

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	29/04/2019
Planning Development Manager authorisation:	SCE	29.04.19
Admin checks / despatch completed	pw	29/4/19

Application: 19/00136/FUL **Town / Parish:** Thorrington Parish Council

Applicant: Gaetano Sorano and Michela Luca

Address: Sorano's Tenpenny Hill Thorrington

Development: Proposed single storey front extension to existing restaurant including a chimney stack.

1. Town / Parish Council

Thorrington Parish Council have not commented on this application.

2. Consultation Responses

Environmental Protection I have reviewed the application and have no adverse comment to make.

Building Control and Access Officer No comments at this time.

ECC Highways Dept From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and condition:

1. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

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: No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. This is to avoid the displacement of loose materials onto the highway.

Informative 2: Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site

worker vehicles, within the limits of the site together with an adequate parking area for those employed in construction of the extension.

Informative 3: 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 or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

3. Planning History

01/02111/FUL	Continued use of parking for 4 coaches (renewal of planning application TEN/98/0302)	Approved	01.02.2002
91/00598/FUL	Continue storage of caravans (renewal of permission TEN/860/89)	Approved	23.07.1991
93/00292/FUL	(Fir Trees Cafe, Tenpenny Hill, Thorrington) Change of use from part of caravan storage to parking of 4 coaches	Approved	27.04.1993
94/01492/OUT	(Fir Tree Cafe, Tenpenny Hill, Thorrington) Demolition of cafe and proposed 5 dwellings on part of site.	Refused	31.01.1995
95/00239/FUL	(Fir Trees Cafe, Tenpenny Hill, Thorrington) Continued use for parking of four coaches (renewal of planning permission TEN/93/0292)	Approved	11.04.1995
97/00466/FUL	Residential 2 - Four bed. detached houses with double garage	Refused	24.06.1997
98/00302/FUL	Continued use of parking for 4 coaches (renewal of planning permission TEN/95/0239)	Approved	15.04.1998
14/01133/DEMCON	Proposed demolition of timber building.	Approved	
15/30112/PREAPP	Proposed new two storey restaurant (following demolition of existing restaurant).	Support	10.06.2015

15/01169/FUL	Re build of existing restaurant in two phases. Phase one - Erection of two storey building with kitchen and upstairs toilet. Phase two - Demolish existing building and rebuild with toilets, prep room, staff room and cold store.	Approved	15.10.2015
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4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER7 Business, Industrial and Warehouse Proposals

EN1 Landscape Character

EN3 Coastal Protection Belt

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL3 Sustainable Design

PP6 Employment Sites

PPL2 Coastal Protection Belt

PPL3 The Rural Landscape

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 (including Site Description and Proposal)

Site Description

The application site is located on the south-western side of Tenpenny Hill within the parish of Thorrington. The site is located outside any defined development boundary. The site accommodates 'Sorano's' a single storey restaurant with parking to the front and side of the main building.

Proposal

The application seeks planning permission for the proposed single storey front extension to the existing restaurant including a chimney stack. The extension will measure 12 metres in width, 5.5 metres in depth with an overall height of 4.6 metres.

Assessment

Principle of Development

Saved Policy ER7 of the Tendring District Local Plan 2007 states that in considering proposals for the establishment, expansion or change of use to business, industrial or warehousing sites the Council will need to be satisfied that:

- a. the scale and nature of the proposal is appropriate to the locality, including its relationship with adjacent uses;

The proposed extension will be located to the front of the existing building and therefore it will be visible from the streetscene of Tenpenny Hill. However, due to the building being set back by approximately 18 metres away from the highway, as well as the single storey nature of the proposal, it is considered that the extension will not cause any significant impact upon the street scene. The proposed chimney will be located to the south easterly elevation of the proposed extension. Although the chimney will be visible to the streetscene, it is considered that the proposal will be a minor addition and therefore will have a neutral impact upon to the character of the surrounding area. The character of the area is fairly mixed with commercial development and residential development present in the vicinity of the site. As such, the proposed building would not be detrimental to the character and appearance of the street scene. The use of timber cladding, synthetic tile sheeting, white UPVC windows and doors are all materials which will match the existing building and therefore would relate appropriately to the character of the area. Furthermore, the proposed building would retain sufficient side isolation to the side boundaries of the plot as to not appear cramped.

- b. there is no unacceptable impact on amenity in terms of appearance, noise, smell, dirt or other pollution;

Due to the degree of separation of the proposed building to the neighbouring property, the impact of the development upon the neighbouring residents in terms of loss of light/outlook would not be significantly detrimental. Environmental Health have been consulted on this application and do not have any adverse comments to make. Due to the distance to the neighbouring dwellings and the presence of vegetation sited on the side boundary of the site, any impact in terms of noise/odours would not be detrimental to the neighbour's amenity.

- c. Satisfactory vehicular access and adequate car parking is provided. Major new industrial or warehousing sites including transport storage operations must have direct access onto the primary route network;

There is parking available to the front and side of the site. Although the extension will extend from the front of the building, this will not impact upon the parking arrangements of the restaurant. Essex County Highways have been consulted on this application and do not wish to raise any objections subject to a condition relating to the areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway. This condition will be imposed as an informative only.

- d. mains water together with mains sewerage and/or adequate waste water and trade effluent treatment facilities can be made available;

The extension to the existing business will be served by the existing sewerage and water, any increase proposed by this application is not considered to be significant.

- e. the site has acceptable storage facilities. The open storage of goods, containers, waste materials or finished products will not be allowed where such activity is considered to be visually intrusive;

There is no external storage proposed within this application. As the building is an existing restaurant, the proposal will use the existing storage facilities.

- f. in relation to a change of use, that the existing premises are suitable for the purpose;

The application is for a front extension and therefore this criteria does not apply.

- g. in relation to new sites, the need for a comprehensive Design Brief, including a landscaping scheme has been considered and where necessary prepared; and opportunities for promoting the movement of freight by rail or through the district's ports are in no way compromised by the development proposed.

This criteria is not applicable to this application and therefore it has not been taken into consideration.

Other considerations

Thorrington Parish Council have not commented on this application.

No letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval.

6. Recommendation

Approval – Full

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be begun before 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 the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.01 Revision A

Reason - For the avoidance of doubt and in the interests of proper planning.

8. 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.

Highways

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. This is to avoid the displacement of loose materials onto the highway.

Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in construction of the extension.

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.

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Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
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