

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	PW	17/06/19
Planning Development Manager authorisation:	AN	17/6/19
Admin checks / despatch completed	SB	17/06/19.

Application: 19/00609/FUL **Town / Parish:** Elmstead Market Parish Council

Applicant: FV Conservatories and Windows

Address: FV Conservatories and Windows Colchester Road Elmstead Market

Development: Proposed erection of an enhanced orangery to front elevation and a single storey side extension. Variation of Condition 5 (to change the approved uses of the small business units) and removal of Condition 2 (authorised use and no further sub-division) of planning permission 11/00760/FUL.

1. Town / Parish Council

Elmstead Market Parish Council No Comments

2. Consultation Responses

ECC Highways Dept

It is noted that this application only concerns condition No2 and 5, of planning permission 11/00760/FUL.; the Highway Authority does not object to the proposals as submitted and in accordance with drawing nos. 1914/1 and 1914/2.

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: 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

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

92/00789/FUL	Extension to front of showroom	Approved	03.09.1992
93/00459/ADV	3 No. flagstaffs with flags and hoardings	Refused	08.06.1993
93/00492/FUL	Extension to front of showroom	Approved	08.06.1993
11/00760/FUL	Conversion and alteration (retrospective) of previous use as a showroom/retail outlet with workshop and stores, to 7 no. small business units and village post office.	Approved	31.08.2011
16/00313/FUL	Erection of an enhanced orangery structure on front elevation with associated alterations.	Approved	20.04.2016
19/00609/FUL	Proposed erection of an enhanced orangery to front elevation and a single storey side extension. Variation of Condition 5 (to change the approved uses of the small business units) and removal of Condition 2 (authorised use and no further sub-division) of planning permission 11/00760/FUL.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

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

ER10 Small Scale Employment Sites in Villages

COM1 Access for All

COM3 Protection of Existing Local Services and Facilities

COM23 General Pollution

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

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

Proposal

This application seeks planning permission for the erection of an enhanced orangery to the front and an extension to the side of a conservatory and window show room, and the regularisation of use classes of the separate units to the rear of the site (following changes from the originally approved uses approved in 2011). The site is within the Development Boundary of Elmstead.

Front Conservatory and Side Extension

Planning History

Planning permission was granted in 2016 for an enhanced orangery (16/00313/FUL) but was never implemented. This application represents a revised proposal, and includes a small extension to the side of the building (unit 3) adjacent to the drive way that serves the units to the rear of the site.

Visual Impact

While the application site is set back from the main highway, the proposed orangery is sited to the front of the host building and the single storey side extension towards the front of the side elevation - so both additions will be visible from the main road.

The proposed orangery will replace an existing conservatory to the front of the showroom, and is considered to be of a scale and nature appropriate to its locality. The design of the orangery is considered to be in keeping with the existing building, and is not considered to be detrimental to the street scene.

The side extension is a minor addition, relates well to the main building, and is in keeping with the character of the site. Black weatherboarding to the side extension is in keeping with the side elevation of the existing building.

Impact on Neighbouring Properties

Both the front conservatory and side extension are sited away from the site boundaries, and will not have a significant impact on the residential amenities of nearby dwellings - particularly the adjacent neighbour to the west.

Change of Use of Commercial Units

This application seeks to regularise the use of several commercial units - originally granted planning permission under 11/00760/FUL - by removing condition 2 (authorised use and no sub-division) and varying condition 5 (approved uses.)

Planning History

Planning permission was granted in 2011 for the sub-division of the showroom/retail outlet into several smaller commercial units. The approved uses were as follows:

- Unit 1 - Class B1 (showroom/office space) and B2 (workshop/stores)
- Unit 2 - Class A1
- Unit 3 - Class A1
- Unit 4 - Class A1
- Unit 5 - Beauty Salon (Sui Generis)
- Unit 6 - Class A3
- Unit 7 - Class B2
- Post Office - Class A1

This application seeks to alter the uses of unit 3 (changing from A1 retail to an A3 cafe); unit 6 (changing from an A3 café to A1 retail); unit 7 (changing from a B2 micro-brewery to A1 retail); and unit 8 (former Post Office) (changing from A1 retail to an A2 chartered accountants).

The proposed uses are as follows:

- Unit 1 - Class B1 (showroom/office space) and B2 (workshop/stores)
- Unit 2 - Class A1
- Unit 3 - Class A3
- Unit 4 - Class A1
- Unit 5 - Beauty Salon (Sui Generis)
- Unit 6 - Class A1
- Unit 7 - Class A1
- Unit 8 (former Post Office) - Class A2

Appraisal

The proposal will result in the net gain of one Class A2 unit (a chartered accountants' office), the loss of a B2 unit (a micro-brewery), and the loss of the Post Office (although the A1 use will move to a different unit on the site.)

Policy COM3 requires that alternative community facilities be available within walking distance (800m) if such facilities are to be lost as a result of the development. The applicant has confirmed that the village Post Office has been relocated to the Spar shop (associated with the petrol filling station) on the opposite side of the road, but still within the main part of the village.

The A2 use is appropriate for the setting, and parking provision on the site remains unchanged from that approved under the previous permission.

Policy ER7 of the Local Plan requires that, among other things, the scale and nature of the proposal is appropriate to its locality; there is no unacceptable impact on amenity in terms of appearance, noise, smell etc.; adequate vehicular access and parking is provided; and that in relation to change of use the existing premises are suitable for the purpose.

Essex County Council highways have been consulted on the application and have no objection subject to standard Informatives. Vehicular access and parking remains unchanged by the proposal

Environmental Protection have been consulted regarding the relocation of the A3 café unit, and have no adverse comments to make. There is sufficient separation to neighbouring dwellings to prevent any material harm to amenity.

The proposed variation to the original permission is therefore considered to be in accord with policy ER7.

Conditions

Conditions from the 2011 planning permission regarding operating hours of the site, and the retention of the car parking and turning area are both still applicable, and will be imposed on this planning permission.

Other Considerations

Elmstead Market Parish Council has made no comment on the application.

No other letters of representation have been received.

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

- 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's. 1914/1 and 1914/2.

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

- 3 The hereby permitted uses shall only operate between the hours of 07:30 and 18:00 Monday to Friday and between the hours of 08:00 and 16:00 on Saturdays. There shall be no working on Sundays or Public Holidays.

Reason - In the interests of neighbouring residential amenity.

- 4 Notwithstanding the provisions of Article 3, Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), the hereby approved units shall be used as follows within the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument revoking and re-enacting that Order with or without modification):

- Unit 1 - Class B1 (showroom/office space) and B2 (workshop/stores)
- Unit 2 - Class A1
- Unit 3 - Class A3
- Unit 4 - Class A1
- Unit 5 - Beauty Salon
- Unit 6 - Class A1
- Unit 7 - Class A1
- Unit 8 (former Post Office) - Class A2

Reason - To ensure the development is satisfactory in relation to the premises and its surroundings, and neighbouring residential amenity.

- 5 The parking and turning area shown on drawing number 1914/1 shall be maintained free from obstruction at all times for that sole purpose.

Reason - 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.

Highways 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.

Highways Informative 2: 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

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.

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