

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DA	22.12.20
Planning Development Manager authorisation:	TC	23/12/2020
Admin checks / despatch completed	ER	23/12/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	23.12.2020

Application: 20/01529/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mrs Geraldine Graham - Marks and Spencer

Address: M & S Foodhall Arthur Ransome Way Walton On The Naze

Development: Proposed temporary storage container unit.

1. Town / Parish Council

Mr FRINTON & WALTON
TOWN COUNCIL
15.12.2020

Recommendation: APPROVAL

2. Consultation Responses

ECC Highways Dept No comments received

3. Planning History

11/00244/FUL	Erection of Class A1 retail supermarket and petrol filling station with associated access, car parking, and servicing, landscaping and pedestrian footbridge.
17/01090/FUL	Redevelopment of the site through the construction of an M&S Foodhall together with associated car parking and landscaping and ancillary cafe.
20/01529/FUL	Proposed temporary storage container unit. Current

4. Relevant Policies / Government Guidance

National Planning Policy Framework 2019 (NPPF)

National Planning Policy Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses
ER3 Protection of Employment Land
ER7 Business, Industrial and Warehouse Proposals
COM22 Noise Pollution
TR1A Development Affecting Highways

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

SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
PP6 Employment Sites
CP1 Sustainable Transport and Accessibility

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26th January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

5. Officer Appraisal

Site and Surroundings

The application site Marks and Spencer forms part of an established retail complex and is located to the north of the Aldi supermarket across Graham Ross Way. The site lies immediately off Arthur Ransome Way within The Naze Frinton.

The area includes two storey residential dwellings to the north of the application site on the other side of Arthur Ransome Way. These dwellings are well separated from the application site and its car park.

Proposal

Planning permission is sought for the siting and use of a storage container required to store produce to meet peaks in demand during the Christmas and New Year period. The siting and use of the storage container is required on a perpetual annual basis from November to January.

The container measures 6m in length x 2.6m high and 2.4m in width. And includes refrigeration equipment to preserve the produce.

Principle of the use

Section 6 of the NPPF “Building a Strong, Competitive Economy” states that:

“Planning policies and decisions should create the conditions in which business can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”.

Local policies

The container would be used to store produce and to ensure that shelves are re-stocked when required. This would take place throughout the day on a needs basis when in-store stocks run low. No additional deliveries would be required as some of the produce from the standard daily deliveries to the store would be transferred into the container.

Thus, the principle of temporary storage facilities to meet peak demand over the Christmas and New Year period is considered acceptable subject to compliance with relevant national and local planning policies.

Impact on the surrounding Area

Section 12 of the NPPF Achieving well-designed places seeks to ensure that development result in a high standard of amenity for existing and future users.

The proposed container will be situated to the south of the store adjacent to the service area. The nearest affected building would be the Aldi store to the south which is separated from the site by Graham Ross Way.

The proposed container would not be visible from the residential dwellings to the north of the site. Moreover, the separation distance from the residential premises and the neighbouring Aldi store would mitigate against any limited noise impacts generated by the refrigeration equipment.

It is considered that the proposal would comply with the aims of the NPPF in that the proposed container and its use would safeguard the standards of amenity for existing and future users.

Highway considerations

The proposed use effectively as additional storage space would not have any significant highway or parking implications as the container would be stocked during the course of standard daily deliveries and the container would be situated adjacent to the existing service area.

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: Drawing Number A 9001 Existing Plans, A 9001 and Existing Proposed Plan.

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

- 3 There shall be no loading or delivery vehicles outside the hours of 6.30am – 10pm Monday to Saturday and 8.am – 9pm Sundays.

Reason - To protect the amenities of existing and future residents in proximity to the service yard.

- 4 The container and its use shall only be for a limited annual period of two months from 1st November to 31st January each year after which the container and all associated equipment shall be removed from the site.

Reason – To protect the visual amenities of the site and the area in general.

- 5 The container hereby permitted shall not be brought to site before 1st December and should be removed by 31st January unless otherwise agreed in writing by the Local Planning Authority.

Reason - To protect the visual amenities of the site and the area in general.

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

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