

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	26/06/2019
Planning Development Manager authorisation:	AN	27/6/19
Admin checks / despatch completed	KAE SB	28/06/19 28/06/19

Application: 19/00655/FUL **Town / Parish:** Elmstead Market Parish Council

Applicant: Mr Franca

Address: Mikes Fish Dish Clacton Road Elmstead

Development: Extension to storage area and addition of fire board to boundary elevation.

1. Town / Parish Council

Elmstead Parish Council have not commented on this application.

2. Consultation Responses

Essex County Council
Highways

The Highway Authority does not object to the proposals as submitted.

Informative 1: 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

19/00655/FUL	Extension to storage area and addition of fire board to boundary elevation.	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

ER7 Business, Industrial and Warehouse Proposals

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

SPL3 Sustainable Design

PP6 Employment Sites

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 southern side of Clacton Road, Elmstead Market. The site is located within the defined settlement boundary. The site accommodates Mikes Fish Dish which is a fish and chip shop with parking to the rear.

Proposal

The application seeks planning permission for the extension to the storage area and addition of fire board to boundary elevation. The extension will measure 1.9 metres in width, 3.7 metres in depth with an overall height of 2.7 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 to the storage area will be to the rear of the application site and therefore it will not be visible from the street scene of Clacton Road. The proposal is single storey, with a flat roof and it will be constructed from cladding and UPVC windows and doors which will be in keeping with the existing cladding. 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;

The proposed extension to the storage area will be located to the eastern elevation and therefore it will not be visible to the neighbouring dwelling to the west. Due to the approximate distance of 11m metres to the neighbouring amenities to the east, as well as the single storey nature of the proposal, it is considered that the extension will not cause any significant impact upon neighbouring amenities.

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, rear and side of the site. Although the extension will extend from the rear/side of the building, this will not impact upon the parking arrangements of the restaurant. Essex County Highways have been consulted on this application. Therefore the site is considered acceptable in terms of highway safety.

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. As the proposal is an extension to an existing business, access to mains sewerage/adequate waste water will be accessible.

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 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 rear 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 criterion is not applicable to this application and therefore it has not been taken into consideration.

Other considerations

Elmstead 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 plan: Drawing No. 1.2 Rev 00, Drawing No. 1.1 Rev 00

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.

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

**Are there any third parties to be informed of the decision?
If so, please specify:**

YES

NO