

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	15/07/2020
Planning Development Manager authorisation:	AN	16/07/2020
Admin checks / despatch completed	CC	20/07/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	20/07/2020

Application: 19/00804/FUL **Town / Parish:** Thorrington Parish Council

Applicant: Mr & Mrs Allen - Allen Installation Ltd

Address: Pound Farm Clacton Road Thorrington

Development: Proposed change of use of existing barn to B2, creation of new vehicular entrance and erection of access gates and wall.

1. Town / Parish Council

Thorrington Parish Council No comments received.

2. Consultation Responses

ECC SuDS Consultee
30.07.2019

Thank you for your email which provides Essex County Council (ECC) with the opportunity to assess and advise on the proposed surface water drainage strategy for the aforementioned planning application.

As the Lead Local Flood Authority (LLFA) ECC provides advice on SuDS schemes for major developments. ECC have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council, and their appointed consultants, looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the planning application and the associated documents which accompanied the planning application, we have identified that this application does not change the impermeable area which is only 0.021 hectares and therefore we shall have no further comments accordingly in relation to this application.

However please consider the following conditions/informatives if relevant for the development;

Conditions

1) Surface Water Drainage - Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:

- Run-off from the site is limited to greenfield rates for a storm event that has a 100% chance of occurring each year (1 in 1 year event).
- The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.

2) Sustainable Urban Drainage- Prior to commencement of the development no works shall take place until a detailed Sustainable Urban drainage scheme as specified in the Essex Sustainable Drainage Systems Design Guide 2014 submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation of the development and should include and not be limited to;

3) Maintenance - Prior to first occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing, by the local planning authority.

4) Flood Risk Assessment - The measures contained within the Flood Risk Assessment a copy of which was submitted with the planning application and forms part of this permission, shall be fully implemented and in place prior to the first occupation of the development and retained as such thereafter.

5) Flood Risk Assessment 2 - Notwithstanding the details set out in the Flood Risk Assessment submitted with the application, no development shall be undertaken unless and until a method statement has been submitted to and approved in writing by the local planning authority detailing:-

- The flood mitigation measures to be incorporated into the detailed design of the dwelling(s)
- The provision for the installation of removable flood barriers such as flood boards to form part of the detailed design of the doorways and vents/airbricks on the exterior of the property
- The provision of non-return valves to all sanitary outlets to prevent backflow during a flood

6) Flood Mitigation Measures - Development shall not be commenced until a scheme for the provision and implementation of flood mitigation measures has been submitted to and approved in writing, with the Local Planning Authority. The scheme shall be carried out in its entirety before the development is first occupied and constructed and completed in accordance with the approved plans and in line with the Environment Agency documents "Improving the flood performance of new buildings" and "Prepare your property for flooding: A guide for householders and small businesses."

Informatives

- In discharging condition X where the surface water drainage strategy proposes the use of soakaways the details of the design and the results of a series of percolation tests carried out upon the subsoil in accordance with DG 365 2016. You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, and whether it will be rubble filled.

- In discharging condition X where discharging to a watercourse the proposed scheme shall include details of the destination and discharge rates equivalent to "greenfield runoff" and no greater than 5 litres per second up to and including a 1 in 100 year rainfall event. This is typically achieved by installing some form of attenuation on site e.g. temporary storage.

- In discharging condition X if discharging to a watercourse, ditch, stream etc, the applicant must demonstrate that the system is an appropriate point of discharge for the site i.e would take existing pre-development flows. If not then further information/assessment will be required to determine the suitability of the system to convey the proposed flows and volumes of water. Evidence will be required that the development will not increase risk to others. If the proposed discharge point is outside the development site then the applicant will need to demonstrate that the necessary permissions and or agreements to achieve connection are possible.

- Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

- No works to infill ditches should be undertaken without prior consent from Essex County Council. You should also be aware that works of this nature may require planning permission

- No raising of land in flood plains should take place without prior consent from Essex County Council. You should also be aware that works of this nature may require Environment Agency consent if in a flood plain.

- The removal of land drains likely to interrupt the flow may require prior consent from Essex County Council on 08457430430 or floods@essex.gov.uk. You should also be aware that works of this nature may require planning permission

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, ECC advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

ECC Highways Dept
14.04.2020
LATEST COMMENTS

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

1. Based on the speed data results provided and prior to occupation of the development, the new road junction / access (with Clacton Road) at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 160 metres in both directions, as measured from and along the nearside edge of the carriageway and based in principal with amended block plan Drwg. no. Pft/2c. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

2. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced 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 in the interest of highway safety in accordance with policy DM1.

3. No unbound materials shall be used in the surface treatment of the proposed Private access within 12m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM1.

4. The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway and shall be provided, but not be limited to, the following aspects;

- Access road measuring no less than 8m in width
- Kerb radii measuring 10m
- Any other reasonable items to ensure the access is in accordance with current policy standards.
- Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 16 metres from the back edge of the verge.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner and to enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent

footway/cycleway/carrageway in the interest of highway safety in accordance with policy DM1.

5. 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

6. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

7. 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.

8. Each vehicular parking space shall have minimum dimensions of 2.9 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.

9. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period 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: 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.

2: Under Section 23 of the Land Drainage Act 1991, (for the proposed vehicle access) prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.

If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively, you can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk.

Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start.

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.

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

4: 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.

ECC Highways Dept
23.01.2020
AMENDED COMMENTS

Based on the speed survey results and Intermodal's comments a 2.4m x 160m visibility splay in both directions would be a requirement for the new access to allow the proposal to go forward from a Highways perspective. This is subject to the applicant owning/controlling sufficient land to provide the required visibility splays.

For 50mph = 80Kph - Design Speed 85A (see the Note below the table)

Refer to table 2.10 below - Design Speed 85 Kph - see table below is 160 metres SSD (1 step below minimum is 120 metres).

The agents assertion 2.4 metres by 160 metres for 46 and 48 mph is reasonable (it's so close to 50mph when you add 5 kph).

This will require the removal of a vast amount of the established hedgerow.

ECC Highways Dept
18.09.2019
ORIGINAL COMMENTS

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, the new road junction / access (with Clacton Road) at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 215 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

NOTE: If the visibility splays are unachievable due to site or land control constraints the applicant will need to provide evidence by way of a speed survey that a relaxation in these requirements will not create a highway safety issue.

2. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced 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 in the interest of highway safety in accordance with policy DM1.

3. No unbound materials shall be used in the surface treatment of the proposed Private access within 12m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM1.

4. The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway and shall be provided, but not be limited to, the following aspects;

- Access road measuring no less than 8m in width
- Kerb radii measuring 10m
- Any other reasonable items to ensure the access is in accordance with current policy standards.
- Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 16 metres from the back edge of the verge.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner and to enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety in accordance with policy DM1.

5. 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

6. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the

construction period in the interest of highway safety in accordance with policy DM1.

7. 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.

8. Each vehicular parking space shall have minimum dimensions of 2.9 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.

9. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.
Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period 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: 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: Under Section 23 of the Land Drainage Act 1991, (for the proposed vehicle access) prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.

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Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start.

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.

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.

3. Planning History

02/00205/FUL	Conservatory	Approved	08.03.2002
04/00017/FUL	Two storey side extension	Approved	21.04.2004
04/01145/FUL	Demolition of former farm outbuildings and replacement with residential accommodation to be used in conjunction with existing premises	Refused	02.08.2004
06/00031/FUL	Replacement vehicular access	Refused	07.04.2006
08/01153/FUL	Erection of two storey rear extension and conservatory (following demolition of existing conservatory).	Approved	05.11.2008
13/00049/FUL	Replacement outbuildings.	Approved	11.04.2013
13/00462/FUL	Replacement outbuildings (following demolition of existing). (Amendment to approved application No. 13/00049/FUL).	Approved	19.06.2013

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL3 Minimising and Managing Flood Risk

QL7 Rural Regeneration

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER7 Business, Industrial and Warehouse Proposals

ER11 Conversion and Reuse of Rural Buildings

EN1 Landscape Character

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

PP13 The Rural Economy

PPL3 The Rural Landscape

PPL5 Water Conservation, Drainage and Sewerage

EN13 Sustainable Drainage Systems

CP1 Sustainable Transport and Accessibility

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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 relates to Pound Farm, Clacton Road Thorrington, specifically the existing large detached barn and surrounding land to the western side of the dwelling and its outbuildings.

The application site extends approximately 1.14 hectares in size with the 216 square metre barn (7.6 metres in height) positioned centrally. To the rear of the barn are 2 existing stores which are to be retained. Access to the barn is currently via the vehicular access to Pound Farmhouse between the dwelling and its associated outbuildings.

The site is currently enclosed on all boundaries by dense, mature hedgerow.

Description of Proposal

The application seeks full planning permission for the change of use of the existing barn and adjacent stores to Class B2 (General Industry) to allow the main Brightlingsea premises of Allen Installation Ltd (Trading as Academy Windows) to relocate to Thorrington. The works include the removal of part of the existing front boundary hedgerow to facilitate the creation of a new vehicular entrance and visibility splays from Clacton Road, the erection of a boundary wall and gates and associated hardstanding, parking and turning areas.

The application has been amended reducing the parking provision and altering the front boundary fence to a brick wall. Additional information has also been provided to satisfy highway safety concerns and visibility splays.

Assessment

The main considerations in this instance area;

- Principle of Development / Compatibility of Uses;
- Visual / Landscape Impact;
- Trees and Landscaping;
- Access, Parking and Highway Safety;
- Surface Water Drainage;
- Impact on Residential Amenities; and,
- Representations.

Principle of Development / Compatibility of Uses

Paragraph 83 of the National Planning Policy Framework 2019 (NPPF) states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings and should enable the development and diversification of agricultural and other land-based rural businesses.

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 an established business premises in rural locations providing they have an acceptable impact on visual amenity.

In summary, national and local plan policies support the proposed development for an expansion to an established business in a rural location providing the proposals can be accommodated without an adverse impact on the landscape character of the countryside or residential amenities and provided a satisfactory vehicular access and parking can be achieved.

Therefore the principle of development is acceptable subject to the detailed consideration below.

Visual / Landscape Impact

Paragraph 8 of the National Planning Policy Framework 2019 (NPPF) sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment. Furthermore, Paragraph 127 of the NPPF requires that development should respond to local character and history, and reflect the identity of local surroundings.

Saved Policy QL9 and EN1 of the Tendring District Local Plan (2007) and Policy SPL3 and PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape.

The building is already in situ and is well set back within the site. The site is surrounded by existing hedgerow, screening the proposed new access, parking and turning areas. The physical alterations to the building are minimal and do not materially alter the appearance of the building or the street scene. The development includes the erection of a front boundary wall and vehicular access gates for security purposes. Whilst the provision of a 2 metre high wall is not wholly appropriate in this semi-rural location, the visual impact is minimised due to the setback, angled position of the wall and the remainder of the front boundary hedge to be retained which will screen views from both directions. This will be further screened by additional planting.

For the reasons set out above, the proposed development will not appear incongruous within this semi-rural location.

Trees and Landscaping

Other than an early mature Cedar there are no trees or other significant vegetation on the main body of the application site. On the southern boundary of the application site and adjacent to the agricultural land to the west there are established hedgerows that are a pleasant feature in a rural setting.

The development proposal threatens the removal or severe cutting back of parts of the hedgerows in order to create visibility splays for the new vehicular access.

From the information provided it is clear that a section of hedgerow directly to the south of the existing barn will need to be removed to create the new access. Any harm caused by the removal of this hedgerow can be mitigated by the planting of a new hedge set back on the land so not as to affect the visibility splays. In the area to the rear of the proposed new gates and walls tree planting can be carried out to soften the appearance of the development.

The existing hedgerow is set back from the back edge of the highway by 2.3 metres. Therefore, the majority of the hedgerow can be retained and cut back to create the visibility splays required. This will require the removal of spreading and suckering growth emanating from the hedgerow that is growing in the ditch between the hedge and the highway. The retention of the hedgerow as described is set out in the Supporting Statement submitted with the application and shown on the Visibility Splay Aerial Images.

A condition will be imposed to secure the retention of the hedgerow in the most part and new soft landscaping, including tree planting to soften and screen the appearance of the development taking into account the likely intensification of the use of the site and cutting back / loss of hedgerow.

Access, Parking and Highway Safety

Paragraph 108 of the National Planning Policy Framework 2019 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the traffic the proposal will generate. Furthermore, saved Policy TR1a requires new development to be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft June 2017. In addition, the Essex County Council Parking Standards 2009 provides guidance on sufficient parking provision for the proposed use.

The amended plan shows provision of 17 parking bays 6m x 3m in size together with a lorry parking and turning area. This is in excess of the requirements of the adopted parking standards (1 space per 50sqm). However, this has been reduced to minimise the amount of hard surfacing and is required to cater for the 15 members of staff currently working at the Brightlingsea premises to be relocated here. The main showroom for the company is at a site in Clacton and this proposed site would not be open to public.

A speed survey has been undertaken to establish the visibility splays required for the development in this locality.

The application satisfactorily demonstrates that the site and access can accommodate the use and associated vehicles without resulting in any material harm to highway safety provided the appropriate visibility splays are provided and retained free from obstruction. Conditions will be imposed as necessary to ensure the appropriate splays are provided in accordance with the findings of the traffic survey and recommendations of Essex County Council Highway Authority.

It is recognised that the agent has completed Certificate D in relation to this application due the visibility splay requirements stretching beyond the land within the sole ownership of the applicant. All necessary steps have been taken to establish the owner of the land to the front of the neighbouring dwellings. It has not been possible to identify the owner. However, the land is maintainable highway land which takes precedent over land ownership and no further encroachment into the visibility splays will be possible.

Surface Water Drainage

Policy EN13 of the adopted Tendring District Local Plan 2007 states that development proposals should incorporate measures for the conservation and sustainable use of water. Their overall design and layout should reflect this requirement. Such measures will normally include sustainable drainage systems (SUDS) for managing surface water runoff. These sentiments are carried forward into draft Policy PPL5 of the emerging Tendring District Local Plan Publication Draft 2017.

The Lead Local Flood Authority (LLFA) ECC provides advice on SuDS schemes for major developments and raise no objection to the development in this instance subject to conditions which will be imposed where necessary.

The red lined site are has now been reduced and the application is no longer categorised as a major development. The recommended conditions are therefore no longer a requirement. However, a permeable surfacing condition will be imposed in line with aims of the above-mentioned policies.

Impact on Residential Amenities

The NPPF, in paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) 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'. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) supports these objectives.

There are few residential dwellings in the vicinity with the associated host dwelling being the closest, with 2 further dwellings beyond to the east. To the west of the site are open fields with no nearby residential properties.

Through appropriately worded conditions in relation to functionality of the use and its opening times, the proposal will not result in any material harm to the residential amenities of the donor property or nearby neighbouring properties to the east.

Representations

No comments have been received from Thorrington Parish Council.

No letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval subject to conditions.

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 plan: Drawing No. PFT/1B Amended Site Plan, Drawing No. PFT-2C Amended Block Plan and Drawing No. PFT/4 Proposed Floor Plan and Elevations.

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

- 3 Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the use hereby approved shall be used solely for the purposes as described within the submitted application form and supporting statement dated May 2019.

Reason - To ensure that the Local Planning Authority retain control over potential alternative uses in the interests of the character of the area and residential amenities.

- 4 The B2 Use hereby approved shall only operate Monday - Friday (7:30am-4.30pm) and close weekends and Bank holidays.

Reason - To ensure the sites operates in such a way as to not cause noise nuisance.

- 5 No works, processes, power tools, equipment, machinery or plant of any kind associated with the use hereby approved shall be used at any time anywhere on the site except within the building subject of this application.

Reason - In order to control the development in the interest of visual amenity and residential amenity.

- 6 There shall be no outside display or storage of goods at any time.

Reason - In order to safeguard the visual amenity of the area.

- 7 Based on the speed data results provided, prior to occupation of the development, the new road junction / access (with Clacton Road) at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 160 metres in both directions, as measured from and along the nearside edge of the carriageway in accordance with Drawing No. PFT/1B Amended Site Plan and Drawing No. PFT-2C Amended Block Plan. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety.

- 8 No unbound materials shall be used in the surface treatment of the proposed Private access within 12m of the highway boundary.

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

- 9 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.

- 10 The removal of all vegetation shall only be carried out outside of the bird nesting season (March to August inclusive).

Reason - To ensure the protection of birds potentially nesting on site.

- 11 All new parking areas and areas of hardstanding shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the site.

Reason - In the interests of sustainable development in order to minimise the risk of surface water flooding and discharge onto the private road.

- 12 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 all boundary treatments and any proposed 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 - To soften and enhance the development in the interests of visual amenity and the rural character of the area.

- 13 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 ensure the appropriate implementation and maintenance of the landscaping scheme in the interests of visual amenity and the rural character of the area.

- 14 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), other than those shown on the approved plans, no other fences, walls or other enclosures, shall be erected on the site except in accordance with drawings showing the design and siting of such enclosures which shall previously have been submitted to and approved, in writing, by the Local Planning Authority by way of a planning application.

Reason - In the interests of visual amenity and to preserve the rural character of the area.

- 15 No means of external lighting shall be installed until details of an illumination scheme have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.

Reason - To ensure adequate safeguarding of the amenity of nearby properties, protected species, and to prevent the undesirable, disruptive and disturbing effects of light pollution in this rural setting.

- 16 The use hereby approved shall not be open to the public at any time for viewing products or associated sales.

Reason – To ensure that the use is appropriate in the interests of the character of the area and residential amenities.

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 Agent, 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

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.

2: Under Section 23 of the Land Drainage Act 1991, (for the proposed vehicle access) prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.

If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively, you can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk.

Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start.

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.

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

4: 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.

5: Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway to ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

Building Control Informative

This work will require Building Regulations consent for the change of use and alterations.