

streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

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.

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

3. Planning History

98/00036/FUL	Recladding of external walls	Approved	26.02.1998
98/00717/FUL	Infill/rear extension	Approved	11.08.1998
08/00548/FUL	Subdivision of storage/distribution depot, alterations and remodelling including partial demolition and extensions to provide 9 No. B8 units (Units 1, 5-10 and 15 and 16), 3 No. B1/B8 units (Units 2-4), and 4 No. B1 units (Units 11-14 inclusive, and amendments to parking together with new boundary treatment and access onto Brunel Road and Telford Road and access to courtyard onto Telford Road.	Approved	10.07.2008
09/00071/FUL	Changes to existing building to form eleven individual commercial and light industrial units.	Approved	09.04.2009
12/01452/TPO	Willow (T1) 3m crown reduction to shape. Crown lift to 3m to provide access.	Approved	22.01.2013
17/02096/TPO	1 No. Willow - crown reduction and crown lift for access under canopy	Approved	02.01.2018
18/00072/FUL	Change of use from incidental amenity land to display of vehicles ancillary to adjoining car sales business.	Withdrawn	04.04.2018

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

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 (including Site Description and Proposal)

Site Description

The application sites relates to 1B Telford Road, Clacton on Sea which is located on the junction of Telford Road and Burrs Road. The site lies immediately south of the large commercial unit on Telford Road and is accessed via Telford Road. It is currently laid to grass and extends to a total area of 0.10 hectares. There is a native hedge on the western boundary and a willow tree located to the northern corner which is subject of a Tree Preservation Order.

Proposal

The application seeks planning permission for the creation of hard surfaced parking area to support adjacent commercial units.

Assessment

The main considerations for this application are the impact upon the surrounding area and trees and landscaping, impact upon neighbouring amenities and highway safety.

Impact upon Surrounding Area and Trees and Landscaping

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).

The application site is an open area of grass and acts as an area of open green space at a busy road junction and entrance to the Gorse Lane Industrial Estate. Planning permission was granted under reference 08/00548/FUL, for the subdivision of units which included parking on the application site for 14 car parking spaces. With regard to the visual impact of the development, it is considered that the use of the land to park vehicles or to display vehicles for sale would result in the loss of an area of open space and the 'green-ness' that it provides that would be detrimental to both the character and appearance of the area. However, the site is on the edge of a commercial area and viewed in that context. The protected Willow tree is retained and the soft landscaping shown on the Tree Protection Plan (TPP) would help to mitigate the harm caused by the development proposed. On balance, the loss of the green space and its replacement with parking to support the economic uses on the site is considered to result in no material harm to the character of the surrounding area to justify a refusal on these grounds.

On the land close to the existing building there is an established Willow that is afforded formal legal protection by Tendring District Council Tree Preservation Order 99/04/TPO Abbeycraft Furniture Ltd - (former name of business premises) In order to show the extent of the constraint that the Willow is on the development potential of the land the applicant has provided a tree survey and report. The report is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction: Recommendations and adequately demonstrates that the development proposal could be implemented without causing harm to the tree.

The cutting back of the boundary hedge will reduce the extent to which it occupies the application site and, in the long term, will improve its appearance and functionality. By reducing it to a size where it can be regularly maintained as a hedge it will become an attractive feature in its setting. It does not fall within the scope of legislation by which it could be afforded formal legal protection. The proposal is therefore acceptable in terms of impact upon existing trees and landscaping.

Impact upon neighbouring amenities

The application site is located on a corner plot at the junction of Telford Road and Burrs Road. Due to the distance to neighbouring properties it is considered that the proposal will not cause any significant impact upon neighbouring amenities.

Highway Safety

Essex County Highways have been consulted on this application and raised a holding objection to allow for amended plans to be provided in relation to vehicular access, parking bays, sufficient intervals and unbound materials. Amended plans were provided by the planning agent, drawing reference. 196270-001 revision A and Essex County Highways were re-consulted raising no objections subject to conditions relating to the vehicular access, no unbound materials and the car parking and turning area.

The parking spaces proposed measure 2.5 metres by 5 metres which are below Essex Parking Standards requirements of 2.9 metres by 5.5 metres. However the proposal complies with the minimum parking standards of 2.5 metres by 5 metres. As the land will be used to park vehicles and to display vehicles for sale, it is considered that the proposed parking space measurements are acceptable in terms of highway safety.

Other Considerations

Clacton is non parished.

No letters of representation have been received.

6. Recommendation

Approval - Full

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: Drawing No. 196270-001A, Block Plan scanned 13th August 2019, Tree Protection Plan scanned 13th August 2019, Hedging Mix as stated within email dated 21st November and scanned 26th November 2019, Design and Access Statement dated 13th August 2019 and Arboricultural report dated 28th July 2019.

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

- 3 Prior to first use of the hereby approved development, the proposed vehicular access shall be constructed at right angles to the highway boundary to a width of 5.5 metres and shall be a continuous extension southerly of the existing vehicular access to the adjacent Unit 1B Telford Road constructed at right angles to the highway boundary and provided with an appropriate dropped kerb vehicular crossing of the footway to the specifications of the Highway Authority.

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

- 4 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 10m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety

- 5 The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing Numbered 196270-001-REV A. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

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

- 6 No floodlighting or other external lighting shall be installed until details of the illumination scheme have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area, and in the interests of highway safety.

- 7 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the Tree Protection Plan scanned 13th August 2019 and details received in emailed dated 21st November and scanned 26th November 2019 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 ensure the adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character and quality of the development.

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

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