

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	26/06/19
Planning Development Manager authorisation:	AN	4/7/19
Admin checks / despatch completed	SB	04/07/19.

M

Application: 19/00645/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr A Zholi

Address: 44 - 46 Carnarvon Road Clacton On Sea Essex

Development: Proposed change of use of garage and tyre centre into car wash facility.

1. Town / Parish Council

Clacton – Non Parished.

2. Consultation Responses

Environment Agency

Thank you for your consultation received on 09 May 2019. We have inspected the application, as submitted, and we suggest that the condition detailed below is appended to any grant of permission, without this condition we would object to the application.

Water Quality

Effluent discharged from any premises carrying on a trade or industry and effluent generated by a commercial enterprise where the effluent is different to that which would arise from domestic activities in a normal home is described as trade effluent.

There is very little information provided within the application about the drainage arrangements or design of the car wash. However, in a response from the operator to a consultee comment dated 16 May 2019, the operator advises that all vehicle washing will be conducted inside the building, and all effluent will be collected and recycled and re-used for further car washing.

Condition

The development hereby permitted shall not be commenced until such time as a suitable Drainage Plan has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that no vehicle wash waters are allowed to drain to the surface water sewers. We trust you find this advice useful.

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 occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.

2. Prior to occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be provided clear of the highway and retained thereafter for that sole purpose.

Reason: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety in accordance with policy DM1.

3. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1

4. Prior to occupation of the development the access arrangements to the car wash and directional flow of vehicles, to be approved and agreed in writing by the Local Planning Authority based on the submitted Car Wash Plan 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 and prevent queuing on the highway 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: As per the submitted Drainage Plan arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway in accordance with the site interceptor plan submitted on 13 June to the Planning Authority.

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.

Environment Agency
(Following submission of
additional information)

Thank you for consulting us on the above application within your email on 14 June 2019, we have reviewed the plans as proposed and have no objection to the application provided the following condition is appended to any grant of permission.

Water Quality

The Drainage Plan and Site Interceptor Details submitted are suitable for the site and allow for our original request for a condition to be removed. We would however request the following condition.

Condition: Trade effluent for the above site will be discharged to foul sewer with the agreement of the local sewerage undertaker.

Reason: To ensure the site is connected to the foul sewer system as advised.

3. Planning History

94/00763/FUL	Variance of Condition No. 1 under planning permission Ref TEN/278/83 to allow car sales area to be brought forward to front of site (Note: Cars are allowed on adjacent forecourt at No. 48 Station Road)	Approved	28.07.1994
98/01353/ADV	(44/46 Carnarvon Road, Clacton on Sea) Gantry sign and fascia signs	Approved	11.11.1998

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

ER7 Business, Industrial and Warehouse Proposals

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

EN13 Sustainable Drainage Systems

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

CP1 Sustainable Transport and Accessibility

PPL5 Water Conservation, Drainage and Sewerage

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

Site Description

The application site is 44-46 Carnarvon Road, which is a single storey structure located within the parish of Clacton-on-Sea. Until recently the site had operated as a garage and tyre centre, but was vacated in November 2018 and remains empty. It includes a large forecourt measuring approximate 115 square metres. The surrounding area is heavily urbanised, with residential and commercial development to all sides. The site falls within the Settlement Development Boundary for Clacton-on-Sea, as agreed in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Description of Proposal

This application seeks full planning permission for the change of use from its existing garage and car tyre centre to a car wash facility, which is a Sui Generis use.

The proposal will see users enter the south-eastern side of the building (44 Carnarvon Road) and exit towards the western end (46 Carnarvon Road), where there will be an internal wash and drying bay. The middle section of the building will operate as an office and store area.

The works will involve no external changes, and the hours of operation are to be 8am to 7pm all year round. The site will hire 3 full time employees.

Assessment

Paragraph 80 of the National Planning Policy Framework (2019) states planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 127 of the National Planning Policy Framework (2019) states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

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).

Adopted Policy ER7 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 surrounding area consists of a mixture of residential and commercial uses. The site itself has operated as a garage and car tyre centre for a number of years. The use will maintain an employment use in an edge of town centre location, and does not involve any external changes. Overall it is therefore considered to be an appropriate use in this locality.

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

The site is located adjacent to residential properties to the south-east and north. However, while the proposal could result in a degree of noise disturbance through the comings and goings of vehicles, this will not largely differ to the sites existing use. Given this, and that the opening hours of 8am to 7pm are considered to be acceptable in this edge of town centre location. Conditions will however be attached to this decision to request details of sound attenuation measures and to ensure no audible signal device is provided to any jet wash or vacuum cleaner.

An objection letter has been received with concerns that loud music will be played, however given that the proposed use is of a similar nature to that existing it is not considered to be reasonable to object on these grounds. Environmental Health Legislation exists to protect residents against statutory noise nuisances.

c) satisfactory vehicular access and adequate car parking is provided;

A site layout plan has been provided which has demonstrated how the proposed use will be operated, detailing how customers will queue. There is provision for approximately 15 cars to queue away from the highway network. Given this, Essex Highways Authority have confirmed they have no objection to the proposal subject to conditions relating to visibility splays, reception and storage of materials, no discharge of surface water and that the access arrangements and directional flow of vehicles is in accordance with the submitted car wash plan.

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

Initially the Environment Agency objected on the grounds that little information had been provided about the drainage arrangements and requested a drainage plan be submitted. Accordingly the applicant provided this additional information and the Environment Agency confirm they now have no objections subject to a condition that trade effluent will be discharged to foul sewer with the agreement of the local sewerage undertaker.

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;

This is not applicable.

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

The site has been operating under a similar use for a number of years. Given this and that there are numerous surrounding examples of commercial uses, this site is considered to be acceptable for the proposed use.

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

This is not applicable.

h) opportunities for promoting the movement of freight by rail or through the district's ports are in no way compromised by the development.

The application is a minor development, merely changing the use of an existing commercial use, and therefore meets this criterion.

Other Considerations

Clacton is non-parished so no comments are required.

There has been one letter of objection received, with the following concerns:

1. Proposal will result in loud noise;
2. Loss of privacy;
3. Concerns with where water will drain to; and
4. Devalue local properties.

In answer to this, points 1 and 3 have been addressed within the main body of the report. Point 4 is not a material planning consideration. With regards to point 2, the proposal will result in no external amendments to the building, so will not result in any additional loss of privacy.

6. Recommendation

Approval.

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, documents titled 'Block Plan', 'Site Interceptor Details & Maintenance', 'Ground Floor Plan of Drainage' and 'Site Plan Carwash Facility'.

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

- 3 Use of the premises as hereby permitted shall be confined to the following hours:

Mondays to Fridays: 8am - 7pm

Saturdays: 8am - 7pm

Sundays and Bank Holidays: 8am - 7pm

Reason - To avoid disturbance in the interest of residential amenity.

- 4 Prior to first use of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason - To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

- 5 Prior to first use of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be provided clear of the highway and retained thereafter for that sole purpose.

Reason - To ensure that appropriate loading / unloading facilities are available in the interest of highway safety.

- 6 Prior to first use of the development the access arrangements to the car wash and directional flow of vehicles, to be previously approved in writing by the Local Planning Authority based on the document titled 'Site Plan Carwash Facility', shall be provided and shall be 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 and prevent queuing on the highway in the interest of highway safety.

- 7 Prior to the installation of any jet wash, vacuum and air/water equipment, there should include sound attenuation measures which have been previously approved in writing by the Local Planning Authority. Such agreed works shall be fully implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form thereafter.

Reason - To ensure that occupiers of nearby residential premises do not suffer a loss of amenity by reason of noise nuisance from use of the proposed premises.

- 8 There shall be no audible signal device provided to any jet wash or vacuum cleaner.

Reason - To ensure that occupiers of nearby residential premises do not suffer a loss of amenity by reason of noise nuisance from use of the proposed premises.

- 9 Trade effluent for the above site will be discharged to foul sewer with the agreement of the local sewerage undertaker.

Reason - To ensure the site is connected to the foul sewer system as advised.

8. Informatives

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informatives:

As per the submitted Drainage Plan arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway in accordance with the site interceptor plan submitted on 13 June to the Planning Authority.

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.