

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JR	21.10.2021
Planning Development Manager authorisation:	JJ	22/10/2021
Admin checks / despatch completed	CC	22.10.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	22/10/2021

**Application:** 21/01234/FUL **Town / Parish:** Frating Parish Council

**Applicant:** Mr Neil Naphine

**Address:** New Gospel Hall Colchester Road Frating

**Development:** Proposed additional parking spaces.

### 1. Town / Parish Council

Frating Parish Council      No comments received

### 2. Consultation Responses

ECC Highways Dept      No objection subject to conditions re surface water, parking space sizes, completion of parking spaces before use, cycle and two wheeler parking and storage of materials clear of the highway.

### 3. Planning History

04/02061/FUL	Erection of meeting hall, associated outbuildings, roads and car parking - external works	Approved	22.12.2004
02/01595/FUL	Erection of meeting hall. Associated outbuildings, roads and car parking and external works. (Variation to scheme approved under planning permission 01/01153/FUL)	Approved	20.12.2002
01/01153/FUL	Erection of meeting hall, associated out building, roads and car parking and associated external works	Approved	20.09.2001
96/01635/FUL	Erection of industrial building and offices for distribution and storage purposes	Approved	11.03.1997
98/00139/FUL	Erection of industrial building and offices for distribution and storage purposes (variation to scheme as approved under planning permission TEN/96/1635)	Approved	17.03.1998
98/01237/FUL	Re-positioning of the lagoon and car parks to the south of the previously approved industrial unit and offices	Approved	23.10.1998
99/01364/FUL	Industrial and storage/distribution centre (Classes B1(C) and B8)	Refused	04.01.2000

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework July 2021  
National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses (part superseded)  
TR1A Development Affecting Highways

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

##### Relevant Section 1 Policies (adopted)

SP1 Presumption in Favour of Sustainable Development  
SP7 Place Shaping Principles

##### Relevant Section 2 Policies (emerging)

SPL3 Sustainable Design  
CP1 Sustainable Transport and Accessibility

Essex County Council Car Parking Standards - Design and Good Practice

#### **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 National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 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 26<sup>th</sup> 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 were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. 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. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29<sup>th</sup> June 2021. The Council is holding a six week public consultation on the Main Modifications and associated documents, which began on 16th July 2021. The consultation will run for just over 6 weeks, closing at 5pm on 31<sup>st</sup> August 2021, following which adoption is expected later this year. Section 2 will join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

#### **5. Officer Appraisal**

##### Site Description

The application site is located on the northern side of Colchester Road, adjacent to the dwelling Brooklyn to the east and a second hand van sales company to the west. The site comprises of a

large hall set to the north western corner of the site, with the remaining frontage laid out for car parking. There is a wide strip of landscaping to the east of the site adjacent to Bentley Brook and some other landscaped areas across the site with hedging to the front boundary. The access is laid back from Colchester Road and accessed via a green metal gate.

### Proposal

The applications seeks to increase the parking spaces at the site by some 70 spaces, 4 of which are new disabled spaces. The site currently has 70 spaces, including 13 disabled spaces. The majority of the parking spaces are added to the eastern side of the site and the remaining spaces at the front of the site. The new parking areas are to be surfaced in tarmac with drainage into new soakaways.

Amended plans have been received during the course of the application as the original scheme sought to provide 86 spaces by extending the car parking area out to the east and piping and infilling the open ditch that runs adjacent to the site (Bentley Brook). However this resulted in a holding objection from the Lead Local Flood Authority (LLFA). Therefore the extended parking area has been reduced in size and the ditch is retained as is. Consequently the LLFA has removed their holding objection. The application is therefore considered on the basis of the amended plans.

### Principle of development

The site is currently operating as a meeting hall and additional formally laid out parking spaces are required for users of the hall. There is suitable access from the highway, which remains unchanged. Therefore the principle of increasing the number of formally laid out parking spaces is considered to be acceptable subject to the detailed policy considerations discussed below.

### Design and Visual Impact

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. (Para 126 NPPF).

Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Emerging Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials and should respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Saved Policy QL11 supports these considerations.

Given the existing use of the site and associated parking spaces, the additional parking spaces are not considered to impact adversely on the character and appearance of the site. Some of the landscaping to the eastern side is removed, however a considerable amount of landscaping is retained. The front elevation is currently bordered by mature and well maintained hedging and an area of grass verge which screens the hall and parking areas from the wider streetscene and this is to remain unaltered. Apart from the neighbouring dwelling to the east, Brooklyn, the wider streetscene has a more commercial feel, with business related uses along this northern side and the additional car parking spaces are considered to have little impact on the visual amenity of the site, or the wider area.

Therefore the proposal is considered to be policy compliant in these regards.

### Highway safety

Planning permission for the hall was granted in 2004, which included the new access from the highway and associated visibility splays. The proposal does not seek to alter the access

arrangements in any regard. The addition of the parking spaces would bring the total spaces to 140, including 17 disabled spaces, which is considered to be more in line with up to date parking requirements for a hall of this size. The hall is approximately 1000m<sup>2</sup> and is considered to fall within a D1 use class, therefore the parking requirements are 1 space per 10m<sup>2</sup>. The size of the proposed spaces are in accordance with the EPOA adopted standards and there is considered adequate space for turning/waiting and drop off to the front of the hall. Furthermore the Highways Authority have no objection to the proposal subject to conditions regarding the discharge of surface water, parking space sizes, completion of parking spaces before use, cycle and two wheeler parking and storage of materials clear of the highway.

Therefore the proposal is considered to be policy compliant in these regards.

### Impact on Residential Amenity

As stated previously the site is bordered to the east by a detached dwelling (Brooklyn). The main increase in parking spaces is on the eastern side of the site, towards the shared boundary with this neighbouring dwelling. However the new layout has the parking spaces closest to the shared boundary at the front of the site, with the main landscaping area remaining to maintain a degree of separation from the dwelling and its rear amenity area. Therefore given the current use of the hall at the site and the absence of any restrictions on its use in terms of hours and numbers attached to the main planning consent, it is not considered that the additional parking spaces would result in any material harm to residential occupiers over and above that which already exists on site. There is no external lighting proposed as part of this application and any external lighting would require express planning permission.

The site is bordered by commercial premises to the north east (Penguin Books) and to the west, with open farm land to the north. Therefore no other residential properties would be impacted by the development.

Therefore the proposal is considered to be policy compliant in these regards.

## **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(s): Proposed Layout/Block Plan drawing no. P02b

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

3. 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

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

5. The proposed additional parking spaces shall not be used until such time as the vehicle parking areas indicated on approved 'Proposed Layout/Block Plan' drawing no. P02b, have

been hard surfaced, sealed, marked out in parking bays and the new soakaways provided. 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 Hall.

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 off street parking is provided

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

## 8. Informatives

1. 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.

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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester,  
CO7 7LT

3. 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.
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.

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