

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	23/02/2022
Planning Development Manager authorisation:	AN	23/02/22
Admin checks / despatch completed	ER	23/02/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	23.02.2022

**Application:** 21/02107/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** McLagan Investments Ltd

**Address:** Asda Stores Ltd Oxford Road Clacton On Sea

**Development:** Construction of retail pod adjacent to ASDA store.

### **1. Town / Parish Council**

Clacton is non parished

### **2. Consultation Responses**

ECC Highways Dept  
07.02.2022

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority.

Informative

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

### **3. Planning History**

01/00096/FUL	Installation of 1.0m diameter satellite antenna wall mounted on side elevation	Approved	28.02.2001
91/00568/ADV	Illuminated signage.	Approved	02.07.1991
92/00757/ADV	(Bull Hill Road, Clacton on Sea)	Approved	30.07.1992

	Balloon advertisement		
94/01240/ADV	Shop sign	Approved	30.11.1994
98/01225/ADV	Internally illuminated sign boxes	Approved	12.10.1998
99/00932/ADV	ATM surround sign and ATM projecting sign	Approved	05.08.1999
99/00933/FUL	Installation of Automated Teller Machine (ATM)	Approved	05.08.1999
99/01157/FUL	New entrance lobby	Approved	28.09.1999
05/01061/TPO	30% Crown reduction of Oak tree on eastern side of car park	Approved	11.07.2005
07/01320/TPO	1 No Oak tree - reduce by 30% (TPO 97/15)	Approved	11.09.2007
07/01321/TPO	1 No. Oak and 1 No. Beech - cut back to clear floodlight pole in car park area.	Approved	16.08.2007
10/00240/TPO	1 x Oak in car park - reduce by 25%.	Approved	09.04.2010
11/00615/ADV	Replacement 3no. forecourt hanging signs, 4no. forecourt canopy fascia signage, 1no. forecourt shop fascia sign, 3no. carwash fascia signs and 1no. pole (flag type) sign.	Approved	26.07.2011
14/00537/FUL	Redevelopment and regeneration of site through demolition of existing buildings and construction of replacement foodstore, petrol filling station, together with associated car parking and landscaping.	Approved	12.12.2014
15/01005/DISCON	Discharge of condition 21 (construction method statement) and 26 (contamination and remediation) of planning permission 15/01161/FUL.	Approved	20.09.2016
15/01161/FUL	Variation of condition 2 of planning application 14/00537/FUL to vary the orientation of the approved food store.	Approved	06.11.2015
15/01430/DISCON	Discharge of condition 22 & 23 (archaeology) of planning permission 15/01161/FUL.	Approved	23.12.2015

15/01711/DISCON	Discharge of Condition 3 (materials), 4 (click and collect details), 7 (local recruitment strategy), 8 (landscaping), 10 (landscape management plan), 12 (surface water management) and 25 (site levels) of planning permission 15/01161/FUL.	Approved	20.09.2016
16/00447/NMA	Non material amendment to planning application 15/01161/FUL for the below changes; 1) Main store building moved 600mm north. 2) Reconfiguration of plant area. 3) Alteration to design of service yard. 4) Additional landscaping areas. 5) Alteration to tree planting areas. 6) Change in location to petrol filling station. 7) Removal of trees along northern boundary and access road to car park moved. 8) Minor changes to west elevation. 9) Rationalisation of timber panelling to north elevation. 10) Minor changes to service yard and wall to east elevation. 11) Minor changes to service yard and wall to south elevation.	Approved	30.08.2016
16/00476/DISCON	Discharge of conditions 08 (Landscaping scheme), 11 (Scheme detailing CCTV, external lighting, plant and machinery, implementation of water, energy and resource efficiency measures, boundary treatments, recycling collection point and a service management plan), 12 (Surface water management strategy), 13 (Acoustic screens), 14 (Vehicular accesses), 16 (staff travel plan) and 25 (details of existing and proposed levels) of planning permission 15/01161/FUL.	Approved	20.09.2016
16/00657/ADV	Proposed 2 no. fascia signs and 26 no. other signs.	Approved	04.08.2016
16/01708/NMA	Non-material amendment to planning permission 15/01161/FUL to change the car parking spaces layout and include a screen for the staff smoking area.	Approved	23.12.2016
21/02106/ADV	Proposed advert consent for retail pod.	Approved	09.02.2022

#### **4. Relevant Policies / Government Guidance**

##### **NPPF National Planning Policy Framework July 2021**

##### **National Planning Practice Guidance**

*Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)*

SP1 Presumption in Favour of Sustainable Development

SP7 Place Shaping Principles

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

SPL3 Sustainable Design

PP1 New Retail Development

PP2 Retail Hierarchy

PP3 Village and Neighbourhood Centres

PP4 Local Impact Threshold

CP1 Sustainable Transport and Accessibility

##### **Status of the Local Plan**

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

#### **5. Officer Appraisal (including Site Description and Proposal)**

##### **The Site**

The application site relates to ASDA supermarket located off of Oxford Road, Clacton on Sea. The application site is located within the settlement development boundary of Clacton.

##### **The Proposal**

This application seeks planning permission for the construction of a retail pod adjacent to Asda Supermarket. Advertisement consent for Timpson's signage is sought and has been considered separately under application reference 21/02106/ADV.

##### **Principle of Development**

Policy PP1 states that retail development will be encouraged and permitted in the retail policy area of the town centres as defined on the Policies Map. This will be the main focus for new additional retail floorspace for the town centres, maintaining the District's current hierarchy and market share between centres. Retail development will be encouraged on a scale appropriate to the needs of the area served by these centres. Development will be subject to local planning, traffic and environmental considerations and the needs of people who live in or near the areas affected.

Policies PP2 and PP3 set out the retail hierarchy of centres. Policy PP4 sets out the local impact thresholds.

Paragraph 87 of the Framework states that 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. Paragraph 91 states that where an application fails to satisfy the sequential test or is likely to have significant adverse impacts on one or more of the considerations in paragraph 90, it should be refused.

Against this policy context the proposal is for a town centre use not within an existing centre, as defined within the policies set out above, and no sequential test has been carried out. However, the proposal is significantly below the local impact thresholds under Policy PP4 whereby an impact assessment would be required. In view of the shop's small scale it would not have any significant adverse impact on existing, committed and planned public and private investment in any nearby centre or the wider retail catchment. The proposal is of a scale that is appropriate to the primary use of the site. The Timpson services offered include, amongst other things, key cutting and shoe care services. Such uses are frequently co-located with or within large supermarkets in out of centre locations as uses ancillary to the existing retail use. Moreover, the site would be accessible by a choice of means of transport, and the present situation is likely to be temporary while the store is reconstructed. It would not be a destination in its own right, but would be the subject of linked trips.

For all these reasons, while it would conflict with Paragraph 87 of the Framework, it would not undermine the objectives of development plan or national planning policy in relation to town centre vitality and viability, and although it would conflict with the Framework to a limited degree it would not result in material harm. Having regard to the above considerations the proposal is acceptable in principle.

#### Visual and Residential Amenity.

The proposed retail pod is single storey and clad in horizontal timber boarding. The proposal is typically seen outside of supermarkets and therefore it is considered in keeping with the character and appearance of the area. It is also considered that due to the distance to the neighbouring dwellings, the proposed retail pod will not cause any impact upon residential amenities. As such, the application does not conflict with the place making principles of Policy SP7 or the NPPF. However, should the structure become redundant, a condition is reasonable and necessary to require their removal.

#### Highways

Essex Highways Authority have been consulted on this application and have stated that there are no objections to the proposal.

The proposed retail pod will replace two disabled parking bays which will be relocated within the main car park. It is considered that the proposal is acceptable in terms of highway safety and parking provision.

#### Representations

Clacton is non parished.

No letters of representation have been received.

### **6. Recommendation**

Approval - Full

### **7. Conditions**

- 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:

- Job no. ASP3-6.65m XXXXX - dated 11 April 2018 and scanned 14 Dec 2021 - Plans and Elevations
- Drawing No. PL\_01 Rev A - Site Location Plan

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

- 3 Within 6 months of the retail pod use ceasing, the respective building shall be removed from the land unless an alternative use has been approved in writing by the local planning authority.

Reasons - In the interests of visual amenity.

## 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.

### Highways

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