

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	16/11/2020
Planning Development Manager authorisation:	TC	16/11/2020
Admin checks / despatch completed	DB	19/11/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	19/11/2020

Application: 20/00439/FUL **Town / Parish:** Clacton Non Parished

Applicant: Karan - Karan Retail Ltd.

Address: Pump Hill Garage, Gulf Service Station Clacton Road

Development: Demolition of existing single storey A1 shop on the forecourt and the erection of a new single storey A1 shop unit on the forecourt. Demolition of existing Sui generis carwash surround. Repositioning of the offset fillers.

1. Town / Parish Council

St Osyth Parish Council No objections.
28.05.2020

2. Consultation Responses

Environment Agency Thank you for forwarding the Desk Study, Conceptual Site Model and
04.11.2020 Preliminary Risk Assessment in relation to planning application
20/00439/FUL. Based on the information provided, we can now
recommend the following advice.

Contaminated Land

Unexpected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

We trust you find this advice useful.
Yours sincerely
Ms Gemma Allsop
Sustainable Places - Planning Advisor

Environment Agency Thank you for consulting us on the above application. We have
13.08.2020 reviewed the application as submitted and are currently raising a
holding objection. A Preliminary Risk Assessment (PRA) has not been
submitted with the application. We recommend a holding objection is
placed on the application until the document can be submitted for
review.

Overcoming our objection

Whilst the application is for the demolition and replacement of the shop/car wash and not replacement of the tanks, the works will require

breaking ground. The site is located on the edge of a Secondary A aquifer and therefore, the applicant should submit a preliminary risk assessment which includes a desk study, conceptual model and initial risk assessment. This information must demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures

We request that we are re-consulted once a PRA has been submitted so that we can review the application. Once we have been formally re-consulted we will re-start our 21 day consultation period.

We trust the above is useful.

ECC Highways Dept
19.05.2020

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

1 No development shall take place, including any ground works or works of demolition, until a Construction Management Plan (CMP) 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 under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2 Prior to the occupation of the proposed development, details of the provision for the parking of bicycles sufficient for all visitors to that development, of a design that shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 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

92/01028/ADV	(Wheeler Motor Co., St Johns Road, Clacton-on-Sea) Illuminated fascia and projecting signs	Approved	15.12.1992
92/01364/FUL	(Wheeler Motors (Clacton) Ltd., St Johns Road, Clacton onSea) Satellite dish on rear wall	Approved	06.01.1993
93/00842/FUL	(Pump Hill Garage, St Johns Road, Clacton on Sea) Extension to form parts department	Approved	31.08.1993
94/00509/FUL	(Pump Hill Garage, St Johns Road, Clacton) Car showroom (for the display and sale of SEAT Cars)	Approved	07.06.1994
94/01416/ADV	(Seat-Pump Hill Garage, St Johns Road, Clacton on Sea) Fascia signs - freestanding double sided pylon sign	Withdrawn	04.01.1995
95/01360/ADV	(Pump Hill Autopoint, St Johns Road, Clacton on Sea) 2 No. site identification gantry signs	Approved	14.12.1995
99/00411/ADV	1 Double sided, free standing 6 sheet unit	Refused	16.06.1999
03/00573/FUL	Forecourt parking rearrangement	Withdrawn	02.09.2003
03/00578/ADV	Retention of 'TRADE 2 U' sign	Withdrawn	02.09.2003
04/01292/FUL	Change of use of forecourt for 1 car space car lot.	Approved	02.09.2004
14/01230/FUL	Erection of a bin store in connection with refurbishment of caravan park.	Approved	28.10.2014

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

COM19 Contaminated Land

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL3 Sustainable Design

PP6 Employment Sites

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 the existing and long established Pump Hill Garage located on the northern side of St. Johns Road, St. Osyth. The site lies just outside the village of St Osyth to the west and approximately 4 miles from Clacton to the east. The site lies outside any defined settlement development boundary for the area.

The application site is set back slightly from St. Johns Road and forms part of a small complex of buildings, including the petrol filling station, a car retail building, and a warehouse to the rear. The area is predominantly residential with this small light industrial set on the edge and some open fields to the west and opposite.

Description of Proposal

The application seeks full planning permission for the demolition of the existing single storey A1 shop on the forecourt and the demolition of existing Sui generis carwash surround to the rear and the erection of a new single storey A1 shop unit together with hand car wash area. The works will also include the positioning of the offset fillers.

Assessment

The main considerations in this instance are;

- Design and Visual Impact;
- Contamination and Environmental Protection;
- Highway Safety;
- Residential Amenities; and,
- Representations.

Design and Visual Impact

The proposed building will be single storey with a flat roof therefore appearing similar in scale to the existing. The main elevations will be finished in natural timber cladding to soften the front elevation and to provide a contemporary appearance, together with a contrast with the metal cladding at the north end of the new building. The windows and door frames to the main retail area are to be powder coated metal to match the metal cladding. The contemporary design and materials will contribute positively by upgrading and tidying up the appearance of the existing site.

Contamination and Environmental Protection

Pump Hill Garage holds a Part B installation regulated under the Environmental Permitting (England and Wales) Regulations 2016 for the release of substances to the environment. The permit authorises unloading Petrol into storage at the service station. The application site has been a garage since the 1970s. Petrol filling stations have many potential sources of contamination and the lack of information provided with the application in relation to the development, specifically the repositioning of the offset fillers triggered a holding objection from The Environment Agency.

The necessary risk assessment has now been provided and The Environment Agency raise no objection to the development subject to a condition. Similar comments were also obtained from the Council's Environmental Protection Team. The condition and an informative will address the requirements from both consultees.

Highway Safety

Vehicular access and pedestrian access to the site will remain as existing.

Essex County Council Highway Authority raise no objection to the development subject to conditions which will be imposed where necessary having regard to the like for like development.

Residential Amenities

The site is located near to some existing residential properties both to the east and opposite. As the proposal is essentially a like for like replacement in terms of the use and siting, the resultant development will not be materially different therefore having a neutral impact on residential amenities. However, it is considered necessary to secure details of the demolition and construction

to ensure no material harm will result to neighbouring amenities from the associated construction traffic, construction hours and dust from demolition.

No record of opening hours for the existing premises can be found within the planning records. Details of the proposed opening hours have therefore been secured as part of this application and will form a condition allowing for appropriate control in the interests of residential amenities.

Representations

St Osyth Parish Council raise no objection.

No individual letters of representation from local residents have been received.

Conclusion

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

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 and materials:

2019/524/004A – Amended Proposed Roof Plan
2019/524/005 - Proposed Elevations
2019/254/007B - Amended Block Plan

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

- 3 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) 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 Construction Method Statement shall provide for:

- safe access to/from the site;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;
- measures to control the emission of dust and dirt during demolition and construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of hours of deliveries relating to the demolition and construction of the development;
- details of hours of site clearance or construction;
- a scheme to control noise and vibration during the demolition and construction phase, including details of any piling operations.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and in the interests of residential amenities.

- 4 Prior to the occupation of the proposed development, details of the provision for the parking of bicycles sufficient for all visitors to that development, of a design that shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason - To promote the use of sustainable means of transport for both staff and clientele.

- 5 The development hereby approved shall be carried out in accordance with the Desk Study, Conceptual Site Model and Preliminary Risk Assessment Version 1.0 FINAL Reference: 20200916P3 For: Karan Retail Ltd Date: 12 October 2020. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with, and obtained written approval for the strategy from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason - In the interests of environmental protection.

- 7 The use hereby permitted shall only operate between the hours set out below, unless otherwise agreed in writing by the Local Planning Authority;

Pumps and Kiosk/Shop - 6am to 11pm, 7 days a week

Hand Car Wash - 8am through to 7pm, 7 days a week

Reason - To ensure that the use is appropriate within this mixed commercial and residential location.

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.

Environmental Protection Informative

If during demolition and/or construction unexpected contamination is encountered then this must be reported to the Local Authority Environmental Protection.

Works must be halted in that area of the site until a suitable resolution has been formally agreed in writing with the Local Planning Authority.

Any modifications would need to be communicated to us and would require an amendment to their environmental permit.

Highways Informative

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:

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Colchester Highways Depot,
653 The Crescent,
Colchester
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