

MRPP

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PLANNING STATEMENT

**CHANGE OF USE COMPRISING
RESTAURANT WITH DRIVE-THRU**

**FORMER CARPHONE
WAREHOUSE, BROOK RETAIL
PARK**

DECEMBER 2020

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1. INTRODUCTION

- 1.1 This Planning Statement is written in support of a full application for the change of use of the former Carphone Warehouse unit at Brook Retail Park to a use class E(a)/E(b) sandwich shop and restaurant (GIA 141sqm) with drive-thru facility. This relates to an existing unit at Brook Retail Park, which has been vacant since April 2020 following the relocation of Carphone Warehouse into the nearby Currys PC World, resulting from the company's decision to close all of its standalone retail units nationwide. The restaurant is designed to be occupied by Subway. This application also seeks permission for the associated alterations to the existing retail unit to facilitate this change of use, as well as 10 additional car parking spaces.
- 1.2 The application site is situated to the west of B&Q and north of the Tesco petrol-filling station and makes up part of Brook Retail Park, located at the north-western edge of Clacton-on-Sea. The proposed drive-thru restaurant will complement existing facilities at both Brook Retail Park and the adjacent Brook Park West. The proposal will provide updated accommodation designed to be occupied by Subway and will enhance the local area's food and beverage offer.
- 1.3 This Statement will demonstrate the acceptability of the proposed development in light of relevant policy and other material considerations. It will firstly identify the planning history of the site and describe the proposed development. Following this, there will then be an appraisal of the scheme against relevant development management policies and objectives. Other considerations will also be identified, bearing in mind that the information provided in support of an application should be proportionate to the scale of the application and take account of planning history on the site. This is in line with paragraph 44 of the NPPF, which states that information requirements "*should be kept to the minimum needed to make decisions*" and that "*Local planning authorities*

should only request supporting information that is relevant, necessary and material to the application in question.”

2. SITE AND PROPOSED DEVELOPMENT

- 2.1 The application site forms part of Brook Retail Park located at the north-western edge of Clacton-on-Sea, approximately 3km from the town centre. The retail park currently comprises B&Q, Currys PC World, a Tesco Superstore, Pizza Hut, KFC and a vacant unit formerly occupied by Carphone Warehouse to which this application relates. Brook Retail Park is accessed via the Brook Park roundabout on the A133, the main road connecting Colchester and Clacton. The third arm of the roundabout then joins with a second roundabout on Britton Way, which leads to the application site to the south, the wider Brook Retail Park to the east and Brook Country Park to the north.
- 2.2 On 29th October 2001, permission was granted at appeal for a comprehensive mixed-use development comprising retail warehousing, restaurants and car parking (application ref. 99/00523/OUT). This development became known as Brook Retail Park. A condition was attached to the consent restricting the sale of goods to “*domestic electrical and gas appliances, carpets and floor coverings, home improvement goods, furniture, automotive products, gardening products and cycles and cycle equipment*”. A further condition limited the total quantum of retail (A1) floorspace to 11,152sqm and the total restaurant (A3) and tourist information kiosk floorspace to 722sqm. The original plans indicated three restaurants and two retail terraces. Only one of the retail terraces and two of the restaurants came forward due to the subsequent development of the Tesco Superstore, leaving a large quantity of unimplemented floorspace.
- 2.3 A reserved matters application for a standalone retail unit to be occupied by Carphone Warehouse (application ref. 05/02152/DETAIL) was granted on 21st April 2006. This development utilised some of the surplus floorspace resulting from the development of Tesco, as set out above. As a reserved matters

application, the conditions of the original outline application continued to be applied whilst no additional conditions were imposed upon this permission.

- 2.4 Brook Retail Park has now established itself as a shopping destination in Clacton. The former Carphone Warehouse unit has been vacant since April 2020 when a Carphone Warehouse concession opened within the adjacent Currys PC World, following the company's decision to close all standalone retail units nationwide. This is the only vacancy within Brook Retail Park.
- 2.5 Brook Retail Park is separated from Brook Park West by the A133 to the west. Vehicular access between the two sites is provided via a roundabout on the A133 and pedestrian access is enabled via a subway underneath the main road. Brook Park West currently consists of a Lidl foodstore, a Hotel, a Marston's Inn and a McDonalds drive-thru restaurant. An application for the approval of reserved matters was approved on 18th June 2020 for 200 residential units (19/01945/DETAIL). Planning permission was also granted on 9th July 2020 for employment units (B1(a)/B1(b)/B1(c)/B8) and a retail unit (A1) to be occupied by Pets at Home on land to the north of T Grove (20/00295/FUL). A further planning application was recently submitted for a drive-thru coffee shop (20/01715/FUL), which is yet to be determined.
- 2.6 The current application site measures 0.14ha and relates to the vacant former Carphone Warehouse unit at Brook Retail Park. The scheme is designed to be occupied by Subway and proposes the following:
- Change of use from Class E(a) retail to a Class E(a)/E(b) drive-thru sandwich shop and restaurant;
 - Minor alterations to the existing unit to facilitate the change of use, including the installation of a drive-thru window and additional cladding at the rear of the unit to replace the former fitting bay doors; and

- Construction of a drive-thru lane and creation of 10 additional car parking spaces.
- 2.7 As detailed above, the vacant Carphone Warehouse unit forms part of Brook Retail Park, which was first granted outline permission in 2001. Notwithstanding this, a full change of use application has been submitted for expediency due to the complexities involved in amending the original outline and reserved matters permissions, albeit this is an option that could have been utilised. This reflects discussions with Tendring District Council prior to the submission of this application, which concluded: *“Given how messy the planning history is here, a fresh full application with your Planning Statement detailing the history would be the best option.”*
- 2.8 The existing building will also undergo modest alterations to facilitate this change of use. As part of these alterations, it is proposed to include a drive thru window in the north elevation of the unit. This will involve a small extension measuring 2m wide by 1.1m deep, which will marginally increase the total floorspace from 139sqm to 141sqm (GIA). The proposal also seeks to include new cladding, matching the existing cladding at the rear of the building, to replace the former fitting bay doors which are no longer required. The existing unit features aluminium cladding, which will remain unchanged. The new drive-thru window will however feature green cladding.
- 2.9 Access is to be provided as per the existing arrangement from the third arm of the first roundabout along Britton Way, which also provides access to Tesco’s petrol filling station. A drive-thru lane will be constructed around the unit, connecting to the car park in the south and wrapping around the unit to the west, north and east. The car park will be extended to increase the total number of car parking spaces from 10 to 20 to meet the operational needs of the

proposed occupier noting that this increase is in line with relevant parking standards for restaurants and cafes¹. This will include two disabled spaces.

- 2.10 The restaurant will also be accompanied by a bin store measuring approximately 4.5m wide by 2m deep. This is to be located at the rear of the unit.

¹ Essex Parking Standards, Design and Good Practice (2009)

3. APPRAISAL

- 3.1 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the adopted Local Plan (2007). Also, of relevance is the Essex Design Guide (2018) and the Essex Parking Standards, Design and Good Practice (2009).
- 3.2 The Council are currently in the process of producing a new Local Plan (2017-2033). The Local Plan is split into two parts, with Part 1 including strategic cross-boundary policies and allocations for Colchester, Braintree and Tendring and Part 2 containing Tendring specific policies and allocations. The Plan was submitted to the Secretary of State on 9th October 2017. Consultation on main modifications to the Part 1 Plan ended on 9th October 2020. On 10th December 2020 the Inspector confirmed that Part 1 was sound, subject to main modifications, and is thus capable of adoption. Part 2 of the Plan is therefore anticipated to be examined later next year.

Principle of Development

- 3.3 Brook Retail Park lies within the settlement boundary of Clacton-on-Sea. The site is not allocated within either the adopted or emerging Local Plan. The application site comprises an existing retail unit, which is one of the first buildings visible to visitors arriving into Clacton along the A133, however it currently lies vacant. The proposal will therefore bring this existing unit back into beneficial use and send a strong signal to visitors of investment in the town.
- 3.4 Clacton plays a strong tourism role in the District and it is the Council's vision to maintain and build on Clacton's tourism roots. Being situated just off the A133 at the entry to the town, facilities at Brook Retail Park make a positive statement to visitors. Policy PP8 of the emerging Local Plan supports proposals

that will help to improve the tourism appeal of the District and this proposal will therefore contribute to meeting one of the Council's key objectives, which is to provide an enhanced environment for tourism and associated services.

- 3.5 The proposed sandwich shop and restaurant with drive-thru will generate employment for the town and provide ancillary facilities to existing retail and leisure uses whilst utilising an existing vacant unit. This is in line with paragraph 122 of the NPPF which states that "*planning policies and decisions should support development that makes efficient use of land*".
- 3.6 A typical drive-thru restaurant of this size would generate 7-9 full-time equivalent jobs². The proposal will also support the attractiveness of Brook Retail Park, an established mixed-use destination comprising retail and restaurant units, and the adjacent Brook Park West, which also comprises retail and leisure uses with further retail and employment development expected to come forward in the near future.
- 3.7 The drive-thru sandwich shop and restaurant will not draw trade from facilities in the town centre, which have their own distinct formats that support shops and other facilities there. The proposed development is of a scale which does not require a retail impact assessment³ and will not have a significant adverse impact on the town centre. The application does not therefore warrant refusal with respect of paragraph 90 of the NPPF relating to impact on the vitality and viability of the town centre. Furthermore, the change of use proposed as part of the application will provide a planning benefit in terms of reducing the quantum of out-of-centre retail floorspace.

² Full-time equivalent employees estimated using HCA Employment Density Guide 2015, 3rd Edition. Figure calculated using A3 density matrix, based on a net to gross floorspace ratio of 90%.

³ Noting that the Council do not currently have a locally set threshold and the proposal is below the National threshold of 2,500m² as set out at paragraph 89 of the NPPF

3.8 There is an existing Subway unit located within Clacton Town Centre and this is of a format targeted specifically at serving customers in the town centre and supporting other town centre uses. The proposed development takes on a drive-thru format and will serve a materially different function to the existing provision. This is relevant in terms of consideration of the sequential test set out at paragraph 86 of the NPPF. Annex 2 of the NPPF confirms that drive-thru restaurants are defined as main town centre uses but that there are situations where it would be appropriate to locate such uses away from town centres. This is recognised by the NPPG which, at Paragraph 2b-011-20140306 states that:

“Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.”

3.9 The government clearly recognises that certain uses have specific and market and locational requirements and that this may constitute a material consideration of sufficient weight to outweigh the normal application of the sequential test.

3.10 The underlying objective of the proposed development is to serve customers in situ. Brook Retail Park is a significant commercial attractor that attracts a considerable number of visitors. The adjacent Brook Park West will also continue to attract more visitors to the area as development progresses. The intention of the proposal is to serve these visitors – many of whom will have a need for food and refreshment – and remove the need to make a separate trip to alternative facilities. The provision of this proposal will therefore improve transport sustainability through reducing the need to travel. i.e. by customers undertaking linked trips.

3.11 Of further considerable importance is the site’s location adjacent to the A133, an arterial route connecting Clacton with Colchester. Local residents and tourists travelling into Clacton via the A133 will have related needs and the

provision of suitable roadside facilities is something which the NPPF (Paragraph 104) supports. The proposal will also serve as a signal of investment to tourists at the entry into the town. The proposal is thus one tuned to market requirements, both in terms of the underlying commercial case and the location and arrangement of the site in meeting the needs of both local residents and tourists.

- 3.12 Thus, in summary, the proposed drive-thru sandwich shop and restaurant is primarily intended to meet needs generated by existing and forthcoming retail, leisure and employment facilities. The proposed development should be seen in the wider context of Clacton, and the substantial growth that it is expected to occur. Therefore, put simply, to apply rigidly the requirements of the sequential test would fail to secure sustainable development.

Design & Access

- 3.13 The proposal utilises an existing vacant building, designed with grey cladding in keeping with the adjacent retail units. The unit is to feature a new drive-thru window with green cladding to meet the standard specification of Subway. The building will therefore be of a design appropriate for this retail park setting.
- 3.14 The building is visible from the A133 roundabout. Therefore, visitors travelling into the town via this route will be able to easily identify this known brand, which will send a positive signal of investment in the town.
- 3.15 The existing unit is accompanied by an existing pedestrian access and a vehicular access road and car park with 10 parking spaces, including one disabled space. The proposal seeks to utilise the existing access and increase the number of car parking spaces to 20, including two disabled spaces. A drive-thru lane will also be constructed for the purposes of ordering food only. The lane allows up to six cars to queue from the collection point.

Ecology

- 3.16 The proposed change of use and alterations relate to a site that has already been developed. The proposal will therefore not affect any designated sites or have an impact on any important habitats.
- 3.17 There will be a small increase in the area of hardstanding used for car parking whilst a small area of grass will be lost to facilitate the extension to the existing car park. However, given the nature of the existing site and its location, it is not considered that there are any ecological constraints on the site which would prevent development coming forward.

Flooding & Drainage

- 3.18 There are no proposed changes to the existing drainage systems as part of the current application. The permeable surface of the site will be marginally increased to facilitate the additional car parking spaces but this will be of a scale that will have an imperceptible impact and will not lead to an increase in flooding.

Highways

- 3.19 The proposed change of use and alterations will not result in a significant uplift in the number of vehicles travelling to the site in comparison to the unit's former use as a retail shop. Whilst there is a slight increase in the number of car parking spaces, this is in line with the Parking Standards⁴.
- 3.20 Due to the nature of the proposed drive-thru sandwich shop and restaurant, which will provide ancillary facilities to Brook Retail Park and Brook Park West, it is anticipated that the majority of visitors to the site will be customers of these adjacent retail and leisure facilities undertaking linked trips. The proposal will also serve customers who are already travelling along the A133. The proposal will attract few single-purpose journeys and trips to the site will therefore almost

⁴ Essex Parking Standards, Design and Good Practice (2009)

invariably comprise of traffic already on the network. Therefore, it is not considered that the change of use and alterations proposed will have a severe or unacceptable impact on highways, in accordance with paragraph 109 of the NPPF.

Summary

- 3.21 Bearing in mind the former use of the site for retail and the limited scale of the changes proposed, this application for a change of use and alterations is considered acceptable in terms of policy considerations whilst also providing significant planning benefits. All relevant issues, including design, access, ecology, transport, flooding and drainage relating to the proposed development have been considered and are understood to be acceptable in accordance with local and national policy, subject to any appropriate conditions that might be necessary. Furthermore, the proposal will bring this vacant unit back into use thus providing significant benefit in terms of employment opportunities and a signal of investment in the area.

4. CONCLUSION

- 4.1 This Statement is submitted in support of a change of use application for a 141sqm class E(a)/E(b) sandwich shop and restaurant along with drive thru facility and additional car parking. The unit has been designed to be occupied by Subway. This application has been submitted with a package of plans and supporting information contained within this Planning Statement that demonstrate the appropriateness and sustainability of the proposal.
- 4.2 The application site relates to the former Carphone Warehouse unit at Brook Retail Park, which operated as a retail unit following the grant of planning permission in 2006 until recently when the unit became vacant, following the company's decision to close all of its standalone retail units. This application has been submitted in full for expediency due to the complexities involved in amending the original outline and reserved matters permissions.
- 4.3 This Statement highlights that the proposal will deliver complimentary facilities as part of the Brook Retail Park and Brook Park West complexes and serve visitors to the adjacent existing and forthcoming retail, leisure and employment facilities. The proposed operator also has specific locational and market requirements such that strict application of the sequential test would negate the objectives of the proposed development and fail to secure sustainable outcomes. The proposed development is of a scale which does not require a retail impact assessment whilst the change of use will provide a benefit in terms of reducing the quantum of out-of-centre retail floorspace. Finally, the development will be supported by an appropriate level of car parking.
- 4.4 Fundamentally, the site is currently vacant and the primary objective is to bring this unit back into use whilst generating employment for the town. This is also a key site in Clacton that is visible to visitors entering Clacton via the A133 and will send a positive signal of investment. The proportionate information

submitted with this application reconfirms that the impact of the site on the local ecology, drainage and transport network will not be adverse.

- 4.5 Given the proposal involves the conversion and change of use of an existing vacant unit it is considered this proposal constitutes sustainable development, providing a number of benefits and an appropriate location for such facilities. Furthermore, the proposal accords with the requirements of both national and local policy and, therefore, planning permission should be granted.