

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DC	25.06.21
Planning Development Manager authorisation:	TF	25/06/2021
Admin checks / despatch completed	CC	25.06.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	25/06/2021

Application: 21/00712/FUL **Town / Parish:** Clacton Non Parished

Applicant: Burns

Address: Dura House Telford Road Clacton On Sea

Development: Proposed extension to existing facility at first floor level above existing office space

1. Town / Parish Council

Non Parished.

2. Consultation Responses

ECC Highways Dept
25.06.2021

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 2010.

It is noted that no new or amended access provision will be required from the public highway as part of this application. Car parking spaces within the site will be reducing by one space from 18 to 17 spaces, however, based on the overall floor space for the existing building and new extension it is still within the maximum parking standard threshold. Based on the information provided it appears the number of employees based at the site will be unchanged, therefore:

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 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.

2. Prior to the commencement of the works 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 during the construction phase.

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

3. The 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.

Informatives:

- 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: 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.

- 3: Although not a requirement based on the supporting information and number of current employees, consideration should be given to producing a Workplace Travel Plan, should the number of employees increase as a result of this

application. The Developer may wish to contact the Travel Plan team via: Travel.PlanTeam@essex.gov.uk to seek some advice in the interests of reducing the need to travel by car and promoting sustainable development and transport.

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.

TDC Environmental
Protection
18.05.2021

In order to minimise potential nuisance caused by demolition/construction works/Ground Works, Environmental Protection recommend that the following below is conditioned;

1. 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 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.
2. No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
3. If there is any asbestos present in the current building or site then adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

Adherence to the above conditions will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

TDC Building Control and
Access Officer
12.05.2021

No comment.

3. Planning History

97/00519/FUL	(Land north of Eastern National Depot, Telford Road, Gorse Lane Industrial Park, Clacton on Sea)	Approved	27.05.1997
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Use of premises as a haulage depot with related vehicle servicing

15/00641/FUL Demolition of existing workshop/store and construction of new workshop. Approved 18.06.2015

4. Relevant Policies / Government Guidance

National Planning Policy Framework 2019 (the Framework)
Planning Practice Guidance

Local:

Adopted Tendring District Local Plan 2007 (part superseded)

QL2	Promoting Transport Choice
QL11	Environmental Impacts and Compatibility of Uses
COM1	Access for All
COM2	Community Safety
COM21	Light Pollution
COM31a	Sewerage and Sewage Disposal
EN1	Landscape Character
EN13	Sustainable Drainage Systems
EN23	Development with the Proximity of a Listed Building
ER1	Employment Sites
ER2	Principal Business and Industrial Areas
ER31	Town Centre Hierarchy and Uses
ER32	Town Centre Uses Outside of Existing Town Centres
TR1a	Development Affecting Highways
TR3	Provision for Walking
TR7	Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond (the 2013-33 Local Plan)

Section 1 (adopted):

SP1	Presumption in Favour of Sustainable Development
SP3	Spatial Strategy for North Essex
SP7	Place Shaping Principles

Section 2 (emerging):

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
PP4	Local Impact Threshold
PP5	Town Centre Uses
PP6	Employment Sites
PPL1	Development and Flood Risk
PPL5	Water Conservation, Drainage and Sewerage
PPL9	Listed Buildings
CP1	Sustainable Transport and Accessibility

Supplementary Planning Guidance:

Essex County Council Development Management Policies 2011 (the Highways SPD)
Essex County Council Parking Standards Design/Good Practice Guide 2009 (the Parking SPD)

Status of the Local Plan

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the Framework.

The 'development plan' for Tendring comprises, in part, the 'Saved' policies of the 2007 Local Plan. Paragraph 213 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets have been found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the NPPF 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 regard 'Proposed Modifications' to emerging Section 2 of the 2013-33 Local Plan, which contains more specific policies and proposals for Tendring, has been examined and hearing sessions have now closed. It is therefore at an advanced stage of preparation. Following the Inspectors' final report and further public consultation, adoption is expected in late 2021. Section 2 will then join Section 1 as part of the development plan, superseding in full the 2007 Local Plan.

5. Officer Appraisal

Site Description

The site is situated at the end of Telford Road and is a part of the Gorse Road Industrial Estate which contains a mix of diverse business and industrial uses to the southeast of Clacton Shopping Village. Buildings in the area vary in scale, external materials and finishes. The existing building Dura House measures approximately 3.7m high at the ridge and 5.9m at the apex. A single storey extension at the west side of the building houses the majority of existing desk space and office facilities. The existing floor area is approximately 915m². Two new warehouses have recently been constructed to the northeast of the site, containing approximately 2000m² of floor space and measuring approximately 8m to the ridge, and externally finished in grey cladding. Existing parking provision is to the front of the building and a large yard to the rear.

The Proposal

The development would add a first floor cantilevered extension to increase the usable floor area and would include event and office space, a reception and meeting room, and hospitality facilities. The event and kitchen facilities would be formed within the apex of the existing building to the rear. The scheme would be externally clad in 'Mist' (RAL 7001) monochrome at ground floor, 'Anthracite' (RAL 7043) at first floor, with yellow accents to the first floor window surrounds. A rooflight and vent would be incorporated within the roof.

Principle of Development

The proposal is located within the Principal Business and Industrial area as defined in the 2007 Local Plan. Saved Policy ER2 states that proposals for employment development will be directed to such areas. Within these areas B1(a) office uses will not be permitted. The site is located within an Employment Site as defined in the emerging 2013-33 Local Plan under Policy PP6.

Policy ER2 seeks to resist office uses in this location following a town centre first approach, However, Policy ER2 is out of date as it refers to Use Class B1 which now falls within Use Class E. Policy ER32 seeks to prevent town centre uses outside of existing town centres, unless proposals pass a sequential site assessment, and providing amongst other things it does not individually or cumulatively with other committed development materially harm the vitality and viability of an existing centre.

Emerging Policy PP6 is to be amended to clarify that protected employment sites are shown on the Policies and Local Maps in the Local Plan, and to reflect the introduction of Use Class E in 2020. Also, to state that proposals for offices on protected employment sites will be considered on their merits and against other relevant policies within the local plan. In accordance with Paragraph 48, the weight that can be given to this policy is reduced.

Paragraph 80 of the Framework states, amongst other things, that planning policies should help create the conditions in which businesses can invest, expand and adapt. Moreover, that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development.

The proposal is for office facilities which are an integral component of the applicant's business operation and therefore require to be co-located with their businesses operations at the site. The proposal would not result in the loss of light industrial space, and from the application form the proposal is not anticipated to increase the number of employees at the site; it is for enhanced facilities as opposed to a new stand-alone office development. As such, a sequential test is not considered to be a proportionate requirement in this case. In any event, the proposal would not have a significant adverse effect on the vitality or viability of any neighbour town centre. For these reasons, the proposal is acceptable in principle.

Heritage

Section 2.3 of the submitted Design and Access Statement fully considers the presence of listed buildings in the surrounding area, which are situated some considerable distance away. The proposal is contained within the confines of the existing industrial area and is not of a scale that would have any appreciable impact on their setting. As such specialist consultee advice is not required, because the proposal would not conflict with Policies EN23 or PPL9.

Design

The proposal is of a high quality and innovative design that is compatible with the character and appearance of the area, and which is likely to help raise the standard of design more generally. The development would fit in well with the overall form and layout of the surroundings. The proposal would comply with Policies EN1 and SP7, and following Paragraph 131 of the Framework, great weight is given to the design of the proposal.

Highways

The proposal would be served by an existing access, but parking provision at the site would be reduced by one space. However, because the proposal is for enhanced facilities it would not materially increase the number of employees at the site, and as the local Highway Authority comment it would be policy compliant with the Highways and Parking SPDs. Subject to the recommended conditions above, the proposal would not conflict with Policies TR1, TR7 or SP3 in this regard.

Other Matters

The ratio of soft to hard landscaping would not change and the proposal would not result in undue light pollution. It would not be at risk of flooding or materially increase the risk of flooding elsewhere. The proposal therefore comply with Polices COM21, PPL1 and PPL5.

Conditions are recommended by the Environmental Protection Team regarding the burning of waste and dust suppression, the potential presence of asbestos and hours of construction. While the former are reasonable and necessary, the latter is not; the site is not located within a residential area and a restriction on hours of construction would be contrary to the 'Construction Update' Written Ministerial Statement of 25th March 2021 in relation to construction working hours due to COVID-19.

Conclusion

The proposal is acceptable in principle and policy compliant in all other regards. Great weight is given to the design. In accordance with Policy SP1 and the Framework planning permission should therefore be granted.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

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 0833_A_SC_303B, Proposed Site Layout
Drawing No 0833_A_SC_301B, Proposed Elevations
Drawing No 0833_A_SC_300F, Ground and First Floor 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 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:

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- 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.

4. No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

Reason: In the interests of protecting the general amenity of the area.

5. If there is any asbestos present in the current building or site then adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

Reason: In the interests of protecting public health.

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 Informatives

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