

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	16/10/2020
Planning Development Manager authorisation:	TF	16/10/2020
Admin checks / despatch completed	DB	16/10/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	16/10/2020

Application: 20/00965/FUL **Town / Parish:** Weeley Parish Council
Applicant: Clifford Mason
Address: Hillside Motors Clacton Road Weeley
Development: Construction of new portal frame workshop to rear of existing garage building.

1. Town / Parish Council

Weeley Parish Council No objection to this application.

2. Consultation Responses

Natural England
19.08.2020 No comments to make on this application.

ECC Highways Dept
08.09.2020 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 workshop 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.
2. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan 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

3. The proposed workshop 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.

4. 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.

5. 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

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: 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

07/01033/OUT	Proposed residential development providing 9 bungalows.	Refused	11.09.2007
16/00762/FUL	Demolition of motor vehicle workshop and change of use of land from agriculture to open space to be used in conjunction with proposed residential development.	Refused	11.08.2017
16/00764/OUT	Outline planning application for proposed relocation of motor vehicle workshop, provision of new access road and for the erection of 120 residential units with all matters reserved.	Refused	10.08.2017

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

ER7 Business, Industrial and Warehouse Proposals

TR1A Development Affecting Highways

EN6 Biodiversity

EN6A Protected Species

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

SPL3 Sustainable Design

PP6 Employment Sites

PPL4 Biodiversity and Geodiversity

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 site relates to Hillside Motors, Clacton Road, Weeley.

Proposal

This application seeks planning permission for the erection of a new portal frame workshop to the rear of the existing garage building.

1. Principle of development

The application site relates to Hillside Motors, located on Clacton Road, Weeley and it is located outside of the settlement development boundary.

The proposal involves the erection of a building with associated drainage. The principle of the proposal is acceptable 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 building will be located to the rear of the existing building. Due to the set back of the proposal from the highway as well as there being existing buildings which will help to screen the proposed building, it is considered that the proposal will not cause any significant impact upon the street scene.

The building will comprise of a dual pitched roof and it will be constructed from steel box profile cladding with a fibre cement roof. Although the proposal is considered to be fairly large, it is considered that the application site can accommodate such an extension. In terms of the adjacent uses, to the north of the site is a residential dwelling and to the south is a residential dwelling. Due to the sufficient distance as well as the existing use of the car sales and vehicle workshop, it is considered that the scale of the proposal is acceptable.

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

The plans provided demonstrate that the building will be located approximately 18.5 metres away from the neighbouring dwelling to the north and approximately 31 metres away from the neighbouring dwelling to the south. A construction method statement has been provided by the applicant which states that the no vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays. The Environmental Health team have been consulted on the submitted construction method statement and have no objections.

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;

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following mitigation and conditions relating to vehicular turning facility, construction method plan, vehicular parking has been hard surfaced, sealed and marked out in parking bays, parking measurements and cycle parking. The vehicular turning facility, the construction method statement, parking measurement and cycle parking conditions will not be imposed as there is sufficient room on the application site to be able to accommodate parking, storage of building materials as well as sufficient space for cycle parking.

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 building measures 180 square metres. Therefore the proposal should provide an additional 4 parking spaces. Parking spaces should measure 5.5 metres by 2.9 metres in line with Essex Parking Standards. The plan provided demonstrates that the proposal complies and is therefore acceptable in terms of highway safety and parking provision.

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

The application form submitted states that no new foul water drainage will be installed, the existing building services will be used.

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;

The storage of goods, containers, waste materials or finished products will be contained within one of the existing or proposed buildings.

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.

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.

2. Trees and Landscaping

The main body of the application site is set to grass and relatively well populated with scrubby vegetation comprising primarily of Hawthorn with some decorative conifers. There is also small Ash tree situated on the land.

The western boundary is demarcated by an established Hawthorn hedge which provides a good level of screening.

There are no trees or other vegetation on the application site that merit retention or protection by means of a tree preservation order. Nevertheless it would be desirable to secure the retention of boundary hedge for the screening benefit that it provides and therefore a condition will be imposed that if it were necessary to remove the boundary hedges to facilitate the development, then a condition should be attached to this permission to secure replacement planting to replicate the current level of screening from which the site benefits.

3. Ecology

Paragraph 174 of the National Planning Policy Framework 2019 requires Local Planning Authorities to protect and enhance biodiversity and geodiversity.

Saved Policies EN6 'Biodiversity' and EN6a 'Protected Species' of the adopted Tendring District Local Plan 2007 state that development proposals will not be granted planning permission unless existing local biodiversity and protected species are protected. These sentiments are carried forward within draft Policy PLA4 'Nature Conservation and Geo-Diversity' of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

An Ecological Appraisal has been submitted to support this application. Compliance with the recommendations set out within the ecology report are secured by condition.

4. Other Considerations

Weeley Parish Council have no objection to this application.

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 strict accordance with the following approved plan:

- Drawing No. 102A

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

- 3 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. Any security or spot lighting required should be kept to a minimum, and where possible be placed on a short timer to reduce the extent of lighting on site during development. Development shall only be carried out in accordance with the approved details.

Reason - In order to allow a more detailed technical consideration of the lighting at the site, as there is insufficient information submitted within the application to ensure adequate safeguarding of the amenity of nearby properties, protected species and prevent the undesirable, disruptive and disturbing effects of light pollution.

- 4 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 area.

Reason - In the interests of sustainable development and to minimise the risk of surface water flooding

- 5 The development shall be carried out in strict accordance with the Construction Method Statement and details contained within the document titled 'Safety Method Statement' dated 13/10/2020.

Reason - To ensure that the proposed motor vehicle workshop should operate in such a way as to not cause noise nuisance.

- 6 The development hereby approved shall be carried out in accordance with the Preliminary Ecological Appraisal dated June 2020 prepared by Essex Ecology Services Limited.

Reason - In the interests of biodiversity.

- 7 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.

- 8 If the western boundary hedge is to be removed to allow for the construction of the building, a replacement hedgerow comprising of similar species shall be 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.

- 9 The proposed workshop 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

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 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.

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.

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Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

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