

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	08/10/19
Planning Development Manager authorisation:	AN	8/10/19
Admin checks / despatch completed	CB KC	08/10/2019 8/10/19

**Application:** 19/00499/FUL

**Town / Parish:** Clacton Non Parished

**Applicant:** Mrs Gillian Hagger

**Address:** 109 Oxford Road Clacton On Sea Essex

**Development:** Proposed single storey rear extension to existing factory, including revised link road, parking and the retention of three containers and smoking shelter.

### **1. Town / Parish Council**

Clacton is non parished.

### **2. Consultation Responses**

ECC Highways Dept

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal is located within an Industrial site and retains adequate room and provision for off street parking within the premises and the existing vehicle access arrangements are not changing therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

2. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres; any vehicular parking space which is bounded by walls or other construction shall have minimum dimensions of 3.4 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. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1.

The above condition is 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: On the completion of the extension, the road, 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 2:

Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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.

### 3. Planning History

02/00633/FUL	Replacement and extension to existing 2.4 m high fence around perimeter of property	Approved	21.05.2002
94/00963/FUL	Amendment to Phase 2 of TEN/470/82 to change brick cladding to profiled metal sheeting on external walls	Approved	08.09.1994
95/00507/FUL	(Land at Cotswold Road, Clacton on Sea) External alterations and access ramp	Approved	05.06.1995
98/00056/FUL	Erection of free standing shed	Approved	26.02.1998

02/01746/FUL	Extension to factory plus disabled ramp and fire escape stairs.	Approved	30.10.2002
07/00263/OUT	Residential development and industrial building.	Approved	08.08.2007
13/00403/FUL	Extension to existing tool store.	Approved	03.06.2013
18/00672/FUL	Single storey rear extension to existing factory, including revised link road and parking.	Approved	
19/00499/FUL	Proposed single storey rear extension to existing factory, including revised link road & parking.	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

ER2 Principal Business and Industrial Areas

ER7 Business, Industrial and Warehouse Proposals

TR1A Development Affecting Highways

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

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 (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 (including Site Description and Proposal)**

### Site Description

The application site refers to Nico Manufacturing, 109 Oxford Road, Clacton on Sea. The application site is located to the north east of Oxford Road and is bounded by the ASDA superstore to the North East, Oxford Road to the South East, Topps Tiles to the South West and a residential row of houses along Berkley Road and Cotswold Road to the North West. The character of the surrounding area is commercial and residential. The application site is located within the settlement development boundary of Clacton on Sea.

### Proposal

This application seeks planning permission for the erection of a single storey rear extension to an existing factory building including a revised link road, parking and the retention of three containers and smoking shelter. The proposed warehouse will measure 35.9 metres in width by 29 metres in depth. The proposed link area measures 6.6 metres in width, 7 metres in depth with an overall height of 5 metres.

### Assessment

#### Principle of development

The application site is located within Oxford Road, Clacton on Sea and within the defined Principal Business and Industrial Area where proposals for employment will be directed as set out within Policy ER2 of the adopted Tendring District Local Plan 2007. The proposal involves the expansion of the commercial factory 'Nico Manufacturing'. It is acceptable in principle subject to the detailed consideration against Saved Policy ER7 of the Tendring District Local Plan 2007, which states that the proposed works, will be permitted, and provided it meets the following considerations.

- a) The scale and nature of the proposal is appropriate to the locality, including its relationship with adjacent uses;

The proposed extension will be located to the rear of the existing factory building. Due to the prominence of the proposal, there may be views of the extension from the access of Oxford Road. The proposal will also be visible from the car park to the north east which serves Asda, to the neighbouring dwellings to the north west of the site and also glimpses of the proposal will be possible from Berkeley Road between the existing dwellings. The application proposes two new warehouses and a link area. The warehouses have a dual pitched roof which is in keeping with the existing building and the link area is single storey with a dual pitched roof. Although the extension is considered to be fairly large in size, it is considered that the application site can accommodate such an extension. The materials proposed; green corrugated external panels to the rear elevation, facing brickwork to the north easterly and south westerly elevation are matching materials to those used within the existing building. In terms of adjacent uses, to the north east of the site is a foodstore, petrol filling station and associated car parking which was granted planning permission under planning reference 14/00537/FUL. To the south east of the site is 105 Oxford Road which is

known as 'Topps Tiles'. To the north west of the site are residential dwellings. It is therefore considered that the scale and nature of the proposal is acceptable.

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

As part of this planning application a Noise Impact Assessment has been submitted. The Assessment states that the cumulative noise rating levels have been predicted at the nearest residential receptor, based on predicted specific sound levels based on vehicle noise sources and proposed industrial activity. It concludes that the numerical assessment predicted rating levels are below the background sound levels during all hours of proposed operation and predicted impacts have been assessed as low when considering the context of the site. The assessment states that the proposal is not expected to adversely affect existing residential amenities. Noise mitigation measures have been proposed in the form of a barrier screening to reduce the noise impact at residential receiver locations and associated amenity areas. A condition has therefore been imposed for an acoustic fence to be erected along the boundary shared with Berkeley Road and Cotswold Road to reduce any impact upon residential amenities in terms of potential impact from car head lights, noise from the parking area and the proposal being situated closer to the neighbouring properties. Finally the report concludes that the noise impact assessment has been undertaken in accordance with the intended use which relates to storage and distribution only. It is therefore considered that the proposal 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 primary route network;

Essex County Council Highways have been consulted on this application and do not wish to raise any objections subject to conditions. The conditions relate to vehicle parking areas, parking space measurements and a construction method statement. The parking space measurements will not be imposed as the site can accommodate sufficient parking as stated below.

The application site currently provides parking to the front, side and rear serving the existing B2 use. The extension will require additional parking which is incorporated to the rear of the application site and the plans provided demonstrate 22 parking spaces which do not meet the Essex Parking Standards requirements of 5.5 metres by 2.9 metres as they measure 5.4 metres by 2.4 metres which extend to 3 metres in width. As stated within the Essex Parking Standards Guidance, a B2 use requires 1 parking space per 50 square metres. The proposed location plan demonstrates that the extension measures approximately 945.5 square metres. Therefore the proposal should provide 19 additional parking spaces. As the application site can accommodate more parking spaces than required, the size of the parking spaces needs to be increased to meet the Essex Parking Standards. Due to the site being situated in a sustainable location, within good walking distance of public transport links and there is on street parking available, it is considered that the proposal will not cause any significant impact upon highway safety.

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

Drawing No. 009B states that all rainwater drainage will link to the existing rainwater drainage/new soak away's situated a minimum of 5 metres away from all of the buildings. The application form submitted with this application states that there will be no foul sewerage. It is therefore considered that the proposal complies with this criterion.

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 is sufficient storage on site. Under planning reference 13/00403/FUL, planning permission was granted for an extension to the existing tool store. It is therefore considered that there are adequate storage facilities. The application proposes the retention of three containers and smoking shelter which are situated within close proximity to the proposed warehouse. It should be noted that external storage would not be encouraged and if proposed requires justification.

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

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

g) In relation to new sites, the need for a comprehensive Design Brief, including a landscaping scheme has been considered and where necessary prepared;

This criteria is not applicable to this application. A condition will be imposed for a soft landscaping condition to help screen the proposal from neighbouring amenities.

h) Opportunities for promoting the movement of freight by rail or through the districts port are in no way compromised by the development proposal.

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

Other considerations

Clacton is non parished.

1 letter of objection has been received raising the following concerns:

1. Increase in car parking spaces - site already not able to cope with the volume of traffic.
2. Concerns with the height in a residential area
3. Security lights are currently being left on overnight and a residents have asked these to be switched off.
4. Site notices have not been placed on any entry or exist to the site as required by law.
5. The proposal will not provide any additional jobs.
6. Staff congregate behind the residential properties during their breaks, smoking cigarettes causing an issue.

Concern number 1 and 2 are addressed within the report. In response to concern 3, a condition will be imposed to ensure that no external lighting is implemented unless approved in writing by the Local Planning Authority. In response to concern number 4, a site notice was erected to the front of the application site on 1st May 2019. In response to concern number 5, the application proposes the expansion of an existing business which could safeguard future jobs. In response to concern 6, the retention of the smoking shelter is located in close proximity to the proposed warehouse. It is considered that the smoking shelter is located a sufficient distance away from all neighbouring boundaries to not cause any significant impact upon neighbouring amenities.

## **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 and documents: Drg No. 001D, Drg No. 004 scanned 21 May 2019, Drg No. 005, Drg No. 006 received by email on 11<sup>th</sup> September 2019, Drg No. 007, Drg No. 008, Drg No. 009B received by email on 11<sup>th</sup> September 2019, Design, Access and Supporting Statement dated May 2019 and Noise Impact Assessment by Sound Solution Consultants ref: 32717-R2, annotated photos-container and smoking shelter details received by email on 16<sup>th</sup> July 2019, Construction Method Statement dated July 2019 prepared by EAP Structural Services, Drawing No.010 received by email on 11<sup>th</sup> September 2019 and Flood Risk Assessment dated September 2019 prepared by EAP Structural Services.

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

- 3 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety

- 4 The development hereby permitted shall be carried out in accordance with the Construction Method Statement dated July 2019 prepared by EAP Structural Services.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

- 5 Prior to occupation of the hereby approved development, acoustic screens as detailed at paragraph 4.3 of the Noise Impact Assessment by Sound Solution Consultants ref: 32717-R2 shall be installed in accordance with details to have been previously approved in writing by the Local Planning Authority. The acoustic screens shall be installed in accordance with the approved details and thereafter retained as approved.

Reason - To safeguard the amenities of the occupiers of adjoining residential properties.

- 6 No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837:2012 Trees in relation to design, demolition and construction."

Reason - In the interest of visual amenity and the character of the area.

- 7 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason -To enhance the visual impact of the proposed works.

- 8 No floodlighting or other means of external lighting shall be installed at the site except in accordance with details (to include position, height, aiming points, lighting levels and a polar luminous diagram) which shall have previously been submitted to and agreed in writing by the Local Planning Authority.

Reason - To secure an orderly and well designed development sympathetic to the character of the area and in the interests of residential amenity.

## 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

On the completion of the extension, the road, 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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Colchester.  
CO4 9YQ.

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