

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|---|----------|------------|
| File completed and officer recommendation: | ML | 27/09/2018 |
| Planning Development Manager authorisation: | AJ | 2/10/18 |
| Admin checks / despatch completed | AP | 3/10/18 |

Application: 18/01304/FUL **Town / Parish:** Beaumont Parish Council
Applicant: GH Day & Son
Address: Glebe Farm Harwich Road Beaumont

Development: Replacement of an agricultural building with a single storey building for B1 business purposes.

1. Town / Parish Council

Beaumont Parish Council No comments received

2. Consultation Responses

ECC Highways Dept

The Highway Authority observes that the proposed access already exists and is generally fit for purpose and therefore the Highway Authority can relax the requirements for the visibility splay to dimensions the applicant can provide, although there maybe a minor increase or intensification of use of the access to the site, as a direct result of this proposed use.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

Prior to the occupation of the proposed development, vehicular visibility splays of 120m by 2.4m by 120m 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 and shall be retained and maintained free from obstruction clear to ground thereafter.

Prior to first occupation of the proposed development, a recycling/bin/refuse collection point shall be provided within 15m of the highway boundary or adjacent to the highway boundary and additionally clear of all visibility splays at accesses and retained thereafter.

The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing Numbered 001-5-002-P5. 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 thereafter.

Prior to the occupation of the proposed development, details of the provision for the storage of bicycles for all occupants of and visitors to the development, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure,

convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Building Control and
Access Officer

No adverse comments at this time.

3. Planning History

| | | | |
|----------------|---|---------------|------------|
| 04/00325/FUL | Erection of agricultural grain store. | Approved | 21.04.2004 |
| 06/00909/CMTR | Green waste composting with associated hardstanding, weighbridge and shed | Determination | 03.01.2007 |
| 76/01424/FUL | Erection of an implement shed | Approved | 01.02.1977 |
| 84/00158/FUL | Erection of a steel framed portal asbestos clad general purpose agricultural building | Approved | 09.03.1984 |
| 07/00238/CMTR | Variation of Condition 6 (vehicle numbers) attached to planning permission ESS/18/06/TEN to allow a maximum of 24 vehicle movements (12 in and 12 out) in excess of 3.5t gvw at the site in any working week. | Determination | 13.03.2007 |
| 92/00006/AGRIC | Extension for agricultural building | Determination | 23.06.1992 |
| 17/02074/FUL | Demolition of existing agricultural building, proposed change of use and erection of a business use (B1) building. | Refused | 23.01.2018 |
| 18/01304/FUL | Replacement of an agricultural building with a single storey building for B1 business purposes. | Current | |

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER7 Business, Industrial and Warehouse Proposals

ER10 Small Scale Employment Sites in Villages

ER11 Conversion and Reuse of Rural Buildings

COM1 Access for All

EN1 Landscape Character

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL3 Sustainable Design

PP6 Employment Sites

PPL3 The Rural Landscape

PP13 The Rural Economy

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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located on the northern side of Harwich Road within the parish of Beaumont. The site forms a parcel of land located to the front of an existing farm cottage which accommodates a redundant double bay agricultural building. The site slopes 2m from north to south and is enclosed on its southern boundary to the highway by a mature roadside hedge with a ditch and grass verge beyond. The boundary to the north-east is marked by post and rail fencing and fruit trees. The site is accessed via an existing shared vehicular access onto Harwich Road, which serves both Glebe Farm Cottage (chalet style property) and Glebe Farm (a three storey property).

Proposal

Planning permission is sought for the demolition of the agricultural building and the construction of a single storey business use premises in B1 use. The application is speculative in nature as no end user has been identified. The office block would sit forward of the position of the agricultural building parallel with the north-eastern boundary. The building would have a floor area of 250sqm and measure 27.4m in length, 9.5m in depth and between 4.5m and 5m to ridge due to changes in ground levels. The building would be finished in black cladding and terracotta roofing with a red brick plinth at ground level.

9 no. parking spaces are proposed (including 2 no. disabled spaces). These would be located to the west of the building.

Planning History

Planning application reference 17/02074/FUL proposed an identical scheme. That application was refused due to the visual impact of providing the required highway visibility splays and due to the unsustainable location of the new office development detached from any established settlement or public transport links.

This application has been submitted following discussions with ECC-Highways to relax their requirements in respect of the visibility splays.

Appraisal

Principle

Paragraph 83 of the National Planning Policy Framework (2018) states that planning policies and decision should enable the sustainable growth of all types of business in rural areas both through the conversion of existing buildings and well-designed new buildings. Paragraph 84 goes on to add that proposals may be acceptable to meet local business and community needs in rural areas may

be acceptable in locations adjacent or beyond existing settlements where they exploit any opportunities to make a location more sustainable. Paragraph 84 also states that sites that are physically well-related to existing settlements should be encouraged where suitable opportunities exist.

Paragraphs 102 and 103 of the National Planning Policy Framework (2018) state that opportunities to promote walking, cycling and public transport should be identified and pursued and that the planning system should actively manage patterns of growth. Paragraph 103 goes on to confirm that significant development should be focused on locations which are or can be made sustainable through limiting the need to travel and offering genuine choice of transport modes.

Saved policy QL1 of the Tendring District Local Plan (2007) states that the spatial strategy for the Tendring District follows established national and regional principles for sustainable development. The policy confirms that outside of defined settlement boundaries only development which is consistent with countryside policies will be permitted.

Saved plan policy ER7 of the Tendring District Local Plan (2007) states that in rural location permission may exceptionally be granted for extensions to existing businesses where new employment opportunities would be generated.

Emerging local plan 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 outside of defined settlement development boundaries for the conversion or re-use of rural buildings in the countryside to employment, leisure or tourism uses.

In this instance the proposal relates to the erection of a new building to accommodate a B1 office use in a rural location outside of any defined settlement boundary. The location of the site significantly detached from any settlements or public transport links would result in future employees being heavily reliant on private motor vehicle to access the site, contrary to the aims and aspirations of the aforementioned local and national planning policies. The construction of a new office building not directly relating to a rural conversion scheme in this isolated rural location would therefore represent an unsustainable form of development in conflict with national planning policy.

The supporting information submitted with the application states that a fall-back position exists in respect of the conversion of the existing agricultural building. However, in the Council's view and in the absence of any structural information the building appears to be in a poor state of repair and would require significant rebuilding beyond what could be classed as conversion.

Visual Impact

The office building would be single storey and consist of traditional rural materials including black cladding and terracotta coloured roofing. The removal of the existing taller redundant barn and its replacement with a single storey development would therefore not be harmful.

However, whilst ECC-Highways have relaxed the visibility splay requirement due to the intensification in the use of the vehicular access Essex County Council Highways have requested improved visibility splays of 2.4m x 120m in both directions given that the speed limit in this location is 60mph. The resultant splays would still necessitate the removal of large section of mature roadside hedging to both the north-east and south-west of the site which would be significantly detrimental to the rural character of the locality. The removal of the hedging would also open up views of the existing built form and the proposed office building further eroding the rural appearance of the locality.

The development would therefore lead to significant environmental harm contrary to saved policy EN1 of the Tendring District Local Plan (2007) and emerging policy PPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), which state that the quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced. The policies go on to state that features that contribute to local distinctiveness, including hedgerows, will be conserved.

Residential Amenities

The development would be located in close proximity to two existing dwellings that are within the applicant's ownership. However, as the development is single storey and proposed to be B1 use only, the impact upon the resident's amenities would be minimal. The proposed opening hours of 9am-5pm (Monday-Friday) would also assist in safeguarding the resident's amenity.

Highways Considerations

ECC-Highways observes that the proposed access already exists and is generally fit for purpose and therefore the Highway Authority can relax the requirements for the visibility splay to dimensions the applicant can provide, although there may be a minor increase or intensification of use of the access to the site, as a direct result of this proposed use. As such ECC-Highways have no objections subject to;

- vehicular visibility splays of 120m by 2.4m by 120m 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 and shall be retained and maintained free from obstruction clear to ground thereafter;
- prior to first occupation of the proposed development, a recycling/bin/refuse collection point shall be provided within 15m of the highway boundary;
- the development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing Numbered 001-5-002-P5. 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 thereafter.
- prior to the occupation of the proposed development, details of the provision for the storage of bicycles for all occupants of and visitors to the development, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Notwithstanding the environmental concerns outlined above, the vehicular visibility splays can be achieved as the applicant has control over sufficient land.

9 no. parking spaces are proposed (including 2 no. disabled bays) and 3 no. cycle spaces. This accords with the current parking standards requirements of 1 space per 30sqm for B1 uses.

Other Considerations

Beaumont Parish Council has not commented upon the application. No further letters of representation have been received.

6. Recommendation

Refusal

7. Reasons for Refusal

- 1 Paragraph 83 of the National Planning Policy Framework (2018) states that planning policies and decision should enable the sustainable growth of all types of business in rural areas both through the conversion of existing buildings and well-designed new buildings. Paragraph 84 goes on to add that proposals may be acceptable to meet local business and community needs in rural areas may be acceptable in locations adjacent or beyond existing settlements where they exploit any opportunities to make a location more sustainable. Paragraph 84 also states that sites that are physically well-related to existing settlements should be encouraged where suitable opportunities exist.

Paragraphs 102 and 103 of the National Planning Policy Framework (2018) state that opportunities to promote walking, cycling and public transport should be identified and pursued and that the planning system should actively manage patterns of growth. Paragraph 103 goes on to confirm that significant development should be focused on locations which are or can be made sustainable through limiting the need to travel and offering genuine choice of transport modes.

Saved Policy QL1 of the Tendring District Local Plan (2007) states that the spatial strategy for the Tendring District follows established national and regional principles for sustainable development. The policy confirms that outside of defined settlement boundaries only development which is consistent with countryside policies will be permitted.

Saved plan Policy ER7 of the Tendring District Local Plan (2007) states that in rural location permission may exceptionally be granted for extensions to existing businesses where new employment opportunities would be generated.

Emerging local plan 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 outside of defined settlement development boundaries for the conversion or re-use of rural buildings in the countryside to employment, leisure or tourism uses.

In this instance the proposal relates to the erection of a new building to accommodate a B1 office use in a rural location outside of any defined settlement boundary. The location of the site significantly detached from any settlements or public transport links would result in future employees being heavily reliant on private motor vehicle to access the site, contrary to the aims and aspirations of the aforementioned local and national planning policies. The construction of a new office building not directly relating to a rural conversion scheme in this isolated rural location would therefore represent an unsustainable form of development in conflict with national planning policy.

- 2 Due to the intensification in the use of the vehicular access Essex County Council Highways have requested improved visibility splays of 2.4m x 120m in both directions given that the speed limit in this location is 60mph. The resultant splays would necessitate the removal of large section of mature roadside hedging to both the north-east and south-west of the site which would be significantly detrimental to the rural character of the locality. The removal of the hedging would also open up views of the existing built form and the proposed office building further eroding the rural appearance of the locality.

The development would therefore lead to significant environmental harm contrary to saved Policy EN1 of the Tendring District Local Plan (2007) and emerging Policy PPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), which state that the quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced. The policies go on to state that features that contribute to local distinctiveness, including hedgerows, will be conserved.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.

| | | |
|---|-----|----|
| Are there any letters to be sent to applicant / agent with the decision? If so please specify: | YES | NO |
| Are there any third parties to be informed of the decision? If so, please specify: | YES | NO |