

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	13/11/19
Planning Development Manager authorisation:	TF	13/11/19
Admin checks / despatch completed	CC	18.11.19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	18/11/19

**Application:** 19/01140/DETAIL **Town / Parish:** Elmstead Market Parish Council

**Applicant:** Mr M Rollings - Hills Group Fund 2 Ltd

**Address:** Land adjacent Grange Farm Bungalow Clacton Road Elmstead

**Development:** Reserved Matters application for proposed office development following outline approval on planning application 18/01858/OUT.

### 1. Town / Parish Council

Elmstead Market Parish Council      No comment.

### 2. Consultation Responses

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 the first occupation of the development, the proposed road junction at its bell-mouth j with access Road shall be constructed at right angles to the highway boundary and to the existing carriageway as shown in principle in the Proposed Block Plan, drawing no. Bbfo/2/10 to a carriageway width of 6 metres.

Reason: To ensure that all vehicles using the private access do so in a controlled manner and to ensure that opposing vehicles may pass simultaneously clear of the limits of the highway, in the interests of highway safety and in accordance with Policy DM1.

2. Prior to the occupation of any of the proposed development the internal road and footway layout shall be provided in principal with Drawing Number Bbfo/2/10.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

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 areas 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.

4. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres. Blue Badge parking bays at least 2.9m wide x 5.5m long with an additional 1m provided at the back and side of each bay for ease of access.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

5. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

6. Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety and in accordance with Policy DM1

7. 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

8. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

9. 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 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: On the completion of the Development, all roads, 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: The areas directly adjacent to the carriageway in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway.

In paved areas, whether the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

Informative 3: 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

18/01858/OUT	Proposed office development of up to 929sqm B1 office with associated car parking, infrastructure and landscaping.	Approved	15.01.2019
19/00432/DETAIL	Reserved Matters application for proposed office development following Outline approval on planning application 18/01858/OUT.	Approved	09.05.2019

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

ER7 Business, Industrial and Warehouse Proposals

QL1 Spatial Strategy

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

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

CP1 Sustainable Transport and Accessibility

PP6 Employment Sites

PPL3 The Rural Landscape

SPL1 Managing Growth

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 (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 located on the south-western side of Clacton Road (A133) in a rural location within the parish of Elmstead. The site is outside any Settlement Development Boundary within the saved Tendring District Local Plan (2007) and Tendring District Local Plan 2013-2033 and Beyond

Publication Draft (June 2017). Whilst the site is within a rural location, the surrounding area is characterised by some residential built form currently under development to the south-east. Further to the north-west is a recently constructed business park. The site itself is open, with 1 metre high laurel hedging on the perimeter of the land.

### Proposal

This application seeks detailed planning permission for the erection of a B1 office development to the southern section of the site, following the granting of outline permission in January 2019.

The development is to be sub-divided between three units, with units 4 and 5 being two storey and unit 6 being single storey. The proposal also incorporates 46 parking spaces surrounding the units, with tree and hedgerow planting to each boundary.

### History

Under planning reference 18/01858/OUT, outline planning permission with all matters reserved was granted for the erection of a detached building to serve as a B1 office, with associated parking, infrastructure and landscaping.

The principle of development has therefore previously been accepted. This application will assess the reserved matters; namely access, appearance, layout, landscaping and scale.

Under planning reference 1900432/DETAIL planning permission was granted for the reserved matters of the B1 office to the northern section of the site. Within this the development was sub-divided between three units, with unit 1 being single storey and measuring 129sqm, unit 2 measuring 244sqm and being two storey, and unit 3 also being two storey and measuring 177sqm.

### Assessment

Local Plan policy ER7 states, inter alia, that in considering proposals for the expansion of business, industrial or warehousing sites;

a) the scale and nature should be appropriate to the locality, including its relationship with adjacent uses;

*The plans submitted show that the office development is to be sub-divided between three units, with two being two storey and one single storey. This, and the modern design proposed, are what would be expected of such a development and is in-keeping with Lanswood Park Business Centre to the north-west and the adjacent development approved under planning reference 19/00432/DETAIL. Given this, and the residential development nearing completion to the south, it is not considered the scale proposed here is unacceptable, and will achieve a satisfactory relationship to its surrounding area.*

b) there is no unacceptable impact on amenity in terms of appearance;

*Whilst the proposed building would be highly visible in this location, it is located in relatively close proximity to the existing business park, and will help to compliment that, particularly given that the design and material use is of a similar nature. Further, the residential development currently being constructed is located directly adjacent to the south-east and again will ensure the proposal is seen in conjunction.*

*Within the submitted plans, a soft landscaping scheme has been provided, which shows hedgerow and tree planting to all boundaries and adjacent to the car parking area, helping to assimilate the development within the surroundings.*

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

*Essex Highways Authority have been consulted and state that they have no objections subject to conditions relating to the access, the footway layout, a vehicle parking and turning area and external lighting.*

*Additional conditions relating to the submission of a Construction Method Statement and the siting of boundary planting. However, these have previously been included within the outline consent (18/01858/OUT) and therefore do not need to be included within this decision.*

*The Adopted Car Parking Standards state that for a B1 office use, parking provision must equate to one parking space measuring 5.5m x 2.9m per 30sqm. The proposed buildings will be a total of approximately 600sqm, meaning that 20 parking spaces are required. The submitted plans demonstrate there are 46 parking spaces, so comfortably meet this requirement.*

#### Residential Amenity:

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The building will be located in proximity to residential development currently under construction to the south-east. However, there is an approximate separation distance of 30m, while the building closest to this development is single storey, further reducing any impacts of the overall development.

While there is likely to be some noise disturbances in relation to the comings and goings of vehicles entering and exiting the site, Clacton Road is already a busy thoroughfare that generates significant noise; the proposal is not considered to significantly impact upon this.

#### Other Considerations

Elmstead Market Parish Council has not commented on the application.

There have been no other letters of representation received.

#### Conclusion

In the absence of any significant material harm as a result of the proposal, the proposed development is recommended for approval.

#### **6. Recommendation**

Approval - Reserved Matters/Detailed

#### **7. Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers 3522-01, BBFO/2/10, BBFO/2/11 and 19.4052.01.

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

- 2 Prior to the first occupation of the development, the proposed road junction at its bell-mouth junction with access Road shall be constructed at right angles to the highway boundary and to the existing carriageway as shown in principle on drawing number BBFO/2/10 to a carriageway width of 6 metres.

Reason: To ensure that all vehicles using the private access do so in a controlled manner and to ensure that opposing vehicles may pass simultaneously clear of the limits of the highway, in the interests of highway safety.

- 3 Prior to the occupation of any of the proposed development the internal road and footway layout shall be as shown on Drawing Number BBFO/2/10.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 4 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 areas 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.

- 5 Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety.

- 6 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. 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.