

## **DELEGATED DECISION OFFICER REPORT**

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
File completed and officer recommendation:	AC	9 <sup>th</sup> Sept 2022
Planning Development Manager authorisation:	JJ	14/09/2022
Admin checks / despatch completed	CC	16/09/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	16/09/2022

**Application:** 22/00755/VOC **Town / Parish:** Clacton Non Parished

**Applicant:** Mr Caro - DF Homes Ltd

**Address:** 11 Stephenson Road Clacton On Sea Essex

**Development:** Variation of condition 2 of planning permission 21/00486/FUL to amend cladding/brickwork proportions, changes to main elevation to suit users requirements and addition of high level windows to road facing gable.

### **1. Town / Parish Council**

Not applicable

### **2. Consultation Responses**

None required

### **3. Planning History**

93/00606/FUL	Office extension	Approved	07.07.1993
95/00769/FUL	(D C Flavours Ltd, Stephenson Road, Gorse Lane Industrial Estate, Clacton on Sea) Single storey side extension - changing rooms for staff	Approved	31.07.1995
96/01620/FUL	(Stephenson Road, Gorse Lane Industrial Estate, Clacton on Sea) Proposed factory extension	Approved	07.02.1997
97/00238/FUL	(D C Flavours Ltd, Stephenson Road, Gorse Lane Industrial Estate, Clacton on Sea) Two storey extension to existing office building	Approved	25.04.1997
97/01540/FUL	(D C Flavours Ltd, Stephenson Road, Gorse Lane Industrial Estate, Clacton on Sea) Minor elevational change to plan approved under TEN/97/0238 (Two storey office extension)	Approved	22.01.1998
21/00486/FUL	Proposed construction of 4 No industrial units for B1/B8 use, including access and parking	Approved	11.06.2021

22/00596/DISCON	Discharge of conditions 12 (Construction Management Plan) and 17 (External Materials and Finishes) of application 21/00486/FUL.	Approved	24.05.2022
22/00617/DISCON	Discharge of conditions 8, (Discharge of surface water) 15 (Sustainable urban drainage of surface water) and 16 (Foul water drainage) of application 21/00486/FUL.	Current	
22/00755/VOC	Variation of condition 2 of planning permission 21/00486/FUL to amend cladding/brickwork proportions, changes to main elevation to suit users requirements and addition of high level windows to road facing gable.	Current	

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

*NPPF National Planning Policy Framework July 2021*

*National Planning Practice Guidance*

*Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)*

- SP1     Presumption in Favour of Sustainable Development
- SP3     Spatial Strategy for North Essex
- SP5     Employment
- SP7     Place Shaping Principles

*Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)*

- SPL1    Managing Growth
- SPL2    Settlement Development Boundaries
- SPL3    Sustainable Design
- PP6     Employment Sites
- PP7     Employment Allocations
- PPL5    Water Conservation, Drainage and Sewerage
- CP1     Sustainable Transport and Accessibility

*Local Planning Guidance*

Essex County Council Car Parking Standards - Design and Good Practice

## **Status of the Local Plan**

Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

## **5. Officer Appraisal**

Before preparing this summary report the planning officer has visited the application site, considered any relevant previous planning applications in relation to the development and considered any comments made by those interested in the application such as consultees with specialist knowledge, nearby residents and a Parish or Town Council where there is one.

By indicating that the development proposal complies with relevant Local Plan Policies, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during the site visit, any comments received in connection with the application and any other case specific considerations which are material to the decision.

### **Site Description**

The application site is located on the southern side of Stephenson Road within an established employment area. The area is characterised by a mix of brick and profiled-metal sheet clad buildings of two and three-storey construction. The site is accessed from Stephenson Road – the main spine road serving the estate – a secondary distributor road in the County's Route Hierarchy.

### **The Proposal**

The proposal is for four industrial units for B1 (Business) and B8 (Storage and distribution) uses, access and parking. The building would be of two-storey construction finished in profiled-metal sheeting with a pitched roof. The current application seeks amendments to the scheme approved under planning reference 21/00486/FUL; the amendments are of a visual/design nature only and are summarised as:-

- The insertion of high-level windows in the gable end to Stephenson Road
- The insertion of an additional five openings to the front elevation
- The omission of the brickwork plinth detail to the side and rear elevation

The footprint, siting and height of the building remains as per the approved scheme.

The external materials, subject of Discharge of Condition application 22/00596/DISCON (approved 24.05.2022) being Profiled steel sheet powder coated in Goosewing Grey colour are deemed entirely appropriate in the context of both the individual site and wider streetscene in general.

In regards to the impact of the proposed development on the highway network, the amendments are of a visual/design nature only. A Construction Management Plan was required by the Highway Authority; this was submitted under application 22/00596/DISCON and deemed acceptable – Condition 12 was discharged on 24.05.2022.

### **Other Matters – Planning Conditions**

	21/00486/FUL	22/00755/VOC	Comment
Time Limit	Condition 1	Proposed Condition 1	
Approved Plans	Condition 2	Proposed Condition 2	

Pedestrian Visibility Splays	Condition 3	Proposed Condition 3	
Turning Facility	Condition 4	Proposed Condition 4	
Loading / Unloading Facilities	Condition 5	Proposed Condition 5	
No unbound material	Condition 6	Proposed Condition 6	
Technical – Highways	Condition 7	Proposed Condition 7	
discharge of surface water	Condition 8	Proposed Condition 8	Remains undischarged under application 22/00617/DISCON
new boundary planting	Condition 9	Proposed Condition 9	
vehicle parking area indicated	Condition 10	Proposed Condition 10	
Cycle / Powered two-wheeler	Condition 11	Proposed Condition 11	
Construction management plan	Condition 12	Proposed Condition 12	
Hours of Construction/Burning of Waste	Condition 13	Proposed Condition 13	
External Lighting	Condition 14	Proposed Condition 14	
SUDS - Surface Water Scheme	Condition 15	Proposed Condition 15	Remains undischarged under application 22/00617/DISCON
Foul Water Drainage Scheme	Condition 16	Proposed Condition 16	Remains undischarged under application 22/00617/DISCON
External Materials and Finishes	Condition 17	Proposed Condition 17	

### Representations

No third-party comments have been received.

## **6. Recommendation**

Approval - Full

## **7. Conditions**

- 1 The development hereby permitted shall be begun before 11th June 2024.

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:- 947/01 D and 945/02 E (received 16th September 2022).

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

- 3 Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason - To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

- 4 Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced, and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

- 5 Prior to occupation of the development 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.

- 6 No unbound material shall be used in the surface treatment of the vehicular access/ access road throughout.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

- 7 Prior to occupation of the development the following should have been provided and completed:

- a) A priority junction off Stephenson Road to provide access into the proposal site with Kerb radii measuring a minimum of 8 metres with a carriageway width of 6 metres.
- b) Provision of a 2-metre-wide footway around each radius kerb and to tie into the existing footway on Stephenson Road and appropriate tactile paving/ drop kerb at each pedestrian crossing point either side of the junction.
- c) Appropriate vehicle visibility splays in accordance with current policy standards.
- d) The redundant vehicular access as shown on the site layout plan drawing no. 947/03 B shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge/footway/kerbing prior to the proposed new access is brought into first beneficial use.
- e) Any other reasonable items to ensure the access is in accordance with current policy standards.

Reason - to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

- 8 Prior to commencement of above ground works details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

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.

- 9 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason - To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

- 10 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. 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 development unless otherwise agreed with the Local Planning Authority.

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 parking is provided.

- 11 The Cycle / Powered two-wheeler parking hereby approved shall be provided in accordance with the EPOA Parking Standards. The 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.

- 12 The CMS shall be implemented and adhered to as approved under 22/00596/DISCON unless otherwise agreed in writing.

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.

- 13 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. No materials produced as a result of the site development or clearance shall be burned on site.

Reason - In the interests of protecting the amenity of the locality.

- 14 Prior to the installation of external lighting to serve the development hereby approved precise details shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter lighting shall be installed only in accordance with the details as may be approved unless otherwise agreed in writing.

Reason - In order to prevent light pollution.

- 15 Prior to the commencement of above ground works, a scheme for the provision of Sustainable Urban Drainage of surface water shall have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail any pumping facilities required, point of connection and discharge rates. Thereafter the drainage scheme as may be approved shall be implemented and retained for the lifetime of the development.

Reason - In order to mitigate the risk of flooding elsewhere.

- 16 Prior to the commencement of above ground works, a scheme for the provision of foul water drainage shall have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of connection point and flow rates. Thereafter the drainage scheme as may be approved shall be implemented prior to first use and retained for the lifetime of the development.

Reason - In order to protect the water environment.

- 17 The development shall be constructed in accordance with the materials specified and approved under 22/00596/DISCON unless otherwise agreed in writing.

Reason: In the interests of visual amenity.

## 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:-

Prior to any works taking place in the highway the developer should enter into an S278 agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works. All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible). The proposed junction layout, carriageway and footway proposals will require an initial Stage 1 Road Safety Audit with swept path analysis for the largest vehicles expected to use the development.

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 development should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009.

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:

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

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.

### Sewers:-

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

<b>Are there any letters to be sent to applicant / agent with the decision?</b>		<b>NO</b>
<b>Are there any third parties to be informed of the decision?</b>		<b>NO</b>