

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	MP	20/01/2025
EIA Development - Notify Planning Casework Unit of Decision	N/A	
Team Leader authorisation / sign off:	ML	21/01/2025
Assistant Planner final checks and despatch:	ER	22/01/2025

Application: 24/01575/FUL

Town / Parish: Frinton & Walton Town Council

Applicant: Tesco Store Ltd

Address: The Triangle Shopping Centre Rochford Way Frinton On Sea

Development: Part-demolition of existing commercial space and canopy and implementation of new publicly accessible plaza alongside car-park re-configuration and implementation of click and collect facilities.

1. Town / Parish Council

Frinton And Walton Town Council Recommend Approval

2. Consultation Responses

Tree & Landscape Officer
01.11.2024

No trees or other significant vegetation will be adversely affected by the proposed development.

The Proposed Site Plan ' Drawing No. PL (90) 200 shows indicative new planting in the plaza area; details of which can be secured by a planning condition.

ECC Highways Dept
18.11.2024

The information that was submitted in association with the application has been fully considered by the Highway Authority. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material and google earth image.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority, subject to the following requirement;

1. Prior to commencement of the development a traffic management plan, to include but not be limited to details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan.

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

Informative:

i. 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

3. **Planning History**

15/00243/TELLIC	To install electronic communications apparatus.	Deemed Consent	16.03.2015
19/00366/ADV	Proposed totem sign.	Approved	29.04.2019

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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

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 2024 (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
SP3 Spatial Strategy for North Essex
SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022):
SPL1 Managing Growth
SPL2 Settlement Development Boundaries

SPL3 Sustainable Design
PP2 Retail Hierarchy
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL10 Renewable Energy Generation
CP1 Sustainable Transport and Accessibility

Local Planning Guidance:
Essex Design Guide
Essex County Council Car Parking Standards - Design and Good Practice

7. Officer Appraisal

Site Description

The application site is The Triangle Shopping Centre, which is located on the northern side of Rochford Way, within the parish of Frinton-on-Sea. The Shopping Centre includes the existing Tesco superstore alongside various other commercial units, with dedicated car-parking sited to the eastern section of the site. The character of the surrounding area is heavily urbanised, with residential and commercial development located to all sides.

The site falls within the Settlement Development Boundary for Frinton-on-Sea within the adopted Local Plan 2013-2033 and is also an allocated District Centre.

Description of Proposal

This application seeks planning permission for the following works:

- demolition of units 2, 3, 4 and 5 and canopy;
- implementation of a new publicly accessible plaza with landscaping;
- re-configuration of the car park, which will result in the loss of 7 spaces, the inclusion of 1 parent space and 3 disabled spaces, as well as 3 click and collect spaces; and
- removal of canopy and implementation of click and collect facilities with car parking and car waiting areas.

Assessment

1. Principle of Development

Adopted Policy PP2 highlights The Triangle Shopping Centre as a District Centre, and such centres will be the focus for 'town centre uses' which include retail, leisure, commercial, office, tourism and cultural, community and residential development. The pre-amble to this policy adds that such Centres will need to change by becoming more diverse in their offer.

The proposal seeks to reconfigure the existing shopping centre, including the re-configuration of the car park, the inclusion of click and collect facilities, and the inclusion of a new plaza area. These combine to generate a small level of benefits through the regeneration of the site. However, to facilitate the works, the proposal does also include the demolition of four existing units. Upon undertaking a site visit, Officers note that two of these units are occupied, with the remainder being vacant.

Some level of concern is raised with the loss of four units to facilitate the proposals, as it will reduce the level of retail provision across the wider site. However, to counter this, it is noted that the works are aimed at regenerating the shopping centre, two of the units are currently vacant, and Policy PP2 does not specifically state that the loss of some units are not permitted so long as the wider site is the focus of town centre uses. Therefore, on balance, whilst there is some identified harm, on this occasion Officers consider that the proposal does not conflict with the planning policies and therefore support the principle of development.

2. Impact to Character of Area

Paragraph 135 of the NPPF (2024) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context, and to protect the district's landscape and the quality of existing places and their environs. Policy SPL3 and LP4 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout which create a unique sense of place.

The proposed development is considered, overall, to result in a positive impact to the visual character of the area. The four units being demolished and the inclusion of a landscaped plaza area will create a pleasant and more open entrance into the site. Whilst the click and collect area specifically is not necessarily a visual enhancement, it is in-keeping with what would be expected in such a location and also does not negatively detract from the area either. Taking all of the above into consideration, Officers consider the proposals will not result in harm to the character and appearance of the area, and no objections are therefore raised.

3. Impact to Neighbouring Amenities

Paragraph 135 of the National Planning Policy Framework (2023) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The site is within a heavily urbanised area, and there are residential properties located out to all sides, with those most closely related being to the south along Garden Road and south-east at Luff Mews. However, on this occasion Officers consider that the changes will not result in any detrimental impacts to existing amenities, being located a sufficient distance apart. It is also not anticipated that the proposed works would significantly increase any noise generated from the site. Accordingly, no objections are raised in this regard.

4. Highway Safety

Paragraph 116 of the National Planning Policy Framework (2024) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, whilst Paragraph 110 requires that streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places. Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate, and the design and layout of the development provides safe and convenient access for people.

Essex Highways Authority have been consulted on the application and have confirmed that from a highways and transportation perspective the impact of the proposed works is acceptable, however recommend a condition relating to a traffic management plan.

In addition, the proposal would include the removal of seven parking spaces. Whilst the Essex Parking Standards do not account for the most recent use classes, the former retail requirements

were one space per 14sqm for a food store. On this basis there is a requirement for 76 parking spaces, however there is still provision of 141 parking spaces, and therefore this is comfortably met.

5. Renewable and Energy Conservation Measures

Paragraph 116 of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.

Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.

On this occasion, the proposal is predominantly for the re-configuration of the existing car park and demolition of four existing units. On the basis that no additional floorspace is being created, it is not considered to be reasonable or necessary to include a condition that requires the submission of renewable energy generation and conservation measures.

6. Ecology and Biodiversity

Paragraph 186 of the NPPF states that, when making planning decisions local planning authorities need to assess whether significant harm to biodiversity could result from the development. The NPPF goes on to state the hierarchy that should be applied to mitigate any harm to ecology that is identified. Paragraph 180 of the NPPF requires that Local Planning Authorities contribute to and enhance sites of biodiversity or geological value. TDLP Policy PPL4 states that proposals for new development should be supported by appropriate ecological assessments and, where relevant, provide appropriate mitigation and biodiversity enhancements to ensure a net gain.

This report addresses the distinct legal requirements, ensuring a comprehensive analysis of the ecology and biodiversity impacts of the proposal in line with regulatory standards.

General duty on all authorities

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. The proposal is for the demolition of four units, re-configuration of the car park, and implementation of a landscaped plaza area; on this occasion the proposal is supported by indicative landscaping details, which will be secured via planning condition.

Therefore, the development on balance and with consideration of the impact of the development and baseline situation on site, does conserve and enhance biodiversity interests.

Biodiversity Net Gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Development Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not

impact a priority habitat and impacts less than 25 sqm of habitat, or 5m of linear habitats such as hedgerow). This proposal is below the threshold impacts in that it does not impact a priority habitat and impacts less than 25 sqm of habitat, or 5m of linear habitats therefore this development is not applicable for Biodiversity Net Gain.

Protected Species

In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species. The proposal for the demolition of four units, re-configuration of the car park, and implementation of a landscaped plaza area, which is not considered likely to be a habitat for protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

Conclusion

In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

Other Considerations

Frinton and Walton Town Council have recommended approval.

There have been two letters of support received, and two letters of observation that have raised the following points:

1. Would like the proposal to include electric vehicle charging spaces;
2. Want to ensure no disturbances to neighbouring amenities during construction;
3. Believe they should consider amending the access/egress from the site, as well as parking restrictions to Garden Road to improve traffic flow; and
4. Consider upgrades to the footpaths on Luff Way.

In response to this, whilst points 1, 3 and 4 are noted, Officers are only able to assess the application as submitted. In response to point 2, a condition requesting a construction method statement is recommended to be provided.

Conclusion

The proposed development would see the demolition of four existing retail units, however whilst the site is an allocated District Centre, there is no specific mention within Policy PP2 that such a demolition could not take place, provided the wider site is the focus of town centre uses, which Officers are content the proposals are. Furthermore, the works would provide some more regeneration benefits, and also a visual enhancement to the character of the area. There is also sufficient parking provision, and no objections are raised by Essex Highways Authority.

Taking the above into consideration, overall the proposal is considered to comply with local and national planning policies, and is therefore recommended for approval.

8. Recommendation

Approval.

9. Conditions

- 1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 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 permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action 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.

Drawing Numbers PL (90) 001, PL (90) 200, PL (90) 201, PL (90) 301 and PL (90) 001.

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

- 3 CONDITION: No development above slab level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 4 **CONDITION:** All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full 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 approved, in writing, by the Local Planning Authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

- 5 **FURTHER APPROVAL - CONSTRUCTION MANAGEMENT TO BE AGREED (PRE COMMENCEMENT)**

Prior to the commencement of development details of a construction methodology and timetable shall be submitted to and approved, in writing, by the Local Planning Authority. This shall incorporate the following information:-

- a) Details of how construction and worker traffic and parking shall be managed.
- b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
- c) Storage of plant and materials used in the construction of the development.
- d) Details of measures to control the emission of dust and dirt during construction and including details of any wheel washing to be undertaken, management and location it is intended to take place.
- e) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.

The said methodology as may be approved shall be implemented in its entirety on commencement of development and shall operate as may be approved at all times during construction.

REASON: To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result in adverse harm on amenity.

NOTE/S FOR CONDITION:

You are strongly advised to discuss this condition with the Local Planning Authority and if possible/available local residents likely to be affected by this development prior to submission of details. Please note the provisions of the Highways Act 1980 Para 131 are likely to apply and may need to be discussed with the Highways Authority, this legislation includes details and penalties for any damage and/or alterations to the highway including verge, highway signage and surface materials of pavement/footpath and carriageway.

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.

Biodiversity Enhancements Informative:

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include:

<https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

Highways Informative:

i. 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

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.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

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
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

Are there any letters to be sent to applicant / agent with the decision? If so please specify:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO
Has there been a declaration of interest made on this application?		NO