

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|---|----------|------------|
| File completed and officer recommendation: | AL | 30/10/2018 |
| Planning Development Manager authorisation: | AN | 30/10/2018 |
| Admin checks / despatch completed | CD SB | 30/10/2018 |

Application: 18/00251/FUL **Town / Parish:** Thorpe Le Soken Parish Council

Applicant: Mr Alex Phillips

Address: Birch Hall Dale Hill Kirby Le Soken

Development: Change of use to D2 adventure centre which includes classroom, kitchenette and kitchen, changing rooms, toilets, indoor multi-activity area, equipment store, staff area, campsite, outdoor activity areas, rebuild of former granary into overnight accommodation and widening of the farm lane access at its junction with Dale Hill.

1. Town / Parish Council

Thorpe-le-Soken Parish Council No objections.

2. Consultation Responses

ECC Highways Dept
ORIGINAL COMMENTS

This Authority has assessed the highway and transportation impact of this proposal and has taken regard to the following matters;

- 1) The lane from Lane End Cottages to Birch hall is not covered by highway rights
- 2) Whilst there will be intensification in use of the access lane, traffic levels and speeds will be very low due to the proximity of the junction of Walton Road/Sneating Hall Lane
- 3) The level of intensification in use of the access will be limited and as residential accommodation is proposed this may not be a daily occurrence

Taking the above into account this Authority raises no objection as it is not contrary to the following policies:-

- A) Safety - Policy DM1 of the Highway Authority's Development Management Policies February 2011
- B) Accessibility - Policy DM9-12 of the Highway Authority's Development Management Policies February 2011
- C) Efficiency/Capacity - Policies DM13-15 of the Highway Authority's Development Management Policies February 2011
- D) Road Hierarchy - Policies DM2-5 of the Highway Authority's Development Management Policies February 2011
- E) Parking Standards - Policy DM8 of the Highway Authority's Development Management Policies February 2011

INF1 Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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 or by post to:

Essex Highways, Colchester Highways Depot, 653 The Crescent,
Colchester, CO4 9YQ.

INF2 Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

ECC Highways Dept
AMENDED COMMENTS

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

1 Prior to the commencement of any access improvements the applicant shall provide the following:

' A topographical survey for the access improvements

' Scaled drawings of the proposals

' Full construction details

' Ingress and egress swept path analysis drawings of a 12m long coach (52 seater) confirming satisfactory access manoeuvres

' A Stage 1 Road Safety Audit and Designers Responses for the proposals

Shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

2 Prior to the commencement of any access improvements, details of the proposed roads improvements (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

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.

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potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Natural England
ORIGINAL COMMENTS

See document dated 09.05.18

Natural England
AMENDED COMMENTS

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 09 May 2018 (our ref: 244412)

The advice provided in our previous response applies equally to this amendment.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Waste Management No comments at this stage.

Essex Wildlife Trust No comments received.

Building Control and Access Officer No comments at this stage.

3. Planning History

| | | | |
|--------------|--|----------|------------|
| 92/00620/FUL | (Birch Hall Farm, Dale Hill, Thorpe le Soken) Construction of an oyster grading and packing shed, and three concrete holding tanks | Approved | 05.08.1992 |
| 06/02042/FUL | Part demolition of out-building and erection of new retirement dwelling to existing house. | Refused | 06.02.2007 |
| 07/00706/FUL | Part demolition of out-building and erection of extension to accommodate annexe. | Approved | 22.06.2007 |
| 11/01300/FUL | Installation of a ground mounted photovoltaic array. | Approved | 20.12.2011 |

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
 - EN1 Landscape Character
 - ER7 Business, Industrial and Warehouse Proposals
 - ER10 Small Scale Employment Sites in Villages
 - ER11 Conversion and Reuse of Rural Buildings
 - TR1A Development Affecting Highways
 - TR7 Vehicle Parking at New Development
- Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
- SPL1 Managing Growth
 - SPL3 Sustainable Design
 - PP13 The Rural Economy
 - 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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to Birch Hall Farm Kirby-le-Soken comprising approximately 1.4 hectares of the much larger farm. The applicant leases this area from Birch Hall Farm. The farm is comprised of, roughly, 400 acres of arable land bordering Hamford Water to the north and lies within the Coastal Protection Belt.

The application site itself encompasses the access off Dale Hill and a small group of the farm buildings to the east of the farmhouse and an area of land to the south. The site is located within the parish of Thorpe-le-Soken but outside of the defined settlement limits. The site is not in close proximity to any public highway or footpath.

Description of Proposal

The application seeks full planning permission for the change of use of agricultural buildings and land to category D2 Assembly and Leisure to allow parts of the farm to be used as an outdoor education and activity centre and the building of a residential unit to allow for the accommodation of visitors to the centre. The use as 'Birch Hall Adventures' is established and the application is therefore part retrospective.

The centre makes use of several buildings within the site that once had an agriculture purpose. These works have already been carried out to facilitate the use and include:

- Former dairy into classroom - no rebuild required, just redecoration
- Former dairy office into a kitchenette - kitchen units fitted
- Former milking parlour into changing rooms and toilets - parlour has been divided internally and had showers and toilets installed
- Former herd shed into indoor multi-activity area including climbing wall - climbing wall erected along one side of the barn
- Former tack room into equipment store - no rebuild just repurposed

In addition, the centre proposes to make use of the following:

- Former Granary - The focus of this planning application - into residential accommodation
- Former stable into staff area - proper door & window fitted and internal decoration
- Former bull-pen into kitchen - proper door & window fitted and internal decoration; water and drainage to existing drain
- Widening of the farm lane access at its junction with Dale Hill

The farm's 400 acres of land would continue to be used for farming purposes and various small pockets of land around the farm would be used for some of the activities of the centre under temporary permitted development rights not exceeding the 28 days a year criteria.

Assessment

The main considerations are;

- Policy Considerations;
- Employment Opportunities;
- Compatibility and Impact of Use;
- Design, Appearance and Landscape Impact;
- Access and Parking;
- Ecology; and,
- Representations.

Policy Considerations

Paragraph 83 of The National Planning Policy Framework 2018 (NPPF) states that planning policies and decisions should help build a strong, competitive economy by enabling the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

Paragraph 124 of NPPF talks about achieving well-designed places stating that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 states that planning policies and decisions should ensure that developments function well, are safe and accessible, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character including the surrounding landscape setting. Furthermore, Paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing the landscape.

Saved Policies ER7 and ER11 of the adopted Tendring District Local Plan 2007 are of primary relevance in this instance as they deal with the conversion or replacement and re-use of rural buildings and the considerations of new business proposals stating, amongst other things, that in rural locations permission may be granted for extensions to existing businesses where new employment opportunities would be generated, providing the proposals can be accommodated without an adverse impact on the landscape character of the countryside and satisfactory vehicular access and adequate car parking is provided.

Paragraph 127 of the NPPF requires that development should respond to local character and history, and reflect the identity of local surroundings. Saved Policy QL9 and EN1 of the Tendring District Local Plan (2007) and Policy SPL3 and PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that development makes a positive contribution to the quality of the local environment and does not harm the appearance of the landscape. Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake. Furthermore, saved Policy QL10 of the adopted plan states that all new development should meet functional requirements by ensuring that access to the site is practicable and the highway network will be able to safely accommodate any additional traffic the proposal will generate.

Emerging Policy SPL3 of the Publication Draft states that new buildings should be well designed and should relate well to its site and surroundings and minimise any adverse environmental impacts. Emerging Policy PPL3 of Publication Draft states that the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance.

In summary, national and local plan policies support the proposed development for the establishment and expansion of the business in this rural location providing new job opportunities result, the proposals can be accommodated without an adverse impact on the landscape character of the countryside and satisfactory vehicular access and adequate car parking is provided which are all considered in more detail below.

Employment Opportunities

The main driver for the new residential accommodation building is to extend and develop Birch Hall Adventures. To date the business has predominantly operated in the summer months of May to September but has seen growth in demand and is often fully booked for weekends throughout the year.

The accommodation will allow the business to provide residential study and activity courses during the winter/spring season and provide a venue for groups at the weekend. Birch Hall Adventures have begun working with schools providing fieldwork for GCSE and A' Level students and intend to develop weekend activities for church and youth groups as well as continuing to work with other groups and charities. With the business developing in this way it is projected that the business will increase staff from 1.2 staff to 5.5 staff employed throughout the year.

Compatibility and Impact of Use

The majority of the works carried out to facilitate the business have been through the conversion of existing rural buildings the extensions and alterations carried out to these existing buildings have been minor and mostly internal having little to no visual impact. The scale of the buildings lend themselves to the nature of the activities provided including wall climbing and team building exercises. The outside activities are non-intrusive utilising existing trees and green areas or include

camping and other easily removal equipment ensuring a minimal impact upon the landscape character and coastal protection belt.

The site is well away from the nearest residential properties and a good distance from the existing farmhouse to not result in any significant noise or disturbance.

The scale and nature of the proposal is therefore considered appropriate to the locality, including its relationship with adjacent uses. There is no unacceptable impact on amenity in terms of appearance, noise, smell, dirt or other pollution.

Consideration has been given to the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and it is not considered required to restrict the use as any permitted change within Use Class D2 would not be a significant change in terms of the impact or harm.

Design, Appearance and Landscape Impact

In addition to the above, consideration must also be had to the design and impact of the new accommodation building to replace an existing store.

The site for the residential unit was chosen as it replaces an existing farm building, sits at the front of the farmyard and will create a good initial impression for visitors. To some extent, it screens the less attractive buildings behind it and enables the activity of the centre to be confined to the areas between the barns and the farmhouse and away from the activity of the farm at the rear of the barns.

The applicant had consideration as to whether the building would be suitable for conversion rather than demolition and rebuilding but to achieve the functionality and efficiency required it seemed most feasible to rebuild but in the character of a farm building, with timber clad exterior and sheet metal roof. The residential unit will comprise a new build on the site of the farm granary/cart lodge. Until 25 years ago it was used for Fleming Farm Dairy and was where milk was bottled prior to delivery. Prior to that it had been used as a cart lodge with a grain store on the first floor. The winch used to hoist the sacks is still evident and will be preserved in the new build as testament to the buildings previous life.

When originally constructed the building would have had an oak frame throughout, but various modifications have meant the front wall has been replaced with modern brick, the roof beams with steel and other rotten sections repaired in timber and brick. Any timber that can be salvaged will be reused as decorative features in the interior of the new building and in some bespoke furniture pieces.

The building will be L-shaped with its main faces oriented West and South. The dimensions would be approximately 16 metres along the two longer sides by 6m wide. The height of the ridge would be 8 metres and the eaves 5 metres. The building will be clad in Essex-style weatherboarding with a natural stain finish. Windows and doors will be in timber and double-glazed. The roof would be in standing seam metal sheeting in a dark grey colour. Eave-mounted galvanised gutters would provide drainage through downpipes into existing drains. External staircases would be constructed in steel and galvanised.

The residential unit will contain accommodation for 36 people in 4-bed (twin bunk) bedrooms. All rooms have en-suite facilities to satisfy the Rural Development need for more high-quality accommodation in coastal areas. An additional room downstairs is also equipped with en-suite facilities suitable for a disabled user and could be used as a staff sitting room or additional bedroom should there be no need to use it for a disabled visitor. The downstairs living space will contain a large open plan area which can be used for dining as well as providing classroom and socialising space. The kitchen is positioned to the north of the building with its own access, dishwashing area and storeroom.

Overall, the design, appearance and justification for the proposed new building is considered acceptable and will greatly enhance the business whilst resulting in no significant impact or harm to the character of the landscape therefore meeting the aims of the aforementioned national and local plan policies.

Access and Parking

The site can be accessed off the Walton Road at its junction with the B1034 and along the farm drive into the farmyard. The effect of the development on traffic numbers in and out of the farm would be minimal. The current farm drive is used by cars and farm traffic and currently is suitable for use by articulated lorries as well as smaller vehicles. The centre will target its services to groups, mainly schools, who would be expected to arrive by minibus or coach in the mornings and leave in the afternoon. With a residential group this may well be several days later, thus the overall increase in traffic will have a minimal detrimental effect on the safety surrounding the exit/entry onto Walton Road. Analysis from Intermodal, a highways consultancy (ref: RoadTrackingAnalysis.pdf), outlines the changes proposed to the farm lane to allow for easier traffic flow around the junction with the Walton Road and includes a diagram showing the swept paths for the maximum size coach and how the coach can stand in the road before turning in the farm lane and allowing passing space for a car.

Although the lane is only a single-track metalled road, there are passing spaces and there is ample parking and manoeuvring space within the farmyard to accommodate coaches and other vehicles. In order to improve access on to the main road from the farm, the application proposes to widen the lane at this point to 5m allowing a car entering and a car preparing to exit to pass each other.

The size of the site and spacing between buildings provides ample parking and turning areas.

Essex County Council Highway Authority have been consulted and raise no objection subject to conditions which will be imposed where necessary.

Ecology

The applicant has carried out consultation with Natural England about activities within Hamford water as this is an SSSI as this requires their consent. These activities do not form part of this planning application as these are intended to be carried out under the provisions of temporary permitted uses of land (GPDO Part 4 Class B). Natural England have shown a positive interest in the project and the opportunities it presents for children to access this area and experience the wildlife in a sensitive and sustainable way and have agreed to the applicants use of Hamford water within designated areas subject to mitigation measures set out with the accompanying ecology appraisal.

In terms of the impact from the loss of the existing building and its habitat potential, an ecological survey was conducted to ascertain the use of the building by protected wildlife. The report sets out a number of recommendations including timing of clearance and enhancements to the new building. The applicant's supporting statement details the intention to fit boxes within the roof space but a full enhancement scheme will be requested. The necessary conditions and informatives will be included.

Representations

Thorpe-le-Soken Parish Council raise no objection.

No individual letters of representation or objection have been received.

Conclusion

The proposal is considered to represent an acceptable farm diversification project and new business venture that will contribute to the local economy, create jobs and provide educational and play facilities for the district and the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

- 1 The residential accommodation building 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 materials details and following approved plans: Site Block Plan Scale 1:1000 received 17th June 2018, Site Plan Scale 1:200 received 17th June 2018, Ground Floor Plan Scale 1:75 received 17th June 2018, First Floor Plan (labelled as Ground Floor Plan) Scale 1:75 received 17th June 2018, Elevations Scale 1:100 received 17th June 2018, Section AA Scale 1:50 received 17th June 2018, Road Plan A received 17th June 2018, Building B - Former Bull Pen & Store Room Scale 1:75 received 17th June 2018, Building C - Former Dairy and Milking Parlour - Proposed Building Scale 1:100 received 17th June 2018, Building D - Former Cow Shed - Scale 1:200 received 17th June 2018.

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

- 3 Prior to the commencement of any access improvements the applicant shall provide the following:

- A topographical survey for the access improvements
- Scaled drawings of the proposals
- Full construction details
- Ingress and egress swept path analysis drawings of a 12m long coach (52 seater) confirming satisfactory access manoeuvres
- A Stage 1 Road Safety Audit and Designers Responses for the proposals

These shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

- 4 Prior to the commencement of any access improvements, details of the proposed roads improvements (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

- 5 All demolition and clearance works to facilitate the development hereby approved shall only be carried out outside of the bird nesting season (March to August inclusive).

Reason - To ensure the protection of birds potentially nesting within the building to be demolished.

- 6 Prior to the commencement of any above ground works an Ecological Management Scheme and Mitigation Plan shall be submitted to and approved in writing by the Local Planning Authority that accords with sections 5.0 CONCLUSIONS AND RECOMMENDATIONS and 6.0 ENHANCEMENTS of the Ecological Appraisal by Liz Lord BSc (Hons) MCIEEM dated 14th February 2018 Ref: 1435. The development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - To preserve and enhance the biodiversity of the site in accordance with the Preliminary Ecological Appraisal recommendations and enhancements.

- 7 The residential accommodation building hereby approved shall not be used/occupied until the access improvement works have been completed in accordance with the approved details.

Reason - In the interests of highway and pedestrian safety.

- 8 The residential accommodation building hereby approved shall only be used/occupied ancillary to the adventure centre use.

Reason - The site is unsuitable for residential development due to its unsustainable location, lack of parking and private amenity space.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informatives

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.

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Ecology Informative

Barn owls are not currently using the site to breed, however the raised platform at the southern end of the roof space is suitable for use by breeding barn owls. A check of the roof space for barn owls should be undertaken by a licensed barn owl surveyor immediately prior to commencement of demolition works.