

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case Officer recommendation:	JR	15.03.2023
Planning Manager / Team Leader authorisation:	JJ	16/03/2023
Planning Technician final checks and despatch:	ER	16/03/2023

Application: 22/01944/FUL **Town / Parish:** Thorpe Le Soken Parish Council

Applicant: Mr De Roy - De Roy Tool Co. Ltd

Address: Unit 5, 6, 6A and 7B Rice Bridge Industrial Estate Station Road

Development: External alterations including first floor extensions to existing units to facilitate the subdivision of 4 no. units to create 6 no. units.

1. Town / Parish Council

Thorpe Le Soken Parish Council No Comments Received

2. Consultation Responses (Summarised)

ECC Highways Dept
24.01.2023 From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority, subject to mitigation and conditions in regards to cycle parking provision.

Environmental Protection
08.02.2023 Construction Method Statement: We are satisfied with the submitted CMS and have no adverse comments to make.

Contaminated Land: Given the sites proximity to registered, historical contaminated land, and to a railway line, a Watching Brief is required to be adhered to throughout the development process.

Environment Agency
24.02.2023 The matters of concern are covered by the EA standing advice.

3. Planning History

20/01015/COUNOT	Proposed conversion of B1 commercial units in to six residential dwelling units.	Determined	27.11.2020
22/00383/LUPROP	Proposed conversion to residential use in accordance with PD right class PA.	At Appeal	27.04.2022
22/01744/LUPROP	Proposed conversion to residential use in accordance with PD right class PA.	At Appeal	09.12.2022
22/01765/LUPROP	Proposed conversion to residential use in accordance with PD right class PA.	At Appeal	09.12.2022
22/01866/LUPROP	Proposed conversion to residential use in accordance with PD right under Class O.	At Appeal	06.01.2023

22/02107/LUPROP Proposed conversion from At Appeal 14.02.2023
existing office/light industrial (B1)
to residential use in accordance
with PD rights Class O.

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)
National Planning Practice Guidance (NPPG)

Local:

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
SP5 Employment
SP7 Place Shaping Principles

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

SPL1 Managing Growth
SPL3 Sustainable Design
PPL1 Development and Flood Risk
PP13 The Rural Economy
CP1 Sustainable Transport and Accessibility

Essex County Council Parking Standards Design and Good Practice Guide 2009

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 application site is located on the eastern side of Station Road, within the settlement development boundary of Thorpe-Le-Soken Station and Maltings. The application relates to units 7b, 6, 6a, and 5. These units are single storey and located towards the centre of the Industrial Estate. The units are within use Class E (g)(iii) (formerly Class B1 (c)), which is for industrial uses/processes that can be carried out in any residential areas without causing detriment to the amenity of the area).

The Rice Bridge Industrial Estate comprises of a mix of light industrial units and other commercial operations, such as storage units and MOT and garaging services. There are residential flats located in the building at the entrance to the estate which were approved under prior approval application reference 20/00465/COUNOT.

The site is located partly within Flood Zones 1, 2 and 3. Flood Zones 2 and 3 are considered to be at risk of flooding and is also located within a defined employment site within the Adopted Local Plan.

Proposal

The application seeks full planning permission to construct a first-floor extension to the existing commercial units and to sub-divide the 4 units into 6 smaller 2 storey units.

Planning History

It is noted that there is a number of applications at Appeal on this site relating to the change of use of the units to dwellings under Prior Approval Class PA and associated Lawful Development Certificates. However it is considered that this is a full planning application for unrelated development comprising of extensions to and the sub-division of the existing units and therefore this application is assessed on its own merits.

Principle of Development

Thorpe-le-Soken is classified in Policy SPL1 as a Rural Service Centre and has a reasonable range of facilities and jobs. Policy PP13 seeks to support growth in the rural economy. Rice Bridge Industrial Estate is an established employment site with a mix of commercial and residential uses. Therefore there is no objection in principle to the proposal which would result in the retention and expansion of the light industrial units within the confines of the existing site offering modern up to date facilities.

Design, Character and Appearance

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. 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.

The extension to the existing units would see a first floor added with pitched roof and dormer like windows to the front and roof lights to the rear. The materials proposed are cement fibre boarding and cement fibre slate tiles to the roof. The units are divided into 6 units each with a new staircase and downstairs accessible W.C.

Overall the extensions and sub-division of the units is considered to be acceptable and would result in up to date, modern commercial units which are considered ideal for small business in the area to utilise. This would help to secure the long-term use of the employment site which is an important service provision in this fairly rural location.

The majority of the buildings within the industrial estate are two storey and the application site is located between the two-storey residential building at the front of the site and commercial buildings behind which are of a similar height to the proposed development. Therefore the proposal is considered to reflect and overall improve the character and appearance of the units and the wider industrial site and is of a visually appropriate design befitting a commercial industrial estate.

Flood risk

Policy PPL1 seeks to ensure development is resilient in the event of a flood. The majority of the site lies within the tidal and fluvial Flood Zone 2 and 3 and a flood risk assessment (FRA) has been submitted. It is not considered that the proposed development would result in a more vulnerable use within the site and as the floor space created is less than 250sqm, development is classed as a minor development and therefore the Environment Agency standing advice is applicable. Due to

the increase in floor space being below 250sqm and the proposal is for a less vulnerable use the site is not subject to the sequential and exception tests.

A flood risk assessment and a flood warning and evacuation plan has been submitted with the application.

Standing Advice

- Floor levels should either be no lower than existing floor levels or 300 millimetres (mm) above the estimated flood level. It is also a requirement to use flood resistant materials up to at least 300mm above the estimated flood level.
- Floor levels are either no lower than existing floor levels or 300 millimetres (mm) above the estimated flood level. You will also need to use flood resistant materials up to at least 300mm above the estimated flood level.
- Flood water can put pressure on buildings, causing structural issues. If your design aims to keep out a depth of more than 600mm of water, you should get advice from a structural engineer.
- Standards for the installation and retrofit of resistance measures are available in British Standard 851188-1:2019+A1:2021.
- If you cannot raise the floor levels in this way, you will also need to include extra flood resistance and resilience measures. These measures should protect the property to at least 300mm above the estimated flood level.
- Make sure your flood resilience plans follow the guidance in the Construction Industry Research and Information Association (CIRIA) Property Flood Resilience Code of Practice.
- Standards for materials and design approaches that will speed the recovery of buildings after flooding are available in British Standard 85500:2015.
- Standards for dealing with and preventing water from surrounding ground entering below ground structures such as basements are available in British Standard 8102:2009.

A condition can be added to any grant of planning permission to ensure that the development is constructed with due regard to the EA standing advice.

Highway Safety

The NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. These objectives are supported under adopted Policy SP7.

The proposal would see the increase in the number of units from 4 and 6, and an increase in floor space at first floor of some 220sqm. The submitted plan shows a layout of 9 car parking spaces which are allocated to the development, which is considered sufficient to serve the proposed units. There is also ample parking within the wider site for visitors.

The site would utilise the existing access to the site from Station Road, which is unaltered and serves the wider industrial estate. Furthermore there is no objection from the Highways Authority to the development. The proposal is therefore considered acceptable in terms of highway safety.

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 SPL3 seeks new development that does not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The units 6 and 6a are neighbored to the west by a two storey building which has been converted to residential flats. The proposal would see the addition of a first floor to the existing single storey units, however there remains a reasonable separation distance between the two buildings and no overshadowing or loss of outlook concerns are raised. Rooflights are proposed on the rear elevation facing the residential flats and are high level for light purposes only. Therefore no overlooking or loss of privacy is considered to affect the occupiers of the neighbouring flats. The other units are sited towards the eastern boundary of the site or adjoining commercial units, therefore not impacting on the residential amenities of the flats to the west.

With regards to noise and disturbance it is not considered that the occupation/use of the units, by virtue of their Class E (g)(iii) use, which is considered to be made up of industrial uses that are compatible with a residential environment, would impact on the residential amenity of the occupiers of the flats, particularly given the current use of the industrial site.

Furthermore there are no objections to the development from the Council's Environmental Protection Team and the Construction Method Statement submitted is deemed to be acceptable. The EP team have also suggested a condition regarding a watching brief for contaminated land, however as the extensions are at first floor only this is not considered to be appropriate in this instance.

The proposal is therefore considered to be acceptable and policy compliant in these regards.

Third Party Consultation Responses

No representations have been received following a public consultation which included a site notice posted at the site and neighbouring consultation letters sent out to the adjacent properties.

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. COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the consent becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk of both Enforcement Action and Criminal proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2. APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Site Location Plan

Drawing No. 5366-EAP-P03A - Proposed Elevations and Sections

Drawing No: 5366-EX-01 A - Proposed Block Plan and Existing Plans

Drawing No: 5366-FFP-P02 A - Proposed First Floor Floor Plans

Drawing No: 5366-GFP-P01 A - Proposed Ground Floor Plans

Construction Method Statement – Rec'd 21.11.22

Flood Risk Assessment dated 21 October 2022

Planning Statement and Flood Evacuation Management Plan dated November 2022

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

3. FLOOD RISK

CONDITION: The development hereby approved must be constructed in accordance with the Environment Agency's Standing Advice for Minor Extensions within Flood Zone 2/3 with due regard to floor levels and flood resistance and resilient measures.

REASON: To reduce the flood risk and damage to property during and after a flood event.

4. CONSTRUCTION METHOD STATEMENT

CONDITION: The Construction Method Statement submitted 21.11.2022 shall be strictly adhered to throughout the construction period for the development. The construction shall be undertaken with registration and adherence to a Considerate Constructors Scheme.

REASON: To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

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.

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

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.

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.

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

