

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	12/07/18
Planning Development Manager authorisation:	AN	16/7/18
Admin checks / despatch completed	AS	17/7/18

*ER*

**Application:** 18/00824/FUL

**Town / Parish:** Little Bentley Parish Council

**Applicant:** DLP Distribution Ltd

**Address:** Land adjacent 1 Church Farm Cottages Church Road

**Development:** Proposed warehouse.

### 1. Town / Parish Council

Little Bentley Parish Council      No comment.

### 2. Consultation Responses

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

Informative1: The Highway Authority observes that this includes a B8 use class and therefore respectfully suggests that a suitably worded Condition being applied restricting the Maximum Gross Weight of any vehicle attending the site to 3.5t in any day, to prevent the generation of HGV traffic on the rural network.

Informative2: 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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

Tree & Landscape Officer      The site is clear of significant vegetation except for 2 Ash trees situated close to the highway.

The trees are situated about 1 -2m apart and the trees have coalesced to form one crown. Whilst they make a good contribution to the appearance of the area close inspection reveals that they are not in good condition

Both trees have decay in older pruning wounds where large branches have been removed. One of the trees is bifurcated at about 2m from ground level and one of the main stems has been removed leaving a



large and unsightly pruning stub.

It would be desirable to retain the trees in the medium term for their amenity value although they are not considered viable in the long term and do not merit protection by means of a Tree Preservation Order.

The trees are shown as retained on the site layout plan.

### 3. Planning History

14/01648/OUT	Proposed detached dwelling.	Refused	15.12.2014
17/00685/FUL	Proposed B1 business units..	Approved	13.07.2017

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

PP13 The Rural Economy

PPL3 The Rural Landscape

SPL3 Sustainable Design

#### Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.



With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

## **5. Officer Appraisal**

### Site Description

The application site is located on the western side of Church Road in a rural location within the parish of Little Bentley. The site is located outside of a recognised Settlement Development Boundary, as agreed within both the saved Tendring District Local Plan (2007) and Emerging 2013-2033 Tendring Local Plan Publication Draft

The site is currently laid to grass and is fenced off from the highway by 1.8m high timber fencing. Directly to the north of the site are two semi-detached properties. To the south are several large commercial buildings. To the west and opposite the site are open agricultural fields.

### Proposal

This application seeks planning permission for the construction of a detached building to serve as a B8 Storage or Distribution unit, and will measure 5.8 metres in height, 15 metres in width and 11 metres in depth. The unit will be constructed with light profiled cladding, brick plinth and a metal roller shutter.

The agent for the application has confirmed the unit will be used for the storage of goods purchased online only. The goods are then to be sold on e-bay and distributed from the site. There are to be no staff or customers, with one pick up from a van or courier per day.

### History

Under planning reference 17/00685/FUL, planning permission has previously been granted on this site for the construction of a detached building to serve as B1 business units, measuring 4.9 metres in height, 15 metres in width and 11 metres in depth.

### Assessment

The main considerations of this application will be the principle of development, impact to surrounding area, the impact on neighbouring amenities, the tree and landscapes impact and highways.

#### 1. Principle of Development

The application site is located outside of a defined Settlement Development Boundary as defined by the Saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Outside Development Boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new buildings unless it is consistent with countryside policies.

The purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development; economic, social and environmental. In this instance the provision of three new business units will help to improve the local economy, resulting in an increase in job opportunities.

With regards to the social impact, it is acknowledged that Little Bentley performs poorly within the Established Hierarchy Statement (2016) due to not having a primary school, access to a GP



surgery, a defined village centre or an employment area, whilst also having no railway station or a good bus route. However, despite the site performing poorly against the social strand of sustainability, directly adjacent to the site are other commercial units, whilst the site has an extant planning permission for B1 units under planning permission 17/00685/FUL. Furthermore, the strong economic benefits on this occasion outweigh the identified harm.

The environmental role is about contributing to, protecting and enhancing the natural built and historic environment. On this occasion, whilst the site is located in a rural area, there is existing built form adjacent to the north and south, and the site itself is not a designated local green gap. Therefore, it is difficult to conclude that the proposal would result in significant detrimental harm to the countryside.

Policy PP13 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) states that to support growth in the rural economy, the Council may grant planning permission for development within the countryside subject to detailed consideration.

Paragraph 28 of the National Planning Policy Framework (NPPF) states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development and should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.

Therefore the principle of development is acceptable subject to the detailed consideration below.

## 2. Impact to Surrounding Area

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

It is acknowledged that the proposal will be visible from the street scene and therefore potentially impact upon the character of the surrounding area. However, an existing 1.8 metre high fence will largely screen views to the building, whilst it is also acknowledged that there are other examples of built form immediately adjacent to the south in particular, and also permission has previously been granted for a structure of a similar size. Furthermore, the height of the building is limited to 5.8 metres, thereby further ensuring views will be limited. In terms of the design, as per the wishes of the NPPF the building is consistent with the semi-rural setting, with the use of cladding and a brick plinth, and therefore the impact of the proposal upon the surrounding area is acceptable.

## 3. Impact to Neighbouring Amenities

The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

There are adjacent properties to the north and south that will have visibility of the proposal, and as a result could suffer detrimental harm to existing amenities. However, given that there is sufficient separation distance and the single storey nature of the building, there is not likely to be any significant harm to existing amenities.



#### 4. Highways

Policy QL10 of the Saved Plan 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.

Essex County Council Highways have been consulted on the application and raise no objection to the proposal.

Furthermore, there is sufficient space to the front of the site to accommodate the necessary parking, and comings and goings relating to a B8 Storage and Distribution use.

#### 5. Trees and Landscape

The Councils Principal Tree and Landscapes Officer has been consulted as part of the process of the application, and has stated the following:

"The site is clear of significant vegetation except for 2 Ash trees situated close to the highway.

The trees are situated about 1-2m apart and the trees have coalesced to form one crown. Whilst they make a good contribution to the appearance of the area close inspection reveals that they are not in good condition.

Both trees have decay in older pruning wounds where large branches have been removed. One of the trees is bifurcated at about 2m from ground level and one of the main stems has been removed leaving a large and unsightly pruning stub.

It would be desirable to retain the trees in the medium term for their amenity value although they are not considered viable in the long term and do not merit protection by means of a Tree Preservation Order."

Therefore due to the decayed condition of the trees and the ability of the plot to accommodate the proposal without harming them, the application cannot be refused in respect to the impact upon the trees.

#### Other Considerations

Little Bentley Parish Council has not commented on the application.

There have been no other letters of representation received.

#### Conclusion

In the absence of any significant material harm as a result of the proposal, the proposed development is recommended for approval.

#### 6. Recommendation

Approval.

#### 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 plans, drawing numbers MW/ LB/ 17/ 1 A and MW/ LB/ 18/ 1.



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.