

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	SCE	15.08.18
Planning Development Manager authorisation:	AN	16/8/18
Admin checks / despatch completed	KAE SB	17/08/18. 17/08/18.

**Application:** 18/00114/FUL **Town / Parish:** Alresford Parish Council  
**Applicant:** Sibbons (Alresford) Ltd  
**Address:** Tenpenny Farm Colchester Main Road Alresford  
**Development:** Change of use of existing equestrian buildings to use class B1.

### 1. Town / Parish Council

Mrs Michelle Salazar Alresford Parish Council have no objection to this application.

### 2. Consultation Responses

Tree & Landscape Officer A site visit has been made to consider the implications on the development proposal on the trees and other vegetation close to the vehicular access from the highway and adjacent to the existing access road.

It appears that the existing access from the highway will be retained but that a new road will be created to facilitate access of larger vehicles to the main body of the application site.

This will necessitate the removal of a low growing evergreen hedge comprising of a simple plant species (*Lonicera nitida*) that is partially overgrown with brambles. The removal of this hedge will not have an adverse impact on either the character or appearance of the area.

It appears from the site layout plan that the trees and hedgerow either side of the existing access will not be affected. If this is not the case then a soft landscaping condition should be attached to any planning permission that may be granted to secure replacement planting to mitigate harm caused by the removal of existing vegetation.

ECC Highways Dept

Confirm the conditions associated with the original application 14/00543/FUL shall apply to the more recent 18/00114/FUL.

The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no 5 shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a

temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

Recommend amending Condition 6 to the following;

Prior to occupation of proposed development the developer shall provide an appropriate scheme of signing advising highway users of the location of Public Footpath 5.

Reason: In order to protect the line of Public Footpath No5, Alresford, in the interests of highway safety in accordance with policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

The Ramblers Association Providing the PROW remains open and usable whilst work takes place, and there is no intention to divert in any way, there is no objection to this application.

Environmental Protection Environmental Protection have no comments to make on this application.

### 3. Planning History

01/00379/FUL	Retention of works involving clearing of existing lake and reforming banks to safer gradient	Approved	18.07.2001
01/01884/FUL	New access off private road with gates. New hard surfaced track, raised levels to corner of site to support existing banks.	Approved	17.01.2002
03/01034/FUL	Change of use and erection of new building to form commercial stables and livery, formation of new vehicular access and construction of external menage	Refused	25.07.2003
03/02228/FUL	Change of use and erection of new building to form commercial stables and livery, formation of new vehicular access and construction of external menage	Refused Allowed at Appeal	25.08.2005
05/02047/AGRIC	Storage barn including new access	Turned Away	26.10.2006
08/00501/FUL	Erection of new building to form ancillary office, store and tack room, as part of commercial stables	Approved	23.06.2008
08/00688/FUL	Erection of store building ancillary to commercial stables. Revised design to previous application reference 03/02228/FUL approved on appeal.	Approved	08.07.2008

09/00191/FUL	Revised stable building design to that approved by 03/02228/FUL	Approved	01.05.2009
10/01437/NMA	Revised stable roof design to that approved planning permission 09/00191/FUL		20.12.2010
11/00685/FUL	Revised stable building design to that approved by planning permission 03/02228/FUL	Approved	16.08.2011
11/01439/NMA	Amendment to materials approved under application 08/00688/FUL from the external wall cladding being stained softwood or black boarding to black leather grain plasticol cladding	Approved	21.12.2011
12/00568/FUL	Proposed covered menage (relocation and amended design to menage approved under 03/02228/FUL)	Approved	16.07.2012
12/00959/FUL	Revision of stable building design (variation to approval under 03/02228/FUL, subsequently revised by planning permission 11/00685/FUL)	Approved	01.11.2012
13/01223/FUL	Change of use of existing equestrian buildings to alternative use class B1 and/or B8.	Withdrawn	19.12.2013
14/00453/FUL	Change of use of existing equestrian buildings to use Class B1 business	Approved	16.12.2014

## 5. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER3 Protection of Employment Land

ER11 Conversion and Reuse of Rural Buildings

EN1 Landscape Character

TR1A Development Affecting Highways

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

SPL3 Sustainable Design

PP13 The Rural Economy

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

### **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.

## **6. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The site is located to the north of St. Osyth Road (B1027) and the Alresford Business Centre, beyond the settlement boundary of Alresford. Access is from an existing lane, Tenpenny Lane, which has an access onto St Osyth Road. The land also serves some other residential properties and agricultural land.

The site is quite well screened from St Osyth Road by an existing 2 metre high hedge. From the south-east it is well screened by the existing trees in the garden of Tenpenny House.

### Proposal

The proposal is for a change of use of equestrian buildings to Use Class B1. The buildings on the site include an enclosed hay store and stables. The hay store has a floor area of approx. 285 sq.m, whilst the stable building has a floor area of approx. 793 sq.m. The drawings submitted with the application indicate the hay store to be used as one commercial unit, whilst it is proposed to divide the stable building into two units with a floor area of approx. 393 sq.m each.

The site plan drawing submitted with the application includes parking provision for 36 car parking spaces (including 2 disabled) and secure cycle parking for 16 bicycles.

The proposal also includes the creation of a new section of access road off the existing St Osyth Road junction across paddock land. The public footpath remains unaltered.

### Planning History

The site has been subject to a number of planning application set out above. Of direct relevance to this application is 14/00453/FUL, which was for the change of use of existing equestrian buildings to use Class B1 business, the same as which is currently proposed. The consent given was never implemented and therefore has lapsed.

### Appraisal

Paragraph 83 of the NPPF states that planning policies and decision 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

Policy ER11 of the Saved Local Plan states that the re-use or conversion of rural buildings for business purposes will be permitted subject to the acceptability of:

- a) The type and scale of activity proposed and its compatibility with the character of the surrounding area;
- b) The suitability of the building for the use proposed;
- c) The level of traffic generated;
- d) The effect on the external appearance of the building;
- e) The scale and visual impact of any open storage areas associated with the proposed use;
- f) The location of the building in relation to other buildings, the landscape and the highway network;
- g) The impact on local amenity; and
- h) The impact on the historical value of the building

Furthermore, Policy PP13 of the Draft Plan states that to support the growth in the rural economy, the Council may grant planning permission for the following types of development in the countryside outside of defined Settlement Development Boundaries, subject to detailed consideration, including against other policy requirements in this Local Plan:

- a) Where appropriate to the historic environment, conversion or re-use of rural buildings in the countryside to employment, leisure or tourism use;
- b) Business and domestic equine related activities;
- c) Agricultural and key worker's dwellings; and
- d) Buildings that are essential to support agricultural, aquaculture, horticulture and forestry and farm diversification schemes.

The principle of development is clearly supported by the NPPF and Policy PP13 of the Draft Plan. Policy ER11 of the Saved Plan sets out a number of criteria which are discussed below.

Policy ER11 of the Saved Local Plan states that the re-use or conversion of rural buildings for business purposes will be permitted subject to the acceptability of the criteria a-h set out above.

With regards to criteria a, the proposal includes an additional small section of new access road to link the site to the B1027. Although a small section of hedgerow will need to be removed to facilitate this new section of road, this part of the proposal is not considered to be harmful to the character of the rural area or rural roads.

The proposal is not considered to harm its appearance as a rural building, and as the site is not easily visible from any public vantage point, the proposal will not adversely affect the rural setting of the building in the locality.

The red line of the application site to the west and north of the buildings is not delineated and is open to the countryside beyond. On that basis it is considered appropriate that a landscaping condition is imposed upon the permission requiring landscape details to be submitted to soften the hard edge of the application site and the existing hardstanding and proposed parking areas.

The buildings are structurally sound. However, given the buildings approved use, they are steel portal buildings with metal sheet cladding. As the proposed use is for a B1 use, further details are required (which can be controlled by condition) to indicate how the buildings will be adapted to accommodate the proposed use, and what acoustic qualities are needed to ensure any noise outbreak from the building would not have any adverse impact on neighbouring residential amenity. It is therefore considered that criteria b is met.

In relation to criteria c, Essex County Council Highways raise no objection to the application subject to conditions previously imposed on application 14/00543/FUL. The provision of car parking spaces, and cycle spaces indicated on the submitted site plan accords with Council's Adopted Parking Standards (2009).

The proposal does not involve any changes to the external appearance of the buildings, in terms of the impact on the character of the area, this has been addressed above.

Given that the proposed use is for B1, there would be no requirement for open storage areas.

The site is located outside of the defined settlement development boundary of Alresford, the site is in close proximity to it. Alresford has been identified as one of the Council's Key Rural Service Centres in Policy SPL1 of the Emerging Local Plan, where such settlements will be the focus for small-scale employment related development. The site being in close proximity to the village of Alresford therefore benefits from public transport routes, with Alresford train station also located within the village.

Whilst the location of the site is in proximity of existing residential properties on St Osyth Road and Tenpenny Lane, it is generally recognised that a B1 use can usually take place in residential areas without undue disturbance. Furthermore, with appropriate conditions requiring details of adapting the buildings for the proposed use, the impact on amenity would not be significant.

It is accepted that it is likely vehicle traffic by private car would be more frequent than to an equestrian centre. However activity within the building in association with a B1 use would not have a significant impact on neighbouring residential amenities by way of noise etc, and the site benefits from its own vehicular access which is some distance from individual residential properties. It is noted that this access forms a boundary with the western boundary of the curtilage of Tenpenny House, but is approx. 80 metres from this dwelling, and the proposed parking area is set at a lower level than those residential curtilages to the east of the site. It is therefore considered that the change of use of the buildings to a B1 use, and the general activity involved with this use would not have a material impact on the existing residential amenities of neighbouring residential properties.

The buildings are not of historical importance nor are they situated within a Conservation Area.

#### Other Issues

Essex County Council Highways have recommended amendments to the conditions previously imposed on application 14/00453/FUL. Whilst this application is a new permission, the proposal remains the same and there has not been any significant change in highway policies since the previous consent was granted, it is therefore considered unreasonable to impose different conditions.

## 7. **Recommendation**

Approval - Full

## 8. 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 Drawing Nos: 13/136-01F and 13/136/02A.

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

3. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 - Trees in Relation to Design, Demolition, and Construction."

Reason - To ensure the rural appearance and character of the area is maintained.

4. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the appropriate implementation of the landscaping scheme in the interests of the character of the area.

5. No floodlighting or other means of external lighting shall be installed at the site except in accordance with details (to include position, height, aiming points, lighting levels and a polar luminous diagram) which shall have previously been submitted to and agreed in writing by the Local Planning Authority.

Reason - To secure an orderly and well designed development sympathetic to the character of the area.

6. All new driveways, parking areas and hardstandings shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

7. The working hours in connection with the use hereby permitted shall only be between 08:00am and 18:00pm Monday to Friday, and between 08:00am and 13:00pm on Saturdays, no work shall be carried out on Sundays or Public Holidays, or outside the specified hours.

Reason - In the interests of adjacent residential amenity.

8. Notwithstanding the provisions of Article 3, Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-

enacting that Order with or without modification), the buildings shall be used as B1 and for no other purpose including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 2015 (or in any provision equivalent to that Class in any Statutory instrument and re-enacting that Order with or without modification), and no further sub-division of the premises to form additional units shall be carried out without the express consent of the Local Planning Authority first having been obtained by an application made in that behalf.

Reason - To ensure the development is satisfactory in relation to the premises and its surroundings.

- 9 Prior to occupation of any of the buildings, the approved vehicular access shall be reconstructed in complete and precise accord with the details shown in Drawing Numbered 13/136 -01F.

Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 10 No unbound materials shall be used in the surface treatment of the approved vehicular access within 12m of the highway boundary.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 11 The development shall not be occupied until such time as the car parking areas, indicated on drawing no. 13/136-01F, including any spaces for the mobility impaired has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 12 The development shall not be occupied until precise details for on-site secure cycle storage has been submitted to and approved in writing by the local planning authority. The approved cycle storage facilities shall be installed and made available for use prior to occupation of the development, and thereafter retained in the approved form.

Reason - To promote the use of sustainable means of transport.

- 13 Prior to occupation of the development , vehicular visibility splays of 17m by 2.4m by 17m, as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access to the development site at the connection to Tenpenny Farm Lane and shall be maintained in perpetuity free from obstruction exceeding a height of 600mm.

Reason - To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

- 14 Prior to occupation of the development the developer shall provide no less than two speed limit signs erected to the Highway Authority specifications detailing the speed limited to 15 mph, in both directions, sited outside the limits of the highway located at the connection to St Osyth Road and additionally before the turning into the site. These details shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development and shall be retained in the approved form thereafter.

Reason - To encourage the users of the site to maintain low vehicle speeds where the road crosses a PRow and to ensure the continued safe passage of pedestrians on the definitive right of way.



- 15 Prior to occupation of the development, a vehicular turning facility for service and delivery vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

Reason - To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety.

- 16 Prior to the commencement of development, precise details of how the buildings will be adapted to accommodate the hereby approved use, including insulation, shall be submitted to and approved in writing by the local planning authority. The agreed details shall be carried out before occupation of the buildings.

Reason - In the interests of adjacent residential amenity.

## 9. 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

The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no 5 shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

<p><b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b></p>		<p>NO</p>
<p><b>Are there any third parties to be informed of the decision? If so, please specify:</b></p>		<p>NO</p>