

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	CT	02/04/2023
Planning Manager / Team Leader authorisation:	JJ	04/04/2023
Planning Technician final checks and despatch:	CC	05.04.2023

Application: 23/00110/FUL **Town / Parish:** Clacton Non Parished

Applicant: Wm Morrison Supermarkets Ltd

Address: Morrisons Supermarket Centenary Way Clacton On Sea

Development: Retrospective planning application for the erection of a transformer, substation and recycling centre.

1. Town / Parish Council

Non-parished.

2. Consultation Responses

Tree & Landscape Officer
09.02.2023

No trees or other significant vegetation will be adversely affected by the retention of the existing development.

Environmental Health
08.02.2023

Thank you for your consultation regarding the proposed development above. The Environmental Protection Team's comments are given below:

I have reviewed this application and can confirm that Environmental Protection have no comments to make.

3. Planning History

TRE/96/30	Various works to trees to manage	Current	27.08.1996
01/00350/ADV	Sign mounted on canopy of Safeway Petrol Filling Station adjacent to existing Safeway logo sign	Approved	22.03.2001
01/00351/ADV	Banners mounted on lamp columns in store car park	Approved	22.03.2001
91/01444/OUT	Retail supermarket, car park and petrol filling station	Refused	14.07.1992
91/01445/OUT	Retail supermarket, car park and petrol filling station (duplicate)	Refused	14.07.1992

92/00881/OUT	(Land north west of Highfield Holiday Park, London Road, Clacton on Sea) A1 retail store, petrol filling station and ancillary facilities	Refused	02.02.1993
93/00032/OUT	(Land forming part of Bovill Hall Farm to the south of Little Clacton) Outline planning application for a retail supermarket car park and petrol filling station	Refused	30.03.1993
93/00791/OUT	(Land forming part of Bovill Hall Farm to the South of Little Clacton) Outline planning application for a retail supermarket car park and petrol filling station	Refused	27.09.1993
95/00872/DETAIL	Construction and fitting out of A1 retail store with ancillary uses and petrol filling station together with associated car parking areas, roads, off site sewerage works and new roundabout to Centenary Way (submission of	Approved	26.09.1995
96/00339/ADV	(The Safeway Site, Centenary Way, Clacton on Sea) Two temporary signboards	Approved	11.04.1996
96/00426/DETAIL	(Land adjacent to the Highfield Holiday Park off) Construction and fitting out of A1 Retail Store (Variation to Design Scheme approved under planning permission TEN/95/0872)	Approved	14.05.1996
96/00592/ADV	(Safeway Supermarket, Centenary Way, Clacton on Sea) Internally illuminated and non illuminated corporate and information signs	Approved	12.06.1996
96/01107/FUL	(Safeway Petrol Filling Station, Centenary Way,) To install on flat roof above kiosk area, a 1.2 metre diameter satellite antenna for the purpose of 2-way data communication	Approved	30.09.1996
96/01108/FUL	(Safeway Superstore, Centenary Way, Clacton on Sea) To install on flat roof, a 1.8 metre diameter satellite antenna for the purpose of 2-way date communication	Approved	30.09.1996
99/00112/FUL	Extension to existing Safeway Retail Store	Refused	15.03.2001
99/01536/FUL	Proposed cyclepath/footway crossing existing open space within	Approved	22.11.1999

	development		
99/01543/TPO	Lop low branches overhanging proposed cycle path	Approved	24.11.1999
02/02072/FUL	Extension to existing warehouse and other associated works	Refused	23.12.2002
04/01213/ADV	Various store and car park signage, converting to Morrisons Supermarket.	Approved	10.08.2004
14/00308/TPO	G4 - 1 Oak - fell because of excessive shading and low amenity value. Replant with 1 standard Ash in the same place.	Refused	10.04.2014
17/01343/ADV	Rebranding of external sign age to include 3no. fascia signs, 1no. motif sign, 1no. totem sign, canopy signs, and car wash signs.	Approved	03.10.2017
17/01389/TPO	3 No. Oak - to be taken back from the building by 2 metres to deter rodent access to the roof of the building.	Approved	12.09.2017
17/01764/TPO	Trees around car park - prune back to the boundary, crown lift to at least 3 m, retaining limbs with a girth great than 75 mm where possible. prune trees/vegetation adjacent lampposts to give clearance of 500 mm at the base. Oak and Poplar trees around site and yard area - prune back to the boundary line to give 2 m clearance from the building.	Approved	07.11.2017
17/01878/FUL	Development of a drive thru unit, car wash area, tyre service area and small retail pod (within and adjoining the existing car park).	Refused	23.08.2018
20/30050/PREAPP	Proposed replacement foodstore.		26.05.2020
20/00757/FUL	Demolition of existing store and erection of temporary store including revisions to the car park.	Approved	04.12.2020
20/01804/FUL	Proposed replacement foodstore, warehouse and service yard including reconfiguration of car park and the internal access road, together with landscaping and associated site works.	Approved	24.08.2021
21/00626/DISCON	Discharge of conditions 8 (travel plan) and 9 (car parking	Approved	11.05.2021

	management strategy) of approved application 20/00757/FUL.		
21/00827/ADV	Installation of signage for new Timpson store.	Approved	03.08.2021
21/00828/FUL	Reconfiguration of parent/child and disabled car parking spaces and proposed relocation of garden centre pod building and installation of new Timpson store (retrospective).	Approved	03.08.2021
21/00906/DISCON	Discharge of condition 2 (Arboricultural Method Statement) of approved application 20/00757/FUL.	Approved	09.06.2021
21/01529/DISCON	Discharge of condition 8 (Construction phase health and safety plan (Princebuild) and 11 (traffic management plan) of application 20/01804/FUL	Approved	02.11.2021
21/01570/DISCON	Discharge of condition 16 (Detailed Surface Water Drainage Scheme) of application 20/01804/FUL.	Approved	01.12.2021
21/01874/FUL	Proposed relocation of Timpsons pod, erection of recycling DRS unit and new transformer and substation in conjunction with the proposed replacement store.	Approved	04.01.2022
21/01875/VOC	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.	Approved	31.01.2022
21/02058/DISCON	Discharge of Condition 2 (Manufacturer, types and colours of external materials) of permission 20/01804/FUL	Approved	22.12.2021
22/00841/DISCON	Discharge of conditions 12 (Delivery/Servicing/Car Park Management Plan) and 17 (Maintenance Plan) of application 20/01804/FUL.	Approved	09.06.2022
22/00895/VOC	Variation of condition 5 of application 20/01804/FUL to allow construction works on three	Withdrawn	11.07.2022

weekends.

23/00110/FUL	Retrospective planning application for the erection of a transformer, substation and recycling centre.	Current
23/00222/VOC	Application under Section 73 of the Town and Country Planning Act, to allow a variation of condition 1 (Plans) of 21/01875/VOC to allow various amendments to car park and service yard.	Current

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

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)

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

5. 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.

6. Officer Appraisal (including Site Description, Proposal and Relevant Background)

Site Location

The site comprises the grounds of the new Morrisons supermarket located off Centenary Way.

Site Proposal

This retrospective application seeks the retention of the erection of a transformer and electricity substation with timber enclosure and the creation of a recycling centre also with timber enclosure, both which are currently being used in association with the existing Morrisons supermarket trading at this retail site.

The transformer and electricity substation and the recycling centre are located almost opposite each other along the approach road into the supermarket site from the Centenary Way roundabout. The vertically boarded timber enclosure for the transformer and substation measures 17.25 (l) x 6.50m (w) x 3.75m (h). In addition to providing visual screening, it is stated that the fencing enclosure represents an environmental noise barrier system (Jakoustic). A secure access gate exists at the enclosure's east elevation. The same noise acoustic fencing enclosure partially encloses the recycling facility.

Relevant Background

Planning application 21/01874/FUL was approved at this new Morrisons supermarket site for the relocation of a Timpsons pod, erection of a recycling DRS unit (Deposit Return Scheme) and siting of a new transformer and substation with acoustic timber screening enclosure in conjunction with the proposed replacement Morrisons store. However, the recycling DRS unit was never installed as part of that approved scheme, whilst the approved transformer and substation was sited in a slightly different siting position than as approved. The current planning application seeks the proposed (retrospective) retention of the transformer and substation unit with acoustic timber screening in its current siting position and of slightly amended unit proportions slightly east of the approved unit from approved application 21/01874/FUL together with the retention of the aforementioned recycling centre also with timber acoustic screening which did not form part of application 21/01874/FUL

The main issues are:

- 1) Principle of development
- 2) Design
- 3) Highway safety
- 4) Impact on residential amenity

1. Principle of development

The previous grant of planning permission for a transformer and substation unit under approved application 21/01874/FUL demonstrates the acceptability of the principle of these ancillary structures to serve the new Morrisons supermarket at this existing retail site. Additionally, it is stated in the current retrospective application that the recycling centre introduced at the site contributes to meeting the wider corporate objectives of the new 'lower environmental impact' Morrisons foodstore at the site by offering a convenient method of recycling a number of materials and therefore represents an enhanced recycling facility compared to the previous informal recycling facility which existed at the site in the same siting position. Given therefore that the new facility represents a recycling upgrade for the site, it is considered that this aspect of the current retention application is also acceptable in principle.

2. Design

Part A of Policy SPL3, Section 2 of the adopted Local Plan relates to the design of new developments and seeks to ensure that new development makes a positive contribution to the quality of the local environment by ensuring that proposals are well designed, relate well to their setting and are of a suitable scale, mass and form.

As mentioned above, previously approved application 21/01874/FUL granted planning permission for the erection of a transformer and substation with timber acoustic fencing enclosure of similar size proportions and in a similar siting position to that now proposed to be retained. In this respect,

the delegated officer's report for 21/01874/FUL, which also made reference to the erection of the Timpsons pod and the Deposit Return Scheme (DRS) unit proposed for the site made the following conclusion in its assessment of the application:

“Notwithstanding that the proposed transformer and substation enclosures are substantial and would be visually prominent set alone close to the store highway entrance, it is considered that in the context of the supermarket structure under construction and the character of the wider site that the proposed buildings and the revised location of the Timpsons store are not out of keeping with the character and appearance of the area and they would not cause harm to visual amenity. The structures would be in convenient locations, in the case of the DRS unit and Timpsons store they would be close to the main supermarket building, and in the case of the power installations they would be in a location that would not be intensely traversed by members of the public. The developments are not located near to any residential property and would not be considered to pose a threat to the living conditions of residential neighbours. As such, the application does not conflict with the place making principles of Policy SP7 or the Framework in these regards.”

In summary, the Council set out in its report that the proposed transformer and substation would be conveniently located and would not be out of keeping with the character and appearance of the area given the context of the supermarket.

The transformer and substation as now installed and in a slightly different footprint positioning as previously approved would similarly not cause a significantly detrimental impact on visual amenity whereby the same means of vertically boarded acoustic timber screening has been erected to enclose the units as was specified and approved for the units under approved application 21/01874/FUL. No design objections are therefore raised to the units now installed and enclosed.

The recycling centre as now introduced at the site (retrospective) is in a different siting position to the DRS unit which was approved close to the front of the new Morrisons supermarket building as shown on the proposed site plan for application 21/01874/FUL, but which was never installed. The new recycling facility as now introduced is positioned along the approach road into the site on the site's eastern boundary which incorporates a drop-off/parking apron. The same acoustic fencing has been specified and used for the recycling centre as for the transformer and sub-station enclosure which is situated close by which protects and encloses both the rear and the angled flanks of the recycling facility.

The recycling centre can be seen from the Centenary Way roundabout within the public realm, but is acceptable in visual amenity terms given the context of the site as a supermarket for similar reasons of acceptance as set out in the above officer report for the acceptance of the proposed transformer and substation in visual terms. All three elements the subject of this retrospective application are structures that can be expected in a setting such as this and do not appear out of place.

As such, no design objections are raised to the proposal.

3. Highway safety

Policy SPL3 sets out in terms of the practical requirements of new development that access to the site must be practicable and that the highway network is able to safely accommodate any additional traffic as a result of the proposal. The policy also sets out that the design and layout of new development should provide safe and convenient access.

With regard to the recycling centre, 7 no. car parking spaces are proposed to be provided (as laid out) within the formed layby which are intended for the use of customers to the recycling centre where these spaces are accessible to vehicles directly from the approach road leading to the wider Morrisons site. The provision of designated car parking spaces provides a safe and convenient method of using the facility and improves upon the previous informal recycling facility at this site location whereby no designated parking spaces were provided for that recycling facility. In this regard, the proposal conforms with Policy SPL3 and also Policies CP1 and CP2 relating to highway safety.

4. Impact on residential amenity

Policies SP7 and Section C, SPL3 states that all new development should protect the amenity of existing residents. The delegated officer report for approved application 21/01874/FUL as referenced above concluded that the proposed transformer and sub-station by reason of its siting and acoustic screening would not have a material impact upon the living conditions of any residential neighbours. Given that the nature of the transformer and sub-station as already sited and enclosed has not changed, the same conclusions can be drawn and applied for its retention under the current retrospective application. The recycling facility as already introduced stands towards the eastern boundary of the site close to the Highfields resort. However, the mobile homes at this adjacent site are for seasonal use only, whilst the acoustic screening erected behind the facility designed to reduce travel of noise to this near boundary should similarly ensure that any noise generated by the recycling centre would not be detrimental to residential amenity.

Conclusions

This retrospective application is compliant against relevant local plan policy for the reasons as set out in this report and it is recommended that planning permission be granted retrospectively for the retention of the proposal whereby it is considered that no specific planning conditions other than the approved plans condition below, are necessary to make the proposal otherwise acceptable where the time limit for commencement condition does not apply to retrospective grants of planning permission.

7. Recommendation

CONDITIONAL APPROVAL

8. Conditions

APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be retained in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

14962-DB3-277-00-DR-A-20052 A
14962-DB3-277-00-DR-A-20055 B
14962-DB3-B01-00-DR-A-00022 C

REASON: For the avoidance of doubt and in the interests of proper planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if

found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

9. Informatives

1. 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>