

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	ER	06/03/2024
Team Leader authorisation / sign off:	ML	08/03/2024
Assistant Planner final checks and despatch:	ER	08/03/2024

Application: 24/00045/FUL **Town / Parish:** Thorrington Parish Council

Applicant: Mr M Horne - T & M Vehicles Ltd

Address: Woodlands Business Park Tenpenny Hill Thorrington

Development: Erection of temporary storage building (for 3 years) for vehicle servicing and maintenance.

1. Town / Parish Council

Brightlingsea Council Town No objections received

2. Consultation Responses

ECC Highways Dept
13.02.2024

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material and google earth image.

Having considered the information submitted with the planning application from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority

Informative:

i. 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

ii. 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.

iii. 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.

Environmental Protection
06.03.2024

With reference to the above application, I can advise we have reviewed the proposal and have no adverse comments to make. However, we note the submitted information pertaining to operational hours (email dated 8th February 2024) and would request these are reflected within any approval of the proposal. In addition, we would also request the following be conditioned on any subsequent approval:

LIGHTING: Any external lighting on the proposed development shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to neighbouring residential properties. The applicant shall demonstrate compliance with the Institute of Lighting Professionals code of practice. (www.theilp.org.uk).

REASON: to protect the amenity of existing and future residents

3. Planning History

02/00189/FUL	Workshop building for plastics injection moulding company	Approved	15.05.2002
90/00965/OUT	Change of use of 2 acres from 'Hardstandings for agricultural and general plant - washing and cleaning facilities' to Use Classes B.1, B.2, & B.8. Change of use of 5.9 acres to Use Classes B.1, B.2 and B.8	Approved	23.04.1992
92/01018/FUL	Variation of Conditions 3 and 4 of consent TEN/0965/90	Refused	03.11.1992
99/00539/FUL	Change of use from hardstanding for agricultural and general plant washing and cleaning facilities to parking for 18 buses and coaches	Approved	30.07.1999
90/00370/FUL	Proposed workshop/store.	Approved	01.05.1990
21/01648/DETAIL	Submission of details in respect of Access, Appearance, Landscaping, Layout and Scale of Plot 1 of planning permission reference 18/00466/OUT, allowed on appeal on 18/07/2019.	Approved	20.12.2021
24/00045/FUL	Erection of temporary storage building (for 3 years) for vehicle servicing and maintenance.	Current	

4. 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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

5. Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

Brightlingsea Town Council submitted an area application to the District Council to begin their Neighbourhood Plan on 28 May 2021. The Area Application indicated that the Town Council intended to designate the entire Brightlingsea Parish as their Neighbourhood Plan Area.

Officers considered that the submitted information was sufficient to satisfy the 2012 Regulations and be made as an application. The Plan Area was agreed by the Acting Director for Planning in consultation with the Portfolio Holder for Planning on the 24 June 2021.

As no further progress has been made on the Neighbourhood Plan it can provide no weight to this application at this time.

6. Relevant Policies / Government Guidance

National:

National Planning Policy Framework 2023 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

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

SP1 Presumption in Favour of Sustainable Development

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

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

7. Officer Appraisal

Site Context

The application site comprises of an area of hardstanding located on the Woodlands Business Park on the outskirts of Brightlingsea and Thorrington. The site is currently run by T & M Vehicles Ltd who use the site for vehicle maintenance and storage in line with the business. Whilst the site is largely available for vehicles it does allow for fencing along its boundaries with gap for access.

The site does already play host to a small number of outbuildings one of which is used as an office and the second for storage.

Proposal

This application seeks permission for the erection of temporary storage building (for 3 years) for vehicle servicing and maintenance.

The new building will measure 15.4m in length, 10.5m in width and 7.08m in height. The building will be finished in metal horizontal cladding and benefit from a large steel roller shutter and smaller pedestrian door.

Assessment

Principle of Development

Paragraph 88 of the National Planning Policy Framework 2023 (NPPF) 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 preamble of Policy PP6 (Employment Sites) explains that a key requirement of the Local Plan is to provide for appropriate sustainable employment opportunities for residents in Tendring and to support the growth of local businesses and attract investment in the District.

In summary, national and local plan policies support the proposed development for an expansion to the established business in a rural location providing the proposal can be accommodated without an adverse impact on amenity, on the landscape character of the area and satisfactory vehicular access is provided.

Design and Appearance

Paragraph 135 of the NPPF (2023) 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. Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context, and to protect the district's landscape and the quality of existing places and their environs.

The site of the proposal comprises of an area of hardstanding well set back from the main highway and screened from view by other surrounding business units. This location will prevent any clear views of the building from the Tenpenny Hill. The plans show that the design of the building along with the intended materials will match others on the site and surrounding business allowing it to suitably assimilate within the site and business park.

The proposal and supporting information states that the building will be required for 3 years and therefore in order to safeguard the amenity of the area and nearby neighbours a condition will be imposed upon the planning permission seeking its removal once the three years have expired.

The site is outside of the development boundary; however, it is of suitable addition to the existing site which will not be visible from the main highway preventing it from having a damaging impact to the character/ appearance of the countryside.

The proposal is therefore considered a suitable addition to the site which would not detract from the character of the site and area and complies with the policies listed above.

Highways Impact

Paragraph 114 of the National Planning Policy Framework 2023 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 result in the loss of two parking spaces at the site; however, sufficient space will still be retained for suitable parking of vehicles in line with the existing business. The site already allows suitable access from Tenpenny Hill for other establishments on the business park.

The ECC Highways Team have been consulted and provide no objections in this instance.

The proposal will therefore not have a harmful impact in this regard.

Impact to Neighbours

Paragraph 135 of the National Planning Policy Framework (2023) 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 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.

Sited to the east is a row of houses which serve Brightlingsea Road. These houses are set forward on their plots with long gardens and rear boundaries which abut the application site. Whilst elements of the proposal will be visible through the existing boundary treatments to these neighbouring sites their houses are positioned significantly away (approximately 60m) from the shared boundary to prevent the new building from resulting in a significant loss to their amenities.

Environmental Protection

As the site is an existing business park it comprises of a mixture of different services which already generates a certain level of noise.

The intended use of the site revolves around the maintenance and storage of vehicles it will result in additional noise coming from this section of the business park.

The agent has provided confirmation on the hours of operation, and these will be;

Monday to Friday 0800-1800

Saturday 0800-1400

No working on Sundays or Bank Holidays

The Council's Environmental Protection Team have been consulted and have provided no objections to the scheme subject to conditions imposed upon the permission which reflect hours of operation and any lighting to project away from nearby residential properties to safeguard their amenities.

Subject to these conditions the proposal is therefore considered to not have a significantly harmful impact in this regard.

Trees and Landscaping

It is noted that there are well established trees and vegetation in situ along the boundary to the East however these trees have not been awarded special protection by legal orders.

The Council's Tree and Landscaping Officer has no objections to the scheme confirming that no trees or other vegetation will be adversely affected by the retention of the existing building.

Considering the position of the building there appears to be little public benefit to be gained from new soft landscaping associated with the application.

Other Considerations

Brightlingsea Town Council have not objected to the application.

There have been two letters of objections received raising the below concerns;

- Increased levels of noise and light.

Officer Response - The proposal will result in an increase in terms of vehicle movement and activity; however, given the nature of the site and the absent of objections from Environmental Protection this would not be so significant to refuse permission upon. The suggested conditions requested by Environmental Protection pertaining to hours of operation and light sources will be applied to the permission.

- Building already in situ.

Officer Response - At the time the site visit was conducted the building had not been erected.

Conclusion

The proposal is therefore considered to be compliant with national and local policy as assessed in the above report. In the absence of material harm resulting from the proposed development the application is recommended for approval

8. Recommendation

Approval - Full

9. Conditions

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 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 permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action 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.

185-02 P3

185-03 P3

185-04 P3

PLANNING DESIGN AND ACCESS STATEMENT Rec 11/01/24

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 COMPLIANCE - TEMPORARY PERMISSION

CONDITION: The development is hereby approved is for a temporary period of 3 years from the date of this decision, by which date the building shall be removed in its entirety and the land returned to its original state and use.

REASON: To accord with the requirements of the application, this is secured as temporary permission. Furthermore, the appearance of the container is not considered appropriate to warrant the granting of a permanent permission in the interests of preserving the visual amenity of the surrounding area. This temporary permission allows time for an application for a suitable permanent scheme to come forward.

4 ACTION REQUIRED - EXTERNAL LIGHTING

CONDITION: No external lighting shall be installed until a lighting design scheme has been submitted to and approved in writing by the Local Planning Authority.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason - In the interests of residential amenity.

5 ONGOING REQUIREMENT IMPOSED - RESTRICTION ON OPERATION TIMES

CONDITION: The hereby permitted development/use shall only operate between the hours of 08:00hrs and 18:00hrs Mondays to Fridays and between the hours of 08:00hrs and 1400hrs on Saturday. There shall be no working and/or use operated on Sundays and Bank Holidays. There shall be no deliveries to the development/use arranged for outside of these approved hours.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

NOTE/S FOR CONDITION:

1) This condition shall engage and restricts the operation of the development from the first commencement of the use. This condition is imposed to ensure the development avoid unreasonable impact on the residential amenity of neighbouring dwellings, especially given the location of the development with considerations to the prevailing character and amenity currently enjoyed in this location. Without the imposing of this condition, the development would be refused due to the risk of harm and this condition is considered necessary, enforceable and reasonable in all other respects. This condition as detailed will apply to the development at all times unless varied or removed legally.

2) If the development operates outside of the hours stated this may result in unlawful development/use at risk of Enforcement Action. You are encouraged to discuss any concerns with this condition with the Local Planning Authority.

10. 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 Informative

i. 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

ii. 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.

iii. 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.

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (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 that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact (As known with application)
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral