

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	08/08/19
Planning Development Manager authorisation:	AN	8/8/19
Admin checks / despatch completed	ER	8/8/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SB	08/08/19

Application: 19/00883/FUL **Town / Parish:** Clacton Non Parished

Applicant: Travis Perkins (Properties) Limited

Address: 101 Oxford Road Clacton On Sea Essex

Development: Variation of conditions 2 and 3 of planning application 11/01352/FUL for regularisation of permitted external storage heights, installation of storage containers and fencing; and associated works.

1. Town / Parish Council

Clacton – Non Parished.

2. Consultation Responses

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

Informative1: 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.

3. Planning History

02/00718/FUL	Demolition of existing dry store building and erection of new dry store for bag and board materials.	Approved	19.09.2002
11/01352/FUL	External alterations to buildings and site layout including demolition of timber outbuilding.	Approved	12.01.2012
12/01180/ADV	Retrospective application for erection of 4 no. fascia signs and 2 no. post signs.	Approved	11.02.2013
19/00238/ADV	Provision of 2no (non illuminated) fascia signs.	Approved	25.03.2019

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
- TR4 Safeguarding and Improving Public Rights of Way
- TR7 Vehicle Parking at New Development

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

- CP1 Sustainable Transport and Accessibility
- SP4 Providing for Employment & Retail
- SPL3 Sustainable Design

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 101 Oxford Road, which consists of a large single storey building and a large storage area, all in relation to the operations associated with Travis Perkins who occupy the site. The boundaries of the site are secured with green painted metal fencing. There is a public footpath adjacent to the south-west of the site. Beyond that is significant numbers of residential properties. To the north and east are a number of commercial units.

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. Adjacent to the south of the site is a Public Right of Way.

Description of Proposal

This application seeks full planning permission for the following works:

- o Erection of 3 x storage containers, two of which are retrospective;
- o 3 metre high fencing and gates to the north-east of the site adjacent to the existing building; and
- o Regularisation of storage heights across the site, ranging from 2.5 metres to 4.5 metres.

Site History

Under planning reference 11/01352/FUL, planning permission was granted for alterations to the site that included the erection of 2.4 metre high fencing and an increase in the permitted storage heights - these heights ranged from 2 metres to the eastern section of the site, and gradually increased to 5 metres to the western section of the site. The middle section of the site was granted permission for either 3 or 4 metres height.

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.

The preamble of saved Policy ER7 of the adopted Tendring District Local Plan 2007 explains how the Council wishes to support the growth of existing firms and will grant permission for extensions to established business premises in built up areas providing they have an acceptable impact on visual amenity.

Saved Policy ER7 itself 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 users;

The site is currently a builder's merchants/yard and has been in operation for a number of years. Travis Perkins themselves have operated the site since 2012. The uses along this section of Oxford Road include a number of industrial and commercial uses. The proposed alterations to this site are therefore entirely appropriate for this locality.

- b) there is not unacceptable impact on amenity in terms of appearance, noise, smell, dirt or other pollution;

Initially there were concerns with the proposed impacts to the neighbouring properties along Severn Road to the south-west of the site. The plans demonstrated storage heights of up to 5.5 metres, which could have resulted in an imposing impact to the highlighted neighbours. However, following discussions with Officers, amended plans have been provided to reduce the height to a maximum of 4.5 metres. While this is still considered to be high, it must be viewed in the context of previous planning permission 11/01352/FUL. This permission states the storage heights along this south-western boundary can range between 2 and 5 metres. Given this and that there are separation distances of approximately 18 metres between the rear of the neighbouring properties and the site, on balance the harm associated with this application is not sufficient enough to warrant a reason for refusal.

The proposed development will not result in additional noise, smell, dirt or other pollution.

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:

The site is currently in operation and has an existing access from Oxford Road to the east of the site. The plans do not propose to expand the operations on the site. There is therefore no requirement for additional car parking facilities. Essex Highways Authority, following consultation, have stated they have no objections.

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

The proposed development will not alter the existing arrangements at the site.

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;

While the proposed open storage heights of 4.5 metres have the potential to be visually intrusive, it must be viewed in the context of the previous implemented permission that allows for up to 5 metres in height. While the 4.5 metre height across the whole of the south-western section will be higher in some areas to that previously approved, overall and on balance it is not considered to be significantly harmful enough to warrant a reason for refusal.

The proposed fencing and storage containers will assimilate well within the existing surrounds, and are therefore considered to be visually acceptable additions within this site.

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

This is not applicable to this application.

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 to this application.

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

The development will result in no impacts to this and therefore meets this criterion.

Other Considerations

Adjacent to the south of the site is a Public Right of Way. While the proposed works will be visible from this site, particularly the external storage racking, previous planning permission 11/01352/FUL has allowed a similar development. Given this and that the Public Right of Way itself will not be amended, there is not considered to be a harmful impact.

Clacton is non-parished so no comments are required.

There has been one letter of objection received, stating the storage bays would be harmful to neighbouring amenities.

In answer to this, this has been addressed in detail within the main body of the report above.

6. Recommendation

Approval.

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

11/01352/FUL – Drawing numbers P06 Rev. C, PO7 Rev. B, P08 Rev. A.

19/00883/FUL - Drawing numbers 219000-10-PL01, 1.0.2 received on 18 July 2019, 219000-10-PL03 Revision A, the submitted Planning Statement dated 5 June 2019, and the additional plans submitted 25 July 2019 showing photographs and a floor layout of the proposed storage containers.

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

- 2 No goods or materials shall be stored, stacked or deposited on the site except in the designated areas and to the heights shown on plan 1.0.2 received on 18 July 2019.

Reason - External storage of heights greater than those shown on the plan would cause unacceptable harm to neighbouring amenity to the dwellings to the south. The other areas of the site must be left clear for vehicle circulation, turning and parking.

- 3 The parking areas and turning spaces shall be laid out as shown on the plan 219000-10-PL01, and shall be retained as such permanently.

Reason - To ensure that sufficient parking and turning facilities are provided on site to prevent on street parking and unloading.

- 4 The buildings and site shall only be used for storage and distribution of timber, building and plumbing materials together with ancillary retail sales of the following items, as set out in the letter of the 16/03/1982 that accompanied the original consent (TEN/80/82);

Bathroom furniture and fittings,
Floor coverings,
General building and decorating materials,
Heavy site building materials,
Insulation materials,
Kitchen furniture and fittings,
Plastic systems,
Plumbing products,
Roof tiles and roofing materials,
Timber, joinery and accessories.

Reason - In view of the site changes and the superseded order referred to in condition 7 of consent TEN/80/82, it is necessary to impose this condition to prevent additional retail from the site that would be harmful to the interests of the town centre.

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 Informative:

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.