

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case Officer recommendation:	MP	21/03/23
Planning Manager / Team Leader authorisation:	AN	21/03/23
Planning Technician final checks and despatch:	ER	22/03/2023

Application: 21/00022/FUL **Town / Parish:** Great Bentley Parish Council

Applicant: Mrs V Palmer

Address: The Pit Stop Colchester Road Great Bentley

Development: Proposed extension to Garage Workshop to include 2 new bays.

1. Town / Parish Council

Great Bentley Parish
Council
09.03.2021

At the Great Bentley Parish Council Planning Committee meeting held on 4th March 2021 it was resolved to comment the following:

The objections raised by a neighbouring member of the public have been noted.

The planning application conditions applied previously at this site have not been upheld.

The creation of two new bays with less space for parking on site will cause more congestion, leading to parking on the highway verge, which is already taking place.

2. Consultation Responses

ECC Highways Dept
07.06.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. The site is situated on a stretch of Colchester Road that is subject to a de-restricted speed limit. The current vehicular access serving the site will remain the unchanged. It is noted that in 2015 planning approval was granted to allow use of the site for car sales in addition to the garage workshop and MOT Centre.

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

1. As far as can be determined from the submitted plans, the proposal will reduce the amount of parking and storage within the site impacting on the available off-road parking facilities for all the current uses together with employees and visitor parking. The proposal will result in vehicles being left parked causing obstruction to the operational parking and impacting on the turning facilities within the site contrary to highway safety and Policy DM 1 and DM8.

2. There appears to evidence of the highway verge at the front of the premises being damaged and overrun possibly being used for parking impacting on the visibility splays at the access contrary to highway

safety and Policy DM 1 and DM8.

Therefore, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Note:

The applicant should be invited to provide such additional information as listed below together with a revised block plan:

1. Details of the proposed maximum number of vehicles offered for sale at the site and the location of this within the site.
2. The maximum number of customer and visitor vehicles attending the site at any one time and the location of the off-street parking and turning facilities for these vehicles within the site.
3. The maximum number of employee vehicles attending the site at any one time and the location of the off-street parking facilities for these vehicles within the site.
4. A designated turning area so all vehicles can enter and leave site in forward gear.
5. The Highway Authority would like to see a swept path analysis drawing for the largest vehicle entering and leaving the site and using the designated turning area.

Further consideration will be given to the planning application upon receipt of the additional information.

ECC Highways Dept
24.01.2023
(amended comments
following additional
information)

The information that was submitted in association with the application has been fully considered by the Highway Authority. The site is situated on a stretch of Colchester Road that is subject to a de-restricted speed limit. The current vehicular access serving the site will remain the unchanged. It is noted that in 2015 planning approval was granted to allow use of the site for car sales in addition to the garage workshop and MOT Centre.

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

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1. Details of the proposed maximum number of vehicles offered for sale at the site and the location of this within the site.
2. The maximum number of customer and visitor vehicles attending the site at any one time and the location of the off-street parking and turning facilities for these vehicles within the site.
3. The maximum number of employee vehicles attending the site at any one time and the location of the off-street parking facilities for these vehicles within the site.
4. A designated turning area so all vehicles can enter and leave site in forward gear.
5. The Highway Authority would like to see a swept path analysis drawing for the largest vehicle entering and leaving the site and using the designated turning area.
6. Prior to the first occupation, the applicant agrees to the introduction of a suitable waiting restriction across the entire site frontage to be implemented at the applicant's expense. To ensure that all vehicular traffic using the access may do so in a controlled manner and without obstruction, in the interests of highway safety and in accordance with Policy DM 1 and 17.

Note 6: The developer will need to pay for the necessary Traffic Regulation Orders costs together with provision of the associated signing and lining to prevent parking in the vicinity of the site.

Further consideration will be given to the planning application upon receipt of the additional information.

ECC Highways Dept
09.03.2023
(additional comments
following receipt of further
additional information)

The additional information that was submitted in association with the application has been considered by the Highway Authority. The site is situated on a stretch of Colchester Road that is subject to a de-restricted speed limit. The current vehicular access serving the site will remain the unchanged. It is noted that in 2015 planning approval was granted to allow use of the site for car sales in addition to the garage workshop and MOT Centre.

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

1. As far as can be determined from the submitted plans, the proposal will reduce the amount of parking and storage within the site impacting on the available off-road parking facilities for all the current uses together with employees and visitor parking. The proposal will result in vehicles being left parked causing obstruction to the operational parking and impacting on the turning facilities within the site contrary to highway safety.
2. There is evidence of the highway verge at the front of the premises being damaged and overrun due to the area being used for parking impacting on the visibility splays at the access contrary to highway safety.

The proposal is therefore contrary policies DM1, and DM8 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

From a Highway Authority perspective, the lack of space within the

site has always been an issue and the knock-on effect that this has had on the continuous parking outside the fence on the highway.

Should approval be forthcoming, without prejudice to any decision the Council may make, the Highway Authority would wish to see the following mitigation and conditions – along the lines of:

i) Prior to commencement of the development hereby approved the site shall be cleared of disused vehicles and areas for construction vehicles/building material storage shall have been provided in accordance with x plan (or perhaps just a requirement for a construction management plan setting this out).

ii) Prior to first use of the development hereby approved the parking and turning facilities shown on amended proposed block plan (drawing number 6810-1104 dated June 2021) shall first have been surfaced, sealed, and marked out prior to first use and thereafter retained free of obstruction and available for their intended use for the lifetime of the development.

iii) Prior to first use of the development hereby approved the applicant agrees to the introduction of a suitable waiting restriction across the entire site frontage to be implemented at the applicant's expense, to be agreed in advance with the Local Planning Authority and in consultation with the Highway Authority. To ensure that all vehicular traffic using the access may do so in a controlled manner and without obstruction, and in the interests of highway safety.

Note: The developer will need to pay for the necessary Traffic Regulation Order costs together with provision of the associated signing and/or lining to prevent parking in the vicinity of the site access.

iv) Prior to first use of the development, the highway verge outside the boundary of the proposal must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority and at the applicant's expense.

Environmental Protection
12.08.2022

With reference to the above application, I can advise that we have had the opportunity to review the proposal and can confirm we have no comments to make.

Should you wish further clarification on this, or require additional information, please do not hesitate to contact me.

3. Planning History

12/00955/FUL	Erection of new workshop building for the service and repair of motor vehicles (following demolition of existing workshop and former restaurant/office).	Approved	06.08.2013
15/01629/FUL	Removal of condition 14 on planning approval 12/00955/FUL to allow use of the site for car sales.	Approved	28.02.2017

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

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL3 Sustainable Design

PP13 The Rural Economy

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

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 The Pit Stop, which is located to the south-west of the A133 Colchester Road, which is the main approach road through to Clacton-on-Sea. On the opposite side of Colchester Road, to the east of the application site, lies a petrol station, while there is further built form adjacent to the north and west of the site in the form of travellers pitches. Beyond this, the character of the area is far more rural, with large areas of open grassed and agricultural land to all sides.

The site falls outside of a Settlement Development Boundary within the adopted Local Plan 2013-2033.

Description of Proposal

This application seeks planning permission for an extension to the existing garage workshop to the south-western corner of the site, which will see an additional two bays, one at either end of the existing workshop.

The additional bays will each measure 5.78 metres width, 12.10 metres depth and 6.87 metres height, and will be finished with black timber featherboarding, a red brick plinth and copper beech composite roof cladding.

Assessment

1. Principle of development

Paragraph 84(a) of the National Planning Policy Framework (2021) states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

The application site is an existing commercial business located outside of a Settlement Development Boundary. The proposed development would result in a slight expansion to this existing operation, and is therefore supported in principle subject to the detailed considerations below.

2. Visual Impacts

Paragraph 130 of the National Planning Policy Framework (NPPF) (2021) 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.

Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context.

Adopted Policy SPL3 Part A (b) requires that development relates well to its site and surroundings, particularly in relation to its siting, height, scale, massing, form, design and materials.

The proposal will result in an extension to the existing building, adding an additional bay to the eastern and western edges. While the building will be partially visible from views along Colchester Road, these are largely well screened by existing vegetation along the southern boundary. Furthermore the design of the proposal matches the existing building, in terms of scale as well as materials used, so will appear in-keeping and assimilate well within the site. Officers therefore do not raise any objections in this regard.

3. Impact to Neighbouring Amenities

Paragraph 130 of the National Planning Policy Framework (2021) confirms planning policies and decisions 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.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

Although the site is within a predominantly rural location, there are residential properties to the north of the application site. However, given the significant separation between those properties and the proposed extension, there will be no impacts to any existing amenities.

4. Highway Safety

Paragraph 110 of the National Planning Policy Framework 2021 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 104 requires that streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people.

Essex Parking Standards (2009) require that for a B2 (General Industrial) use there should be provision for one space per 50sqm of floorspace. The application will result in an additional 113sqm of floor space (resulting in a total of 388sqm), and therefore there is a requirement to provide for an additional three parking spaces, which the submitted plans show can be accommodated. Essex Highways Authority, upon consultation, have additionally confirmed the proposal will reduce the level of parking and storage within the site, which impacts on the available off-road parking facilities for all the current uses together with employees and visitor parking.

Upon undertaking a site visit, it was clear that the application site currently consists of a significant number of additional vehicles which do not align with the submitted drawings, which results in a harmful impact to the operational parking and turning facilities on site. The consequence of this is that the proposed extension would exacerbate the existing issue of vehicles being parked off site and on the highway verge at the front of the premises, which additionally detrimentally impacts upon the visibility splays at the access point, contrary to highway safety.

In order to overcome this issue, discussions have been had with the agent for the application. While it has been confirmed that the excess vehicles on site shall be removed, no progress has been made/evidenced at the time of writing this report, and there is therefore no guarantee that this issue will be overcome. An amended plan has been provided showing a designated turning area and a swept path analysis, however upon re-consultation Essex Highways Authority stated they maintain their initial objections.

Following this, a further statement was provided to outline that the applicant does not consider the strip of land on the highway verge is entirely within the public highway and is instead within the applicants ownership. However, Essex Highways Authority, following further consultation, confirmed that the area of land in question is publicly maintainable highway and has highway rights over it, which takes precedence over any land ownership. Accordingly, their previous objections were upheld.

Other Considerations

Great Bentley Parish Council have objected to the application, raising concerns with additional parking causing additional congestion and leading to parking on the highway verge, which is an ongoing issue.

There has been one other letter of objection received, raising concerns that previous planning consents are not being adhered to which is resulting in issues with insufficient parking and highway safety concerns.

In answer to this, these points have been addressed within the main body of the report above.

Conclusion

The proposal will result in a small expansion of an existing rural business, and is supported in principle. In addition, Officers consider the design of the extension is acceptable, and there will be no impacts to neighbouring amenities.

However, Essex Highways Authority have raised concerns that the proposal will result in the loss of parking/storage area within the site, which impacts the available off-road parking facilities, and therefore raise an objection on highway safety grounds. These concerns have failed to be addressed during the course of the applications determination, and the proposed development is therefore contrary to local and national planning policies and is therefore recommended for refusal.

6. Recommendation

Refusal.

7. Reason for Refusal

- 1 Paragraph 110 of the National Planning Policy Framework 2021 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 104 requires that streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people.

The proposal will reduce the level of parking and storage within the site, which adversely impacts on the available off-road parking facilities for all the current uses together with employees and visitor parking for an expanded workshop.

The application site currently consists of a significant number of additional vehicles which do not align with the submitted drawings, which results in a harmful impact to the operational parking and turning facilities on site. The consequence of this is that the proposed extension would exacerbate the existing issue of vehicles being parked off site and on the highway verge at the front of the premises, which detrimentally impacts upon the visibility splays at the access point, contrary to highway safety and the above policies.

8. Informatives

Plans and Supporting Documents:

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

Drawing Numbers 6810-1101, 6810-1102, 6810-1201, 6810-1301, 6810-1302 and 6810-1104.

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.