

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	08/11/18
Planning Development Manager authorisation:	AN	19/11/18
Admin checks / despatch completed	AN	20/11/18

gpc

Application: 18/01609/FUL **Town / Parish:** Tendring Parish Council

Applicant: Mr and Mrs Wallis

Address: The Stables Heath Road Tendring

Development: Proposed farm shop with cold store, storage, cart-lodge and office above.

1. Town / Parish Council

Tendring Parish Council

Tendring Parish Council support the farm shop but the access to it is a concern as is the amount of vehicles parking in the area, where will they go?

A major concern relating to entering and exiting via Heath Road due to the double bend.

No toilet facilities mentioned.

More information required.

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 or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

3. Planning History

08/01476/FUL Erection of 7 bay stable block with associated hay store and tack room. Approved 23.01.2009

10/00595/FUL Grass bund and menage (retention of). Change of use of land for paddock land. Approved 20.07.2010

11/00423/FUL	Erection of multipurpose hay barn used for storage of hay bales, horse and animal feed and the housing of lambing pens. And an ancillary store for tractor and other land maintenance equipment.	Refused	08.07.2011
12/00192/FUL	Erection of multi-purpose hay barn for the storage of hay bales, animal feed, lambing pens and ancillary equipment.	Approved	03.05.2012
15/00599/FUL	Retrospective application for the erection of a portal framed cow shed.	Approved	08.06.2015
15/01871/FUL	Erection of portal framed cow shed.	Approved	04.02.2016
16/00280/FUL	Erection of portal framed cow shed.	Approved	15.04.2016
17/01309/OUT	Dwelling for a farm manager/stockman.	Approved	01.12.2017
18/00130/DETAIL	Reserved matters application following outline approval on planning approval 17/01309/OUT - Appearance of dwelling with front porch & side chimney stack - materials to be approved.	Approved	26.03.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

ER38 Farm Shops

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

PP13 The Rural Economy

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 located on the northern side of Heath Road within the Parish of Tendring and is about 3.2 hectares in size. The application site benefits from existing access off Heath Road that serves the adjoining land and stables which is also in the applicant's name. The site currently accommodates a grassed bund forming the boundary to the north, a stable block, a ménage/holding pen, pig pens, poultry sheds, a multipurpose hay barn, a cow barn and a dwelling currently under construction. The western boundary of the site is marked by mature hedgerow that screens views into the site from the highway. The surrounding area is predominantly rural in character, with large areas of agricultural land to the north and east; however there are examples of built form to the west and south. The site is not situated within a recognised Settlement Development Boundary in both the Saved Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft.

Description of Proposal

This application seeks planning permission for the erection of a farm shop that will also serve as a storage/office area to the first floor.

History

The application site has numerous recent planning permissions to facilitate the expansion of the business. Notably, under planning permissions 11/00423/FUL and 12/00192/FUL multi-purpose hay barns, under 15/00599/FUL, 15/01871/FUL and 16/00280/FUL the erection of cow sheds, and under 17/01309/OUT and 18/00130/DETAIL the erection of a rural worker dwelling.

Assessment

1. Principle of Development

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.

Saved Policy ER38 relates specifically to the development of farm shops, and states that these will be permitted where they:

a) are sited within an agricultural or horticultural holding;

The application site is clearly in relation to agricultural use, with numerous agricultural structures previously approved and constructed. Further, the agent for the application has confirmed the site is a registered agricultural holding, whilst there are substantial numbers of animals on site.

b) sell principally the produce of that and neighbouring holding(s); and

The information supplied by the agent for the application has confirmed that approximately 90% of produce will come directly from the holding, with livestock being re-delivered to the site on a weekly basis. Thereby this criterion is met.

c) do not cause traffic hazards.

The application site is located off a lane to the north of Heath Road. Access on to the site is via an existing gate set back from the highway which has an approximate width of 7m, thereby allowing cars to enter and exit the site concurrently. There is also significant room within the site to accommodate the parking of vehicles. Accordingly, Essex Highways Authority has raised no objections to the proposal.

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 1.5 storey building is of a simple semi-rural design that would be expected from such a proposal. Given the mature vegetation to the north of the site and a 2m high brick wall to the western elevation, views of the building will be well screened. However, there are numerous other agricultural buildings, including a dwelling under construction of a similar design, that will ensure it assimilates well within its surroundings. Further, the material choice of brick plinth and black weatherboarding is considered an acceptable use in this location, and therefore there is no significant visual harm as a result of the proposed works.

Other Considerations

Tendring Parish Council support the farm shop but raise concerns regarding where vehicles will park, and how they will enter and exit the site.

There has been one other letter of observation received, raising questions regarding the number of visitors to the site and the hours of opening. Concerns were also raised with regards to noise pollution in relation to the adjacent care home.

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, drawing number 01 and the document titled 'Supporting Statement' dated 15 October 2018.

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

- 3 The office and farm shop use hereby approved shall only be operated between 8am - 6pm Mondays to Saturdays.

Reason - To ensure the use and occupation of the building is appropriate to the locality.

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.