

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	16/08/18
Planning Development Manager authorisation:	AN	16/8/18
Admin checks / despatch completed	[Signature]	17/08/18

[Signature]

**Application:** 18/01101/FUL **Town / Parish:** Great Bentley Parish Council

**Applicant:** Mrs M Maskell

**Address:** Unit W11A Plough Road Centre Plough Road

**Development:** Use of building as B8 storage or distribution.

### 1. Town / Parish Council

Great Bentley Parish Council

Great Bentley Parish Council Planning Committee reviewed this application on 2nd August 2018 and resolved to offer no comment.

### 2. Consultation Responses

ECC Highways Dept

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

Informative1: 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

### 3. Planning History

18/00292/FUL	Installation of new access door to Unit W11A.	Approved	23.04.2018
18/00892/LUEX	Use of building for storage or distribution.	Withdrawn	04.07.2018
18/00893/LUEX	Use of building for storage or distribution.	Withdrawn	04.07.2018
18/01100/FUL	Use as B8 storage or distribution.	Current	

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

ER2 Principal Business and Industrial Areas

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

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

CP1 Sustainable Transport and Accessibility

SPL1 Managing Growth

SPL3 Sustainable Design

PP6 Employment Sites

#### **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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 Unit W11A, which is located within the Plough Road Centre industrial estate to the eastern section of Plough Road, within the parish of Great Bentley. The immediate character of the area is urban, with a number of industrial units located to the west. Further out to the north

development is characterised by residential properties, whilst to the east, south and west are large areas of grassed and agricultural land. The site falls within both the Great Bentley Settlement Development Boundary in the Adopted Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft.

### Proposal

This planning application is for the continued use of the building for B8 (Storage and Distribution) purposes.

Initially, an application was submitted for a Certificate of Existing Lawful Use (reference number 18/00892/LUEX); however as the applicant was unable to provide sufficient evidence that on the balance of probabilities the unit had previously been continually used as a B8 use for 10 years, the application was withdrawn.

### Assessment

#### 1. Principle of Development

Paragraph 80 of the NPPF (2018) states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt, whilst significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The site is not allocated within an area of employment; however the unit in question is located within a small industrial park with numerous other similar units. Whilst the applicant has been unable to demonstrate that the site has been continuously used as a B8 Storage and Distribution use continuously for the past 10 years, it is evident that a use of this type is acceptable and entirely compatible in this location. Therefore the principle of development is acceptable subject to the detailed consideration below.

It is further acknowledged that under Permitted Development rights, the unit will be able to convert into a B1 Business use. However, given that should this happen, the use of the site would remain as employment use and would likely result in less noise disturbance than a B8 storage and distribution use, a potential future conversion to a B1 use is acceptable and therefore permitted development rights will not be removed.

#### 2. Design and Appearance

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).

The proposed unit is already in existence, with the only proposed external change being the addition of a door to the front elevation. The parking to the front of the property will remain in situ, whilst the site is entirely in-keeping with the immediate areas character. Therefore, there is no harm to the character of the surrounding area.

#### 3. Impact on Neighbouring Amenities

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).

Whilst a B8 Storage and Distribution use has the potential for some noise disturbance, due to the sites overall industrial use there are no neighbouring residential properties within close proximity of

the application site. Therefore the proposal will result in a neutral impact to existing neighbouring amenities.

#### 4. Highway Safety

Essex Highways Authority have been consulted and state they have no objections to the proposed development.

#### Other Considerations

Great Bentley Parish Council make no comment.

No other letters of representation have been received.

#### Conclusion

It is considered that for the above reasons the proposal meets the criteria set out in the National Planning Policy Framework and relevant policies of the National Planning Policy Framework, the Tendring District Local Plan and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

#### 6. Recommendation

Approval.

#### 7. Conditions

- 1 The use hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers W11A-1 and W11A-2.

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.