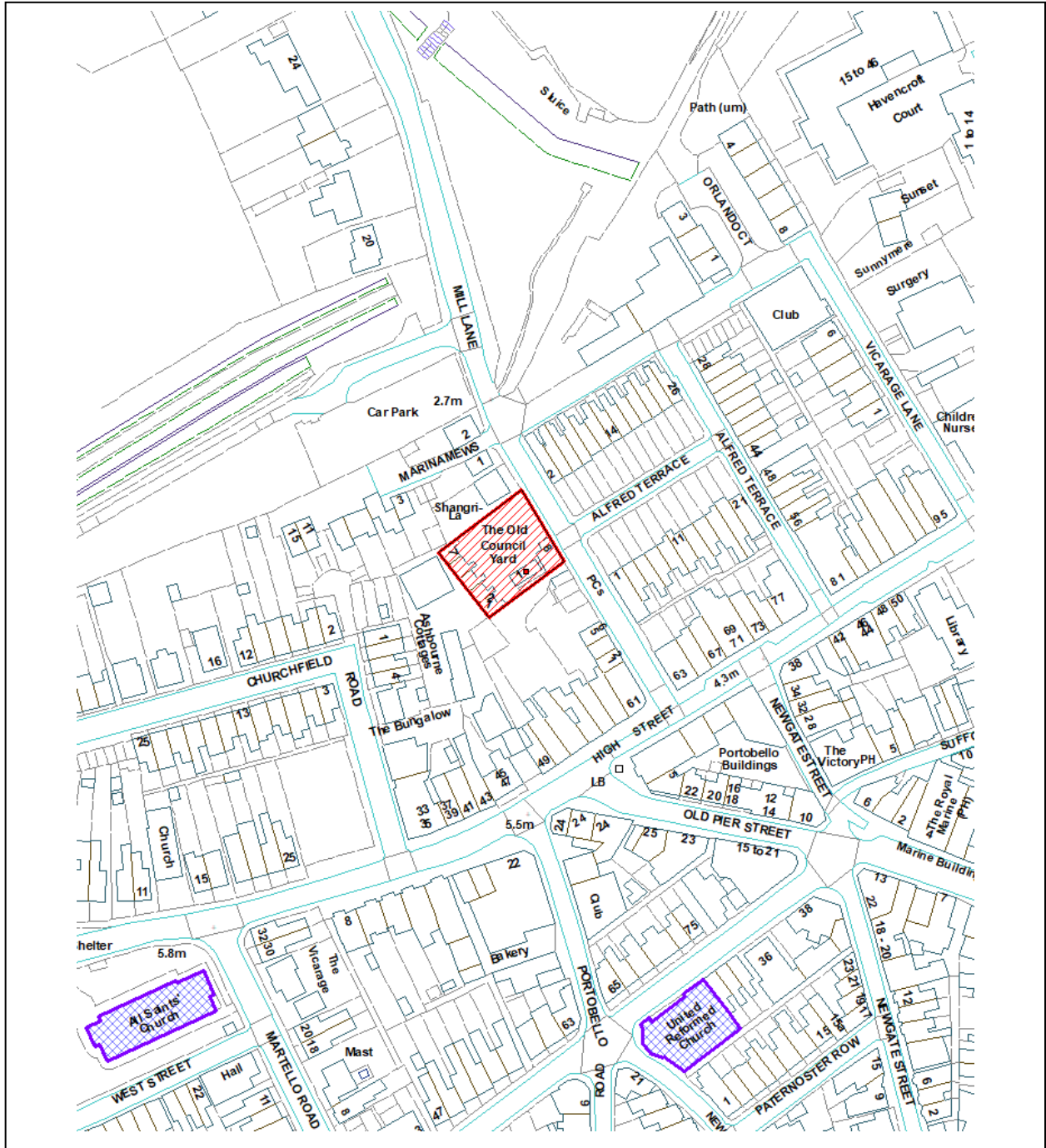


PLANNING COMMITTEE

13th APRIL 2023

REPORT OF THE DIRECTOR OF PLANNING

**A.3 PLANNING APPLICATION – 23/00254/FUL – MILL LANE COUNCIL YARD MILL LANE
WALTON ON THE NAZE CO14 8PE**



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|----------------------|---|---------------------|-----------------------------|
| Application: | 23/00254/FUL | Expiry Date: | 13th April 2023 |
| Case Officer: | Michael Pingram | EOT Date: | 20 th April 2023 |
| Town/ Parish: | Frinton & Walton Town Council | | |
| Applicant: | Tendring District Council | | |
| Address: | Mill Lane Council Yard Mill Lane Walton On The Naze, Essex CO14 8PE | | |
| Development: | Proposed replacement of existing gates to entrance and installation of new steel railings to boundary wall. | | |

1. Executive Summary

- 1.1 The application is before the Planning Committee as the applicant is Tendring District Council.
- 1.2 The proposal results in replacement gates and additional railings on top of the existing front (eastern) boundary wall, as part of wider renovation works to the site in order for it to be used as a storage depot for wheelie bins and recycling boxes, following the close of the Weeley Offices/Depot site where they are currently stored.
- 1.3 The works will result in a minor enhancement to the character and appearance of the area, and will also result in a neutral impact to existing neighbouring amenities.

Recommendation: Approval

- 1) That the Planning Manager be authorised to grant planning permission subject to the conditions as stated at paragraph 8.2, or varied as is necessary to ensure the wording is enforceable, precise and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained,
- 2) The informative notes as may be deemed necessary.

2. Planning Policy

The following Local and National Planning Policies are relevant to this planning application.

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

PPL1 Development and Flood Risk

Local Planning Guidance

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.

3. Relevant Planning History

N/A

4. Consultations

No consultees were consulted within the determination of this planning application.

5. Representations

5.1 Frinton and Walton Town Council have recommended approval.

5.2 There have been no other letters of representation received.

6. Assessment

Site Description

6.1 The application relates to Mill Lane Council Yard, which is sited to the western side of Mill Lane within the Parish of Walton-on-the-Naze. The site is currently an open area of land for storage or the parking of vehicles, with single storey buildings located to the rear and side (south) of the site. The wider character is urban in nature, with residential and commercial built form to all sides. Approximately 35 metres to the north is the Mill Lane Car Park, with the main hub of the town centre sited approximately 80 metres to the south.

6.2 The site falls within the Settlement Development Boundary for Walton-on-the-Naze, and is also in an area allocated as a Priority Area for Regeneration. The site is also located within Flood Zones 2 and 3, and is an area allocated for mixed uses within the adopted Local Plan 2013-2033.

Description of Proposal

- 6.3 This application seeks planning permission for the replacement of the existing gates sited to the front (eastern) boundary, which will measure 2.4 metres in height and be constructed with green powder coated steel.
- 6.4 In addition, the application seeks consent for the installation of green powder coated steel palisade railings on top of the existing brick wall along the front (eastern) boundary, which will again see the overall height be 2.4 metres (currently 2 metres).
- 6.5 The works form part of a wider renovation of the yard in order for it to be used as a storage depot for wheelie bins and recycling boxes, following the close of the Weeley Offices/Depot site where they are currently stored.

Principle of Development

- 6.6 Adopted Local Plan Policy PP14 states that in areas allocated as a Priority Area for Regeneration, such areas will be a focus for investment in social, economic and physical infrastructure and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety, accessibility and green infrastructure.
- 6.7 The application site is located within the Priority Area for Regeneration for Walton-on-the-Naze. The works predominantly seek to replace existing gates and are aimed at enhancing and renovating the existing yard area to facilitate its use for the storage of wheelie bins and recycling boxes. The proposal therefore represents a minor improvement to the area and is supported in principle.

Visual Impacts

- 6.8 Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.9 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.
- 6.10 The works are sited along the front (eastern) boundary, adjacent to Mill Lane, and will therefore be highly visible from views along Mill Lane. However, despite this prominence Officers consider that given the minor increase in height (from 2 metres to 2.4 metres) and that the design is a slight enhancement to the existing design, there will overall be a small visual enhancement to the character and appearance of the area.

Impact to Neighbouring Amenities

- 6.11 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. 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.

- 6.12 The works proposed are minor in nature, and predominantly seek to replace existing gates, albeit at a slightly larger height. Therefore, while there are neighbouring properties located within close proximity, notably 'Shangri-La' adjacent to the north, the works proposed will bear no harmful impacts to any existing amenities that would warrant Officers recommending a reason for refusal.

Flooding Risks

- 6.13 Paragraph 159 of the NPPF (2021) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, and where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 6.14 On this occasion, whilst the site is located within Flood Zones 2 and 3, an area at highest risk of flooding, the proposed development will simply see replacement gates and additional railings to a site utilised within a less vulnerable use, and therefore will result in a neutral impact in flooding terms.

7. Conclusion

- 7.1 The application proposes replacement gates and additional railings on top of the existing front (eastern) boundary wall as part of wider renovation works to the site. Officers consider that these works will result in a small visual enhancement, which in turn results in a minor boost to an area prioritised for regeneration. In addition, while the overall height will increase from 2 metres to 2.4 metres, there will be a neutral impact to neighbouring amenities. Accordingly, the application is considered to be policy compliant and is recommended for approval.

8. Recommendation

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives.

8.2 Conditions and Reasons

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.

Drawing Number A2023/06/01.

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.

8.3 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.

9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:

- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.

10. Background Papers

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.