



# TENDRING DISTRICT COUNCIL

## Planning Services

Town Hall, Station Road, Clacton-on-Sea, Essex CO15 1SE

<b>AGENT:</b>	Mr Ed Kemsley - Peacock + Smith Peacock + Smith Ltd 8 Baltic Street East Clerkenwell EC1Y 0UP	<b>APPLICANT:</b>	Mr R Bakes - WM Morrison Supermarkets Plc Hilmore House Gain Lane Bradford United Kingdom BD3 7DL
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### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 21/01875/VOC      **DATE REGISTERED:** 1st November 2021

Proposed Development and Location of the Land:

**Variation of condition 21 (plans) of application 20/01804/FUL to make minor material amendments to approved scheme to amend the location of the ancillary garden centre, installation of a bike repair station, electric vehicle charging space amendments, including canopy, additional plant and equipment, battery storage unit and customer cycle storage.  
Morrisons Supermarket Centenary Way 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 The development hereby permitted shall be carried out in accordance with the following approved plans:

Lighting Plan REV 0 as approved under LPA Ref: 20/01804/FUL  
 Tree Protection Plan 14281-DB3-277-00-DR-LA-32 as approved under LPA Ref: 20/01804/FUL  
 Proposed Elevations 14962-DB3-B01-ZZ-M3-DR-A-20009 Rev. B  
 Proposed Service Yard Site Profiles 14962 - DB3 - B01 - ZZ - DR - A - 20007 REV B  
 Proposed Roof Plan 14962 - DB3 - B01 - 01 - DR - A - 20003 REV B  
 Proposed Ground Floor Plans- 14962 - DB3 - B01 - 00 - DR - A - 20005 REV B  
 Proposed Landscape Plan- 14962 DB3 B01 00 DR A 00020 REV A  
 Proposed Site Plan 14962-DB3-277-00-DR-A-00016 Rev. I  
 Proposed Building Sections 14962 - DB3 - B01 - ZZ - DR - A - 20023 REV A  
 Proposed Garden Centre Plans & Elevations Rev. A 14962 - DB3 - B01 - ZZ - DR - A - 20011 REV A  
 Bike Repair Station Details, Drawing number. 109  
 Broxap Cycle Shelter Specification Sheet 'Newcastle Senior Cycle Shelter' (in Anthracite Grey)  
 Broxap Sheffield Stand  
 Proposed EV Charging/Parking Canopy 14962 - DB3 - B01 - ZZ - DR - A - 00021  
 Proposed Battery Storage Unit 14962 - DB3 - B01 - 00 - DR - A - 20025 Rev. A

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

- 2 All hard landscaping, planting, seeding or turfing shown the approved landscaping details drawing no. 14962 DB3-B01-00-DR-A-00020 Rev. A and the associated document 'Landscape General Commentary' (October 2020) as approved under LPA Ref: 20/01804/FUL shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the implementation of the approved scheme and adequate maintenance of the landscaping for a period of five years in the interests of visual amenity.

- 3 The tree protection measures shown on plan number 14281-DB3-277-00-DR-LA-32 and as outlined in the JCA Arboricultural Method Statement Ref: 16017-B/AJB (Appendices 2 and 3) as submitted under LPA Ref: 20/01804/FUL shall be adhered to throughout the construction phase.

Reason - To ensure the retention of the mature trees located within the application site in the interests of amenity.

- 4 No vehicle connected with the construction works shall arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Construction and demolition working hours shall be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

Reason - In the interests of local amenity.

- 5 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Penny Anderson Associates, June 2020) and Biodiversity Enhancement Measures (Penny Anderson Associates, March 2021) as submitted under LPA Ref: 20/01804/FUL and agreed in principle with the local planning authority prior to determination of under LPA Ref: 20/01804/FUL.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason - To conserve and enhance Protected and Priority species and allow the Council to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 6 The retail store hereby permitted shall not be open to customers outside the following times: 7:00 - 22:00 Monday to Saturday, Bank and Public Holidays and on Sundays for no more than six hours.

Reason - To protect the amenities of nearby residents.

- 7 The Cycle and Powered Two-wheeler parking shown on the approved layout plan shall

be provided in accordance with the EPOA Parking Standards. The approved facilities shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason - To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity.

- 8 Prior to the development becoming operational an updated Delivery and Servicing Plan, and a Car Park Management Plan shall be submitted to, and agreed in writing with, the Local Planning Authority. The Plans to include the following, and be adhered to at all times:
- i. Service vehicles servicing the site of maximum length 18.55 metres shall be used to service the store.
  - ii. Deliveries and refuse collection to the development to be managed in advance to minimise the impact on the local highway network where possible.
  - iii. A parking management strategy to be in place limiting customers to a maximum 180-minute stay only.

Reason - In the interests of highway safety.

- 9 Prior to the first use of any external lighting/floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare.

Reason - To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety.

- 10 Prior to the first use of the service yard the 3m high acoustic imperforate barrier shall be erected in accordance with the details outlined within the submitted Acoustic Assessment (as prepared by Acoustical Control Engineers and Consultants) and retained as approved thereafter.

Reason - In the interests of amenity of nearby residents/occupiers of adjacent holiday park.

- 11 Notwithstanding the provisions of the Town and Country Planning (General permitted development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no provision of retail floor space in excess of the net area of 3,811 sqm as set out in the application supporting documents without the express permission of the Local Planning Authority, neither shall there be any subdivision of the sales floor, nor provision of ancillary or subsidiary retail units within that sales floor.

Reason - To help protect the vitality and viability of Clacton Town Centre.

- 12 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason - To ensure appropriate maintenance arrangements are put in place to enable

the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 13 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

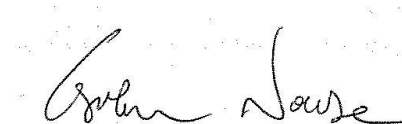
Reason - To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 14 Prior to first occupation of the proposed development, the approved Travel Plan (Bryan G Hall document reference 20-121-004.05 as submitted under LPA Ref: 20/01804/FUL) shall be actively implemented for a minimum period of 5 years. It shall be accompanied by a monitoring fee of £6,000 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5-year period.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

**DATED:** 31st January 2022

**SIGNED:**




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Graham Nourse  
Assistant Director  
Planning Service

**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 July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

Tendring District Local Plan 2013-2033 and Beyond Section 1 (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP5 Employment

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL3 Sustainable Design

HP2 Community Facilities

PP1 New Retail Development

PP2 Retail Hierarchy

PP4 Local Impact Threshold

PPL4 Biodiversity and Geodiversity

PPL10 Renewable Energy Generation

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

Supplementary Planning Documents

Essex County Council Development Management Policies 2011 (the Highways SPD)

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus.

Access for a fire appliance and the provision of fire hydrants needs to be in accordance with Building Regulations Approved Document B.

The applicant is reminded that this permission is linked to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

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.