

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	29/04/2019
Planning Development Manager authorisation:	SCE	30.04.19
Admin checks / despatch completed	RW	30/4/19

Application: 19/00359/FUL **Town / Parish:** Frinton & Walton Town Council
Applicant: Parkers Garden Company
Address: Parkers Garden Centre Frinton Road Kirby Cross
Development: Proposed extension to car park.

1. Town / Parish Council

Frinton and Walton Town Council APPROVAL with the conditions that the parking extension is for cars only, no goods vehicles; that the hedge remains at a reasonable height and that there are no spotlight/floodlight that will adversely affect neighbouring residential properties.

2. Consultation Responses

Building Control and Access Officer No comments
Tree & Landscape Officer The proposal to extend the existing car park will not adversely affect any trees or other significant vegetation.

There appears to be little scope or need for new soft landscaping to be carried out.

ECC Highways Dept A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.
The proposal is adjacent to some existing parking areas and will be accessed via the existing vehicle access off Frinton Road. The area is also used as an overflow parking area and the proposal will formalise this area with a tarmac surface and marked spaces therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. The proposed car park extension shall not be used 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 any 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.

2. 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

3. Each vehicular parking space which is bounded by walls or other construction shall have minimum dimensions of 3.4 metres x 5.5 metres.

Reason: To encourage the use of off-street parking and to ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8

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:

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.

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

00/00174/FUL	Glass canopy extension - extension from existing building - to create a protected environment for retailing of half hardy plants	Approved	03.04.2000
92/00992/FUL	Demolition of existing sheds, construction of new glasshouse structure for storage purposes	Approved	14.10.1992
93/01338/FUL	(Frinton Road Nurseries, Kirby	Approved	17.01.1994

	Cross) Change of use of existing glasshouse to extension of existing coffee shop within existing garden centre		
95/00421/FUL	Retention and extension of existing hard standing/ parking area adjacent to north boundary of site	Approved	06.06.1995
08/01326/TPO	2 No. Oak - reduce	Approved	13.10.2008
19/00359/FUL	Proposed extension to car park.	Current	

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

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

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 Parkers Garden Centre, located on the northern side of Frinton Road, Kirby Cross. The application site is located within the development settlement boundary of Frinton on Sea.

Proposal

The application seeks planning permission for the extension of the car park. The proposal will create an additional 26 parking spaces.

Assessment

The main considerations for this application are the impact upon the surrounding area and trees and landscaping, impact upon neighbouring amenities and highway safety.

Impact upon the surrounding area, trees and landscaping

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed extension to the car park is considered to be in-keeping with the existing character of the area. The site lies adjacent to the existing car park and is separated from surrounding properties by existing boundary treatment. It is considered that because the land is well set back from the street scene and well screened with vegetation, the impact as a result of this development will be minimal.

The Tree and Landscaping officer was consulted on this application and provided the following comments;

'The proposal to extend the existing car park will not adversely affect any trees or other significant vegetation. There appears to be little scope or need for new soft landscaping to be carried out'. It is therefore considered that the proposal is acceptable in terms of trees and landscaping.

Impact upon neighbouring amenities

The proposed piece of land is enclosed by an existing fence and hedging which denotes the boundary of Parkers Garden Centre. Due to the distance to neighbouring dwellings as well as the screening, the proposed extension to the car park is not considered to cause any significant impact upon neighbouring amenities.

Highway safety

Essex County Highways have been consulted on this application and do not raise any objections subject to the following conditions;

- The proposed car park extension shall not be used 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 any 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.
- Each vehicular parking space shall have a minimum of 2.9 metres x 5.5 metres.
- Each vehicular parking space which is bounded by walls or other construction shall have minimum dimensions of 3.4 metres x 5.5 metres.
- The reception and storage of building materials shall take place clear of the highway. This condition will be imposed as an informative only.

It is therefore considered that the proposed provision of the extension to the car parking is considered to be acceptable.

Other considerations

Frinton and Walton Town Council supports this application with the conditions that the parking extension is for cars only, no goods vehicles; that the hedge remains at a reasonable height and that there are no spotlight/floodlight that will adversely affect neighbouring residential properties.

1 letter of representation has been received raising the following concerns:

- Request that no vehicles higher than the hedge line park next the boundary and no flood lighting is left on overnight on the new extension.

In response to the concerns above, the proposed hedging which denotes the boundary will help to screen any vehicles within the car park. In terms of the hedge height and the parking of higher vehicles, it would be unreasonable to impose a condition as it would be considered unenforceable. The supporting statement states that there will be no floodlighting and the existing low level bollard lighting will be extended for the benefit of public safety. A condition will be imposed for a lighting scheme to be submitted to the Local Planning Authority.

Conclusion

In the absence of material harm as a result of the proposed development, this 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. PGC-01 revision B

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

- 3 The proposed car park extension shall not be used 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 any 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

- 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

- 5 Each vehicular parking space which is bounded by walls or other construction shall have minimum dimensions of 3.4 metres x 5.5 metres.

Reason - To encourage the use of off-street parking and to ensure adequate space for parking off the highway is provided in the interest of highway safety

- 6 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. The development shall be carried out and maintained 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.

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.

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CO4 9YQ.

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?	YES	NO
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If so please specify:		
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO