

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	24 th May 2022
Planning Development Manager authorisation:	SCE	25.05.2022
Admin checks / despatch completed	ER	25/05/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	25.05.2022

Application: 22/00510/FUL **Town / Parish:** Frating Parish Council

Applicant: Mr R Gamble - Red Plant Sales Ltd

Address: Red Plant Sales Colchester Road Frating

Development: Proposed demolition of existing residential dwelling and change of use of residential land to industrial usage to expand existing plant/machinery sales business.

1. Town / Parish Council

No comments received

2. Consultation Responses

ECC Highways Dept The information submitted with the application has been fully assessed by the Highway Authority and conclusions reached based on a desktop study, no site visit was undertaken in conjunction with this application. It is noted that no new or altered means of access is proposed as part of this application, considering these factors:

The Highway Authority does not object to the proposals as submitted.

Environmental Protection
11.04.2022 Thank you for your consultation regarding the proposed development above. The Environmental Protection Team's comments are given below:

Noise:

In order to minimise potential nuisance caused by demolition and construction, Environmental Protection recommend that:-

- o 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.
- o No materials produced as a result of the site development or clearance shall be burned on site.
- o All waste arising from the demolition and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies

3. Planning History

22/00510/FUL Proposed demolition of existing Current
residential dwelling and change of

use of residential land to industrial
usage to expand existing
plant/machinery sales business.

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
- CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex Design Guide

Essex County Council Development Management Policies 2011 (the Highways SPD)

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

Site Description

The site measures a little over 0.3hectares and comprises a residential dwelling with domestic outbuildings and a commercial premises which provides plant hire with an ancillary sales element.

The site has been in commercial use since the 1970's with the dwelling being constructed in the 1980s'. The dwelling has been unsympathetically extended at ground floor resulting in a very bottom-heavy dwelling with three small bedrooms at first floor.

Of the circa 3000sqm site area, approximately 970sqm is the residential element. The residential part is located to the left hand side of the entrance and comprises a large area of hardstanding forward of the dwelling – the dwelling is sited towards the rear of the plot.

Description

The application proposes the demolition of the dwellinghouse and the change of use of use of the residential part to encompass it back in to the wider commercial element. The area will predominantly be used for customer parking.

Assessment

The main planning considerations are:

- Principle of Development;
- Layout, Scale and Appearance;
- Residential Amenities;
- Highway Considerations;
- Representations

Principle of Development

Within Settlement Boundary

The site is located within the Development Boundary of Frating, therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Layout. Scale and Appearance

Section 1 Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Section 2 Policy SPL3 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Paragraph 130 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

The dwelling/residential element is in stark contrast with the wider locale which is comprises just under 4 hectares of mixed-use commercial activity. For this reason the change of use from residential, including the loss of the dwelling itself, respects local landscape character and existing street patterns.

Neighbouring Amenities

The NPPF, at paragraph 130 states that development should create 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. Section 1 Policy SP7 of the Tendring District Local Plan 2013-2033 requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

The wider local is of mixed commercial use where it is anticipated that business will evolve and expand. For this reason the development is considered to respect and protect the amenity of existing and future users in regards to noise.

Highway Considerations

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Paragraph 112 states that applications for development should (a) give priority first to pedestrian and cycle movements and (c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter. Paragraph 130 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. These objectives are supported adopted Policy SP7 of the Tendring District Local Plan 2013-2033.

The information submitted with the application has been fully assessed by the Highway Authority and conclusions reached based on a desktop study, no site visit was undertaken in conjunction with this application. It is noted that no new or altered means of access is proposed as part of this application and the Highway Authority does not object to the proposals as submitted.

Representations

No letters have been received in response to the publicity of this application.

The Parish Council have not commented.

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:- Un-numbered Block Plan (received 21st March 2022).

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 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.

Environmental Protection:-

- 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.

- All waste arising from the demolition and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

Highways:-

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

Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway. To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the demolition period.

The applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence.

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