

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JR	12.01.2022
Planning Development Manager authorisation:	TF	12/01/2022
Admin checks / despatch completed	ER	12/01/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	12.01.2022

Application: 21/01925/FUL **Town / Parish:** Weeley Parish Council

Applicant: Miss Rachael Kendrew - InstaVolt Ltd

Address: McDonalds Restaurant Colchester Road Weeley

Development: Proposed installation of two rapid electric vehicle charging stations within the car park of McDonalds. With two existing parking spaces will become EV charging bays, along with associated equipment.

1. Town / Parish Council

Weeley Parish Council No comments

2. Consultation Responses

None

3. Planning History

89/01871/OUT	Proposed service area restaurant, Tourist Information Centre and Picnic Area	Approved	26.10.1993
91/00331/OUT	Petrol Station with restaurant and addition of a 40 bed Motel with parking and associated services.	Refused	08.10.1991
00/00189/FUL	Erection of freestanding Class A3 restaurant, with associated landscaping and car parking	Approval	01.12.2000
00/00190/FUL	Erection of freestanding Class A3 restaurant, with associated landscaping and car parking (Duplicate application)	Approval	01.12.2000
10/00592/FUL	Refurbishment of restaurant and patio area. Changes to elevations which includes the removal of the light beams from the roof and booth one window. Installation of a customer order display. Replacement and new signage.	Approved	19.07.2010
10/00593/ADV	Refurbishment of restaurant and patio area. Changes to elevations which includes the removal of the light beams from the roof and booth one window. Installation of a customer order display.	Approved	19.07.2010

	Replacement and new signage.		
10/00748/ADV	Relocation of existing pole sign and increase of pole height from 4 metres to 9 metres.	Withdrawn	09.08.2010
10/00935/ADV	1no. totem 1 sign and extension of existing pole from 4m to 6m on freestanding road side sign.	Refused	07.10.2010
10/01315/ADV	Extension of existing pole from 4m to 6m on freestanding road side sign.	Refused	05.01.2011
10/01316/ADV	1 No. Totem sign.	Refused	10.01.2011
14/01165/FUL	Reconfiguration of the drive thru lane to provide a side-by-side order point incorporating a new island for signage and reconfigured kerb lines and associated works to the site. Construction of a remote corral.	Approved	10.10.2014
14/01166/ADV	The installation of 2 no. Customer Order Displays (COD). Reconfigured signage suite with additional displays.	Approved	08.10.2014
14/01446/ADV	Installation of a new freestanding illuminated sign on 4m pole with 24hr appendage.	Refused	12.01.2015
17/00690/FUL	Construction of drive thru booth extensions with new style windows and new sliding doors.	Approved	15.06.2017
19/01885/ADV	Proposed installation of 5 No. digital freestanding signs and 1 No. 15" digital booth screen.	Approved	07.02.2020

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)
EN13A Renewable Energy

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

Relevant Section 1 Policies (adopted)
SP7 Place Shaping Principles

Relevant Section 2 Policies (emerging)
SPL3 Sustainable Design

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 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 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. On 24th November 2021, the Council received the Planning Inspectors' final report on the legal compliance and soundness of Section 2 of the emerging Local Plan. The report has confirmed, that with the inclusion of a number of 'Main Modifications' (which have already been the subject of formal public consultation), the Plan is legally compliant and sound and can now proceed to adoption. The report is due to be considered by the Planning Policy and Local Plan Committee on 11th January 2022 which is likely to recommend adoption of the Section 2 Local Plan to Full Council on 25th January 2022. On adoption, the new Section 2 Local Plan will join the new Section 1 Local Plan to form the 'development plan' for Tendring and the old 2007 Local Plan will be superseded in full.

Now that the Inspectors' final report is received, the Section 2 Local Plan has virtually reached the final stage of preparation, all objections have been resolved and the Inspector has confirmed that the Plan is sound and therefore in conformity with the Framework. For these reasons, Officers now advise that the emerging Plan should now carry 'almost full weight' in decision making.

Until the new Local Plan is adopted in January 2022, the 2007 adopted Local Plan, legally, will still form part of the 'development plan' and there will still be a requirement to refer to the 2007 Local Plan in decision making. However, the level of weight to be afforded to the policies in the 2007 Plan is reduced to very limited weight given that a more up to date Plan has progressed to such an advanced stage of the plan making process.

5. Officer Appraisal

Site Description

The application site is located on the southern side of Colchester Road (B1033), close to the roundabout with the A133. The site is part of a wider commercial site comprising of a BP garage, Premier Inn, Public House and McDonalds. The site is located on the very southern end of the existing car park and comprises of an area around two existing parking spaces. The wider surrounding area is rural countryside, leading into the main centre of Weeley. There are no residential properties in close proximity to the site.

Proposal

The proposal is for the installation of the two electric vehicle charging points, including a green feeder pillar cabinet, two vertical charging cabinets and wheel stops.

Principle of Development

The National Planning Policy Framework requires local planning authorities to adopt proactive strategies to mitigate climate change and promote sustainable development. In 2019, the Council declared a climate emergency, committing it to the preparation of an action plan with the aim of making its own activities carbon neutral by 2030 and acting as a community leader to encourage communities and developers to reduce carbon emissions and tackling climate change.

The NPPF, paragraph 107 identifies the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles, particularly in safe, accessible and convenient locations. The site is easily accessible and is on a main thoroughfare through the Tendring District, therefore the principle of the installation of publicly useable electric charging points in this location is considered to be acceptable, subject to the detailed considerations relevant to this proposal which are set out below.

Design and Impact on the Character of the Area.

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.

The proposed works are considered to be of a small scale and are visually appropriate within the wider site. The charging points and associated infrastructure cabinet are of a utilitarian design, as is commonplace for such charging points. Their location to the southern end of the car park is screened to a degree by the existing vegetation and are not considered to detrimentally impact on the character and appearance of the area.

Overall, the works are of a minor nature having a very limited impact and is not considered to result in any material harm to visual amenity or the wider landscape.

Impact on Residential Amenity

Paragraph 130 of The Framework maintains that policies and decisions should result in new development that creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policy SP7 seeks, amongst others, to protect the amenity of existing and future residents and users with regard to noise, vibration smell, loss of light, overbearing and overlooking. These sentiments are carried forward in emerging Policy SPL3.

There are no residential properties within close proximity to the installation site and given the existing use of the wider site and the general levels of comings and goings already experienced by this use, it is not considered that the small scale provision of two electric car charging points would have any impact on the amenities of the residents and users of the nearby hotel.

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

Highway safety and Parking Provision

The proposal will not result in any alterations to the car park layout per se, although two parking spaces are inadvertently removed for the purposes of car charging only. Given the layout and parking arrangements of the wider site, this is considered to have a very minor impact on parking provision and the benefits of the facility would greatly outweigh any small loss of parking provision. The access to and from the wider site and the Highway remain unaffected by the proposal, therefore there are no material highway safety issues identified.

Consultation Responses

No comments have been received from the Parish Council and no representations have been received following a public consultation which included a site notice posted at the site.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal 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 strict accordance with the following approved plans: 001_08-02 G, 001-19B, 10376-0324-01-PLA, 10376-0324-02A, 10376-0324-03A

Reason: In the interests of proper planning and for the avoidance of doubt.

8. Informatives

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.

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