

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	14/06/2019
Planning Development Manager authorisation:	SCE	17-06-19
Admin checks / despatch completed	W	15/6/19

**Application:** 19/00072/FUL **Town / Parish:** Weeley Parish Council

**Applicant:** Motor Fuel Limited

**Address:** Weeley Service Station Colchester Road Weeley

**Development:** Single storey side extension comprising of; extension of existing pitch roof, relocation of ATM, new shopfront glazing with protection bollards, form new customer parking bays and relocation of air & water and vacuum machine

### 1. Town / Parish Council

Weeley Parish Council No objection to this application.

### 2. Consultation Responses

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 conditions:

1. Prior to completion of the building works the vehicular parking and turning facilities, as shown on the submitted block plan, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.  
Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

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. 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: 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 developing the site.

Informative 2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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](mailto:development.management@essexhighways.org) or by post to:

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

### 3. Planning History

94/00918/FUL	(A133 Colchester Road, Weeley) Motorists' service area incorporating petrol filling station, restaurant and related parking, access and landscape planting	Approved	06.12.1994
95/00768/ADV	(New Petrol Filling Station, Crown Green, Weeley) General commercial signage (illuminated and non-illuminated)	Approved	31.08.1995
97/00741/FUL	Provision of jet wash facilities for cars and trucks		31.12.2002
97/01415/FUL	Amendment to condition No. 4 of planning permission granted under ref TEN/94/0918 to permit the overnight parking of a maximum of 6 vehicles	Approved	06.01.1998
08/01246/ADV	The installation of an ATM within a purpose built security enclosure.	Approved	23.10.2008

08/01289/FUL	The installation of an ATM within a proposed front extension	Approved	12.11.2008
19/00072/FUL	Single storey side extension comprising of; extension of existing pitch roof, relocation of ATM, new shopfront glazing with protection bollards, form new customer parking bays and relocation of air & water and vacuum machine	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

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 Weeley Service Station, Colchester Road, Weeley which is located outside the settlement development boundary of Weeley.

### Proposal

The application seeks planning permission for:

- single storey side extension
- relocation of ATM
- shopfront glazing
- bollards
- customer parking bays
- relocation of air, water and vacuum machine.

### Assessment

The main considerations for this application are the design and appearance and the impact upon neighbouring amenities and highway safety.

### Design and Appearance

QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.

The proposed side extension to the existing sales building will be located to the north eastern elevation of the existing building which will be visible from the street scene of Colchester Road. However, due to the proposal being set back from the highway by approximately 28 metres from the highway, the single storey nature of the proposal and the roof pitch being in keeping with the existing building, it is considered that the proposal will not cause any significant impact upon the street scene of Colchester Road and it is considered acceptable in terms of design and appearance. The proposal would be principally attracting passing trade rather than being reliant as a destination in its own right.

The relocation of the ATM to the south western side of the building is a facility you would expect to see at a filling station such as this. The existing shop window appears cluttered with various window vinyls and internal adverts. The installation of the ATM will not be visually prominent or harmful to the character of the area.

The shopfront glazing is what you would expect to see at a filling station such as this. The glazing is in keeping with the existing building and although visible within the street scene it will not be visually prominent or harmful to the character of the area.

The proposed bollards will not result in any significant visual harm and therefore will not impact upon the street scene of Colchester Road. The limited visual impact means that no significant harm to the character of the area will result from the works.

The relocation of the air, water and vacuum machine will be located to the north west of the application site adjacent to the six proposed parking spaces and located approximately 9 metres

away from the highway. Due to the machines being 1.4 metres in height, it is considered that the proposal will not cause any significant impact upon the street scene.

#### Impact upon neighbouring amenities

There are commercial premises to the east and south of the application site. However, the proposed works will be located to the west of the application site and as a result will not cause any impact upon the surrounding commercial uses.

#### Highway Safety

Essex County Highways have been consulted on this application and do not raise any objections subject to conditions; vehicular parking and turning facilities, parking space dimensions and the reception and storage of building materials. The application does not propose turning areas and therefore only the vehicular parking condition will be imposed. The parking spaces are in line with Essex Parking Standards and therefore this condition will not be imposed. The third condition relating to the reception and storage of building materials will be added as an informative.

Additional parking spaces are proposed with six to the front of the site and eight to the rear of the existing building. These spaces will allow for customers to utilise the additional facilities in the station. However, the proposal will attract passing trade and as a result the number of parking spaces is considered acceptable for the site and will not impact upon highway safety.

#### Other Considerations

Weeley Parish Council have no objection to this application.

No letters of representation have been received.

#### Conclusion

In the absence of significant material harm as a result of the 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 plan: Drawing Number: 13454-203, Drawing Number: 13454-204, Drawing Number: 13454-205 and Drawing Number: 13454 -207.

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

- 3 Prior to completion of the building works the vehicular parking , as shown on the submitted block plan, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest 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.

### Highways

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.

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 developing the site.

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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### Signage

Please note any advertisements are likely to require advertisement consents.

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	YES	NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	NO