

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	27/07/18
Planning Development Manager authorisation:	AN	2/8/18
Admin checks / despatch completed	AN	7/8/18

Application: 18/00816/FUL **Town / Parish:** Elmstead Market Parish Council

Applicant: Mrs Julia Boulton

Address: Beth Chatto Gardens Clacton Road Elmstead

Development: Amendment to previous permission under 16/00438/FUL to convert to a mixed use of the previously approved educational facility and for additional use for events, celebrations and wakes.

1. Town / Parish Council

Elmstead Market Parish Council No comment.

2. Consultation Responses

N/A

3. Planning History

00/02136/FUL	Erection of poly-tunnel: D	Approved	06.02.2001
00/02137/FUL	Erection of poly-tunnel: C	Approved	06.02.2001
02/01502/FUL	Proposed toilet block	Approved	25.09.2002
02/01525/FUL	Continued siting of residential caravan (renewal of planning permission TEN/97/0473)	Approved	25.09.2002
94/00399/FUL	Continued siting of residential caravan (renewal of permission TEN/91/0369)	Approved	29.04.1994
97/00473/FUL	Continued siting of residential caravan (renewal of TEN/94/0399)	Approved	19.05.1997
98/00011/FUL	(The Beth Chatto Gardens, Clacton Road, Elmstead Market) Proposed re-organisation of and additional facilities at the Beth Chatto Gardens including a tea house	Approved	07.04.1998
98/00326/FUL	(Beth Chatto Gardens, Elmstead Market) Erection of polytunnel 'B'	Approved	30.04.1998

98/00328/FUL	(Beth Chatto Gardens, Elmstead Market) Erection of polytunnel 'A'	Approved	30.04.1998
98/01601/FUL	Temporary food sales and seating area together with additional W.C. facilities. (Beth Chatto Gardens Limited)	Approved	21.01.1999
05/00633/FUL	Removal of existing fabric covered structure, alterations to existing servery and erection of 2 new linked tearooms and food preparation building	Approved	01.06.2005
07/02048/FUL	Replacement of existing entrance kiosk and disabled ramp.	Approved	03.03.2008
91/00369/FUL	Continued siting of residential caravan.	Approved	08.05.1991
11/01417/FUL	Installation of 14 solar panels on south facing roof pitch of tea room.	Approved	20.03.2012
16/00438/FUL	Charity building/classroom facility.	Approved	05.05.2016

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

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)

SPL3 Sustainable Design

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) 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 48 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 48 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 Beth Chatto Gardens, Clacton Road, Elmstead. The gardens comprise a number of buildings which vary in use from retail to residential; these are primarily to support the use of the site by the large numbers of the public as well as for members of staff. The site is used as a botanical garden and contains managed landscaped features such as ponds, flower gardens and small woodland areas.

The site is situated just to the east of the A133 just outside Elmstead Market, accessed by a small un-adopted track. Residential properties are not directly adjacent to the site but located opposite the un-adopted track. The site is not situated within a recognised Settlement Development within both the Saved Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft.

Proposal

This application seeks planning permission to extend the use of the classroom facility previously approved under 16/00438/FUL; the proposal seeks to allow it to be used for social and corporate events, celebrations and funeral services and wakes.

History

Under planning reference 16/00438/FUL, planning permission was granted for the erection of a classroom facility to the north-west of the main buildings adjacent to the ponds, measuring 8.5m in width, 4.5m in height and 10.5m in length. This building is the subject of the current application.

A condition was attached to this decision to restrict the use of the building to a classroom facility.

Assessment

The changes solely relate to the use of the building, with no external amendments to the building being proposed. Further, the opening hours and number of employees is to remain the same as existing.

Whilst the works may result in some increase in traffic, this is not considered to be significantly higher than the site currently generates. Further, the site benefits from a suitable existing access point to the east of the site, whilst the overall site itself contains a large parking area that is of a size to comfortably accommodate any additional traffic. There is also the possibility of an increase in existing noise levels through the use of the building as a function room; however given its siting well set away from neighbouring buildings and that no amendments to the existing opening hours are proposed, there is considered to be a neutral impact.

Therefore, the changes proposed are considered to be minor and not significantly harmful to warrant a reason for refusal.

Other Considerations

Elmstead Market Parish Council has not commented.

There has been one letter of support received.

Conclusion

In the absence of significant material harm as a result of the development, this application 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, the untitled Site Location Plan and the untitled Block Plan.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 The development shall only be used as either a classroom facility or a function room in association with Beth Chatto Gardens and no other form of use.

Reason - To restrict any overdevelopment of the site that could negatively affect its rural character as well as having a material impact upon neighbouring amenity through loss of privacy such as overlooking or becoming overbearing in nature as well as negatively altering the skyline.

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.