

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	OA	15.02.2024
Team Leader authorisation / sign off:	JJJ	19/02/2024
Assistant Planner final checks and despatch:	ER	21/02/2024

**Application:** 24/00069/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Screwfix Direct Limited

**Address:** Unit G Clacton Trade and Leisure Park Old Road

**Development** Installation of 1 no. external air source heat pump.

### 1. Town / Parish Council

Clacton non-parished      No consultation/comments required

### 2. Consultation Responses

Environmental Protection      with reference to the above application, please see below for  
06.02.2024      comments from the EP Team:

Noise: The EP Team would like to ensure that the levels of noise emitted from the site do not cause unreasonable interference with the use and enjoyment of nearby residential premises, as such, we are requesting that the noise emitted from the units do not exceed +5dB above background, so as to ensure compliance with the relevant British Standards. In addition we would also request the applicant performs standard maintenance of the systems, as per the manufacturers guidance, to ensure the systems are in correct working order and therefore should minimise any potential adverse impact to nearby residential properties by way of noise.

REASON: to protect the amenity of nearby residential properties and to reduce the likelihood of nuisance complaint relating to noise.

### 3. Planning History

19/00338/FUL	Redevelopment of former Gasworks site comprising a mixed use Trade Counter led development classes A1, A3, A5, D2, B1, B2, B8 and Sui Generis uses plus car parking, landscaping, totem sign, reconfigured access arrangements and associated works.	Approved	10.02.2020
24/00069/FUL	Installation of 1 no. external air source heat pump.	Current	
00/01662/TELCO M	Installation of telecommunications mast and equipment	Determination	09.11.2000
01/00757/FUL	Use of land for open retail market and ancillary car parking	Withdrawn	30.05.2001
01/01135/FUL	Use of land for open retail market and ancillary parking	Approved	11.10.2001

94/01248/FUL	(Old Gas Works Site, Old Road, Clacton on Sea) Retention of seven temporary buildings (renewal of planning permission TEN/1775/89)	Approved	17.11.1994
07/01811/ADV	2 x 48 sheets free standing with overhead illumination.	Approved	19.12.2007
13/00309/DEMCON	Demolition of 2 de-commissioned gasholders and boiler room	Determination	18.04.2013
14/30278/PREAPP	Provision of new retail warehouse park.		26.08.2014
15/00772/FUL	Re-location and replacement of existing gas equipment.	Approved	10.07.2015
16/01416/FUL	Variation of condition 2 (approved plans) of planning permission 15/00772/FUL.	Approved	25.10.2016
18/30197/PREAPP	Construction of nine trade counter units (Class B1, B2 and B8), one tyre centre (Class B2), six retail/leisure units (Class A1 and/or A3) and one drive-thru unit (Class A1/A3/A5).		19.12.2018
19/00166/EIASCR	Request for screening opinion for the development of the above site.		19.02.2019
19/00338/FUL	Redevelopment of former Gasworks site comprising a mixed use Trade Counter led development classes A1, A3, A5, D2, B1, B2, B8 and Sui Generis uses plus car parking, landscaping, totem sign, reconfigured access arrangements and associated works.	Approved	10.02.2020
21/01271/VOC	Variation of conditions 2, 3, 4, 5, 21 and 24 of approved application 19/00338/FUL to make changes to the approved development including removal of first floor gym, and relocation of drive thru unit and totem sign.	Approved	17.01.2022
22/00200/VOC	Variation of conditions 2, 3 and 5 and removal of conditions 4, 22, 32 and 33 of application 21/01271/VOC to remove Tyre Centre and associated car wash lane on western part of site and incorporate approved floor space into Unit D. Addition of electric vehicle charging points serving eight parking bays and associated substations. Additional landscaping to Western boundary.	Approved	25.05.2022
22/01235/DISCON	Discharge of conditions 5 (contamination) and 7 (contamination) of application 22/00200/VOC.	Approved	16.08.2022
22/01441/DISCON	Discharge of Conditions 10 (Suds 1) and	Approved	16.12.2022

	29 (Reptiles) of application 22/00200/VOC.		
22/01772/DISCON	Discharge of conditions 14 (Construction Management Plan) and 31 (Construction Traffic Management Plan) of application 22/00200/VOC	Approved	13.12.2022
22/01840/DISCON	Discharge of conditions 15 (Materials) and 23 (Acoustic Barrier) of 22/00200/VOC.	Approved	16.12.2022
23/00971/DISCON	Discharge of condition 18 (Landscaping) of application 22/00200/VOC.	Approved	24.08.2023
23/01197/FUL	Proposed application for 2no. air conditioning condenser units and 2no. extract vents.	Approved	13.12.2023
23/01198/ADV	Proposed 2no. fascia signs.	Approved	11.12.2023
23/01678/DISCON	Discharge of condition 17 (Proposed external lighting) of application 22/00200/VOC.	Approved	21.12.2023
23/01679/DISCON	Discharge of condition 32 (Construction layout and details) of application 22/00200/VOC.	Approved	21.12.2023
23/01680/DISCON	Discharge of condition 33 (tactile paving, improvement works to the Waterglade Retail Park segment of the Old Road roundabout, and enhancements to the refuge island situated at the entrance of the Retail Park) of application 22/00200/VOC.	Approved	21.12.2023
23/01681/DISCON	Discharge of condition 34 (Vehicular turning facility) of application 22/00200/VOC.	Approved	21.12.2023
23/01782/DISCON	Discharge of Condition 9 (Workplace Travel Plan) of planning application 22/00200/VOC.	Approved	05.02.2024
24/00064/ADV	One externally illuminated fascia sign.	Current	
24/00069/FUL	Installation of 1 no. external air source heat pump.	Current	
24/00132/DISCON	Discharge of condition 6 (Verification Report) of application 22/00200/VOC.	Current	

#### 4. **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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

## **5. Neighbourhood Plans**

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>.

At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

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

### **National:**

National Planning Policy Framework December 2023 (NPPF)

National Planning Practice Guidance (NPPG)

### **Local:**

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (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

PPL10 Renewable Energy Generation and Energy efficiency measures

### Supplementary Planning Documents

Essex Design Guide

## **7. Officer Appraisal**

### Application Site

The application site is located to the west of Old Road and forms part of the recently approved extension to Waterglade Retail Park (19/00338/FUL). Permission has been granted to extend the existing retail park further north under planning permission 19/00338/FUL for a mixed-use Trade Counter led development classes A1, A3, A5, D2, B1, B2, B8 and Sui Generis uses. The wider character is heavily urbanised with a mixture of residential and commercial development.

The unit to which this application relates sits in the centre of a block of 12 units known as Unit G with the access road located due south.

The application site falls within the settlement development boundary of Clacton on Sea, as defined by the Tendring district Local Plan 2013-2033 and beyond. It also falls within the Clacton Town Centre boundary and within an area prioritised for regeneration.

### Proposal

The application seeks full planning permission for Installation of 1 no. external air source heat pump to the rear of the unit.

## Assessment

### Design and Appearance

Policy SPL3 of the Tendring Local Plan states that all new development (including changes of use) should make a positive contribution to the quality of the local environment and protect or enhance local character. Specifically, new buildings, alterations and structures should be well designed and maintain or enhance local character and distinctiveness;

The proposed heat pump is a Daikin RZA2000D model which will be floor mounted with dimensions of 870mm in height, 1100mm in width and 460mm in depth. The unit will be located along the northern elevation of the property. The heat pump will not be immediately visible from the street scene and given the nature of the site and area (a commercial / retail park) the proposal is considered acceptable from a design perspective.

### Noise & Environmental Impacts Impact on Residential Amenity

Policy SPL3 seeks to ensure that new development should be compatible with surrounding uses and minimise any adverse environmental impacts in terms of the amenities of occupiers of nearby properties, minimising the production of greenhouse gases and impact on climate change and unacceptable levels of pollution.

Given the site forms part of an extension to a well-established retail park, it is not considered to have any more of a significant impact on the noise levels, or harm to any residential amenities than that which already exists. The air source heat pump is considered to be a sufficient distance away from nearby residential properties, and separated by a wide service road, to ensure that any noise emanating from the heat pump is likely to be negligible in this build up urban area – as such the specific condition requested by Environmental Health is not considered to meet the NPPF tests of necessity or reasonableness especially when the context of the site is taken into account. An informative has been included on the decision to ensure the applicant is aware of their responsibilities for noise and ongoing maintenance.

### Renewable Energy

Policy PPL10 of the Local Plan states that proposals for renewable energy schemes will be considered having regard to their scale, impact (including cumulative impact) and the amount of energy which is to be generated.

It is considered that the proposed air source heat pump will have a low environmental impact and is environmentally sustainable. The proposed scale will be sufficient for the end user and is fully policy compliant in this regard.

### Other Considerations

Clacton is non-parished and therefore no comments are required.

No other letters of representation have been received.

### Conclusion

The scale of the proposed heat pump is consistent with the above national and local planning policies and in the absence of any material harm the proposal is recommended for approval.

## **8. Recommendation**

Approval - Full

## **9. Conditions**

## 1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

NOTE/S FOR CONDITION: The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the consent becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk of both Enforcement Action and Criminal proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

## 2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out 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.

Site Plan Received 15.01.2024

Drawing No. 5067-SF\_CLACTON-RIL-00-XX-DR-I-0020-EX\_GA-P3

Drawing No. 5067-SF\_CLACTON-RIL-00-XX-DR-I-0021-GA-P3

Drawing No. 5067-SF\_CLACTON-RIL-00-XX-DR-I-0022-EX\_ELEV-P3

Drawing No. 5067-SF\_CLACTON-RIL-00-XX-DR-I-0023-ELEV-P3

Drawing No. 5067-SF\_CLACTON-RIL-00-XX-DR-I-0025-BLOCK-P3

## **10. 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.

### Environmental Protection Informative

Noise: The Council's Environmental Protection Team would like to ensure that the levels of noise emitted from the site do not cause unreasonable interference with the use and enjoyment of nearby residential premises, as such the noise emitted from the units should not exceed +5dB above background, so as to ensure compliance with the relevant British Standards. In addition you are also advised to perform standard maintenance of the systems, as per the manufacturers guidance, to ensure the systems are in correct working order and therefore should minimise any potential adverse impact to nearby residential properties by way of noise.

## **11. Equality Impact Assessment**

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate

unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic\* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic\* and those who do not, including tackling prejudice and promoting understanding.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic\* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact (As known with application)
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

## 12. Notification of Decision

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