

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	10/01/19
Planning Development Manager authorisation:	AN	14/1/19
Admin checks / despatch completed	AN	15/1/19

SK

Application: 18/01858/OUT **Town / Parish:** Elmstead Market Parish Council

Applicant: Mr Stephen Williams

Address: Land adjacent to Grange Farm Bungalow Clacton Road Elmstead Market

Development: Proposed office development of up to 929sqm B1 office with associated car parking, infrastructure and landscaping.

1. Town / Parish Council

Elmstead Market Parish Council No comment.

2. Consultation Responses

ECC Highways Dept The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal is situated off a new access road into a new development that has a newly installed right turn facility located on Clacton Road. The site appears to offer adequate room and provision for off street parking and turning, for the proposed office development therefore:

From a highway and transportation perspective the impact of the proposal has been assessed and this Authority does not wish to raise an objection to the above application subject to the following conditions:

1. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the adjacent carriageway.

Reason: To avoid displacement of loose material onto the carriageway in the interests of highway safety

2. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

3. Prior to occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage

of materials and manoeuvring shall be provided clear of the highway and retained thereafter for that sole purpose.

Reason: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety in accordance with policy DM1

4. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8

5. The Cycle / Powered Two wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

6. Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety and in accordance with Policy DM1

7. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1

8. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1

9. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials

and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1:

Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

Additional Comment Received 08/01/19:

DM39 Travel Plans.

- A fee of £5,000 (plus the relevant sustainable travel indexation) will be payable on commencement/occupation of the development, to cover a minimum 5 year period from the date of occupation. Payment will be made upfront to cover the 5 year period.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Tree & Landscape Officer

The main body of the application site does not contain any trees or other significant vegetation.

There is a newly planted Laurel hedge on the perimeter of the land and four isolated trees on the site boundary.

In order to show the extent to which the trees are a constraint on the development potential of the land and to show the potential impact of the development proposal on the trees the applicant has submitted a Tree Survey and Report. The report has been carried out in accordance with BS5837: 2012 Trees in relation to design, demolition and construction: Recommendations.

The report provides an accurate description of the health and condition of the trees as well as describing the extent to which they are a constraint on the development potential of the land ' they are not a significant constraint on the development potential of the land.

If planning permission is likely to be granted then the applicant should provide an Arboricultural Method Statement and Tree Protection Plan to should how retained trees will be physically protected for the construction phase of any development.

In terms of the impact of the development on the local landscape character and the immediate environs of the application site it is clear that from the application site and its immediate surroundings there are uncluttered views of the countryside which is typified by occasional farm buildings and isolated dwellings. The proposed development would if approved result in the construction of potentially imposing structures that would significantly change the character of the area.

The document submitted with the application and entitled Assessment for Potential Development sets out the baseline qualities of the local landscape character and describes in general terms the nature of the development proposal. The document does not purport to be a landscape and visual impact assessment but provides some information in this regard.

In 'broad brush' terms it is clear that views of the site from the Public Right of Way network to the south, south-west and west are limited and obstructed by intervening vegetation. However views from the main receptor; that is Clacton Road are clear and unhindered.

It is accepted that, to a degree, soft landscaping could be carried out to mitigate the visual harm that would result from the development however the change to the character of the area will contribute to the cumulative degradation of the local landscape character which has a limited capacity to accommodate new development. The change will be permanent and is of such a scale that it would not sit comfortably in its setting

It is considered that the relatively isolated semi-rural location of the application site means that development of this scale is not appropriate for this location. The development would result in the introduction of an incongruous element in the landscape and would not help to maintain the existing settlement pattern of hamlets, farmsteads and distinct villages. The development would lead to an intensification of 'Ribbon Development'

In terms of soft landscaping if planning permission is likely to be granted then a detailed soft landscaping scheme should be secured by a planning condition. The enhancement of the public realm and planting on the site boundary to provide a soft edge to the development will be key elements of the soft landscaping of the site

Building Control and
Access Officer

Not enough information to comment on.

3. Planning History

18/00004/DETAIL	Erection of two detached dwellings and associated garaging.	Approved	27.02.2018
18/00644/OUT	Demolition of existing bungalow and erection of up to nine dwellings and associated garaging.	Refused	27.06.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

ER7 Business, Industrial and Warehouse Proposals

EN1 Landscape Character

QL1 Spatial Strategy

- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- TR1A Development Affecting Highways
- TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

- CP1 Sustainable Transport and Accessibility
- PP6 Employment Sites
- PPL3 The Rural Landscape
- SPL1 Managing Growth
- SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal

Site Description

The application site is located on the south-western side of Clacton Road (A133) in a rural location within the parish of Elmstead. The site is outside any Settlement Development Boundary within the saved Tendring District Local Plan (2007) and Tendring District Local Plan 2013-2033 and Beyond

Publication Draft (June 2017). Whilst the site is within a rural location, the surrounding area some residential built form currently under development to the south-east. Further to the north-west is a recently constructed business park. The site itself is open, with 1 metre high laurel hedging on the perimeter of the land.

Proposal

This application seeks outline planning permission for the erection of a detached building to serve as a B1 office, with associated parking, infrastructure and landscaping. The application is in outline form, with all matters reserved.

Whilst only indicative plans have been supplied, the proposed development will be 929sqm, with Hills Building Group wishing to relocate their offices from their existing premises in Colchester to occupy it.

Assessment

Principle of Development:

The NPPF (2018), at Paragraph 80 states planning policies and decisions should help create conditions in which businesses can invest, expand and adapt. At Paragraph 83 it states planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Within Paragraph 84 it states planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.

Offices are classed as a town centre use. However, Paragraph 88 of the NPPF (2018) confirms that the sequential approach should not be applied to applications for small scale rural offices.

Although this forms a separate proposal to 'Lanswood Business Park' it is in very close proximity to the built and approved office units and would be viewed in conjunction with these.

Local Plan policy ER7 states, inter alia, that in considering proposals for the expansion of business, industrial or warehousing sites;

a) the scale and nature should be appropriate to the locality, including its relationship with adjacent uses;

The plans submitted are indicative only, but indicate the proposed building will be part single storey and part two storey. This is in-keeping with both the residential development currently being constructed adjacent to the south-east, and to Lanswood Park Business Centre, located to the north-west. Against this backdrop it is considered that the proposed offices will not appear incongruous in this location and will achieve a satisfactory relationship to its surrounding area.

b) there is no unacceptable impact on amenity in terms of appearance;

Whilst the proposed building would be highly visible in this location, it will be located in relatively close proximity to the existing business park, and will help to compliment that. Further, the residential development currently being constructed is located directly adjacent to the south-east and again will ensure the proposal is seen in conjunction.

Landscaping is a reserved matter but it would be expected that significant levels of soft landscaping are incorporated, particularly to the northern and western boundaries, which will help the proposal to assimilate well within its surroundings.

c) satisfactory vehicular access and adequate car parking is provided.

Essex Highways Authority have been consulted and state that the site appears to offer adequate room and provision for off street parking and turning for the proposed office development.

Accordingly they raise no objections subject conditions relating to the use of no unbound materials, the vehicle parking area, an area of the site identified for loading/unloading/reception and storage of materials, cycle provision, external lighting, no discharge of surface water, the siting of any boundary planting, the submission of a Construction Method Statement and a fee payable to cover a five year period for the travel plan. However, access and layout are both reserved matters and therefore most of these conditions are not necessary at this time.

The Adopted Car Parking Standards state that for a B1 office use, parking provision must equate to one parking space measuring 5.5m x 2.9m per 30sqm. The proposed building will be 929sqm, meaning that 30 parking spaces are required. Whilst the submitted plans are indicative only, there appears to be significant room to accommodate this level of parking.

It is acknowledged that under permitted development rights the proposal could convert from its B1(a) use to a B8 use (Storage or Distribution). However, this B8 use would not be expected to be sited solely within a town centre location and it is therefore not necessary to include a condition to this decision to restrict the use of the building solely to a B1 use.

Residential Amenity:

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The building will be located in proximity to residential development currently under construction to the south-east; however there is an approximate separation distance of 30 metres and therefore it is considered that a design within any future application can ensure no significant loss of amenities to these properties. Further, whilst there is likely to be some noise disturbances in relation to the comings and goings of vehicles entering and exiting the site, Clacton Road is already a busy thoroughfare that generates significant noise; the proposal is not considered to significantly impact upon this.

Other Considerations

Elmstead Market Parish Council has not commented on the application.

There have been no other letters of representation received.

Conclusion

In the absence of any significant material harm as a result of the proposal, the proposed development is recommended for approval.

6. Recommendation

Approval.

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 3 No development shall be commenced until plans and particulars of " the reserved matters" referred to in the above conditions relating to the access, appearance, landscaping, layout and scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

- 4 No floodlighting or other external lighting shall be installed until details of the illumination scheme have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.

Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area, and in the interests of highway safety.

- 5 There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 6 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

- 7 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities
 - v. noise and dust suppression measures
 - vi. hours of operation

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in the interest of neighbouring amenities.

- 8 Prior to the occupation of the development an Arboricultural Method Statement and Tree Protection Plan should be submitted to, and agreed in writing by, the Local Planning Authority, to demonstrate how the retained trees will be physically protected during the construction phase of the development.

Reason - To ensure adequate protection for the existing trees on site, in the interests of visual amenity.

- 9 Prior to occupation of any part of the development, a Staff Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Staff Travel Plan shall include details of how the developer will reduce single occupancy car use in journeys to work; to promote sustainable means of transport for staff; provide details of an annual Staff Travel Survey. The Staff Travel Plan shall be implemented in accordance with the agreed details for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

In relation to Condition 9 of this decision, a fee of £5,000 (plus the relevant sustainable travel indexation) will be payable on commencement/occupation of the development, to cover a minimum 5 year period from the date of occupation. Payment will be made upfront to cover the 5 year period.