

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	08/02/2021
Planning Development Manager authorisation:	AN	08/02/2021
Admin checks / despatch completed	CC	08.02.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	08.02.2021

Application: 20/01288/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Stuart Burns - Dura Composites Ltd

Address: Dura Operations Centre Telford Road Clacton On Sea

Development: Proposed new storage unit for goods that require shelter from the weather.
Demolition of existing flat roof structure.

1. Town / Parish Council

Clacton is non parished.

2. Consultation Responses

ECC Highways Dept
27.01.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2019. The site is located off a local road and retains adequate room and provision for off street parking and turning, as the current parking is unaffected by the proposal, therefore:

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

1. Prior to occupation of the storage structure the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be provided clear of the highway and retained thereafter for that sole purpose.

Reason: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety in accordance with policy DM1.

2. 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: 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 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

2: Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

3. Planning History

00/01047/FUL	Extension to existing building	Approved	28.07.2000
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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

TR7 Vehicle Parking at New Development

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

SPL3 Sustainable Design

PP6 Employment Sites

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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site refers to Dura Operations Centre. The application site is located on the eastern side of Telford Road and is adjacent to other commercial uses. The character of the area is commercial and the application site is located within the development boundary of Clacton on Sea.

Proposal

This application seeks planning permission for the erection of a storage building. The building will measure approximately 13.8 metres in depth, 38.6 metres with an overall height of 7.2 metres.

The original plans submitted with this application demonstrated the proposed building to the south east corner which was proposed against the boundary. After review and taking into consideration the objections in regards to the impact of the building upon the neighbouring office, the proposed development would have caused significant harm to the neighbouring amenities. Amended plans were provided by the applicant which demonstrate that the building is now located to the north eastern corner of the site maintaining 2 metres to the boundary.

Assessment

Principle of development

The proposal involves the erection of a proposed storage area for Dura Operations Centre. It is acceptable in principle 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, 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 northern side of the application site set back against the rear boundary. Although there will be views of the proposed building from the street scene, the proposal is situated a sufficient distance away from the highway. The proposed building will be constructed from metal walls and roof with roller shutter doors which is considered to be in keeping with the character of the area. The information submitted indicates that the business is open 8.15am - 5pm Monday to Friday and closed at the weekends. The proposed building will be used for storage purposes only. The application site is located within a commercial area and therefore the nature of the proposal in this locality is considered acceptable.

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

The building will be used for storage purposes only. Due to the application site being located within a commercial industrial estate, it is considered that the proposal will not result in significant noise, smell, dirt or other pollution which will impact upon the adjacent neighbours.

There is a neighbouring building to the north of the application site. The proposed building retains 2 metres to the boundary and due to the existing vegetation which helps to screen the proposed building, as well as the distance of the neighbouring building to the boundary, it is considered that the proposal will not cause any significant harm to neighbouring amenities.

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;

Essex County Council Highways have been consulted on this application and have stated that no site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2019. The site is located off a local road and retains adequate room and provision for off street parking and turning, as the current parking is unaffected by the proposal. The Highway Authority have no objection to this application subject to conditions relating to storage of materials. This will be imposed as a condition only.

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 proposed workshop will measure approximately 414 metres. Therefore the proposal should provide 8 parking spaces. As the site can accommodate more than the requirement, as well as the sustainable location and within walking distance of public transport links, it is considered that the proposal will not cause any significant impact upon highway safety.

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

The proposed building is for storage purposes only, the applicant has confirmed that none is required within the application form. It is therefore considered that the proposal complies with this criterion.

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 proposed building is for storage purposes only. Within the application form it is confirmed that there are existing facilities and systems to store and collect recyclable waste including new incinerator to treat the factory waste etc.

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.

Other considerations

Clacton is non parished.

Two letters of objection have been received raising the following concerns;

- Concerns in regards to the right to light.
- Concerns in regards to the location and size of the building right against the boundary which would cause complete blackout of all 3 windows.
- Concerns of maintenance of either party if the building is built against the boundary.
- Concerns that the building will create a high level of noise.
- Concern of the lack of guttering.

In response to the above concerns, amended plans have been provided and the building has been relocated to the north eastern corner of the site, therefore not causing an impact upon the building to the south of the site.

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. 006762-002-018-P-011-R1 - Sheet 1 of 2
- Drawing No. 006762-002-018-P-011-R1 - Sheet 2 of 2

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

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 Applicant, 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

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Plans

Notwithstanding the comments on the plans the dimensions/door positions shown are fixed and any changes will need to be subject to approval through the appropriate type of application. For example a non material amendment or variation of condition.

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