road that it is not noticed.

The proposal is considered acceptable with regard to Policy QL9.

Beyond the southern boundary of the site is a short parade of five single-storey commercial units. Further east along Cambridge are residential properties. The built form of the single-storey sales building extension may provide a better screen to activity on the rest of the petrol filling station for these properties. Therefore the proposal is considered acceptable with regard to Policy QL11.

The sales building would approximately double in size to become effectively a small supermarket type store. Policy ER37 states that proposals for small convenience stores of up to 150 sq m floorspace outside of existing centres, within the defined settlement boundary, will be permitted provided they would not be detrimental to the vitality and viability of a nearby centre. The site is some 5km from the Primary Shopping Area of Clacton town centre as shown on the Proposals Map to the adopted Local Plan. Given this degree of separation from the centre of Clacton, it is considered that the proposal would not be materially detrimental to the vitality or viability of the commercial centre of Clacton. Accordingly the proposal is acceptable with regard to Policy ER37.

With regard to Policy TR1a, no response has been received from the local highway authority, Essex County Council to date. It is noted that there would be no change to the means of access to or egress from the site. The proposal is considered acceptable with regard to highway access.

6. Recommendation

Approval.

7. Conditions / Reasons for Approval

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: WPS-MFG-455-LP; WPS-MFG-455-EX01; WPS-MFG-455-EX02; WPS-MFG-455-EX03; WPS-MFG-455-EX04; WPS-MFG-455-PL01; WPS-MFG-455-PL02; WPS-MFG-455-PL03; and, WPS-MFG-455-PL04.

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

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.

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