

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	14/03/2019
Planning Development Manager authorisation:	SCE	15.03.19
Admin checks / despatch completed	AJ	12.3.19

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**Application:** 19/00152/FUL **Town / Parish:** St Osyth Parish Council

**Applicant:** Bryher Beer

**Address:** Top Barns St Cleres Hall Lane St Osyth

**Development:** Change of use from agricultural to B2 general industrial (retrospective).

### 1. Town / Parish Council

St Osyth Parish Council

The Parish Council discussed this retrospective application at length, during which concerns were raised as to the increase in traffic along a privately owned track and the use of an agricultural building for non-agriculture related business.

Following a vote, Councillors voted by a margin of four to one in favour the application, with six Councillors abstaining.

### 2. Consultation Responses

Environmental Protection

I have reviewed the application and have no adverse comment to make.

ECC Highways Dept

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.

The site is located off Spring Road which is subject to a 30-mph speed limit with traffic calming features. The premises will be accessed from the existing access road that serves St Cleres Hall Farm and Top Barns. The proposal is at the end of a private access and retains adequate room and provision for off street parking and turning, for the business that has been operational from 1 December 2018, therefore the Highway Authority does not object to the proposals as submitted.

Building Control and  
Access Officer

It would appear that this work should be the subject of a retrospective Building Regulations application. The applicants are advised to contact us to discuss this.

### 3. Planning History

96/00275/FUL	First floor extension	Approved	25.04.1996
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12/00210/FUL	Installation of a single small scale wind turbine (14.97m to hub, 5.6m diameter blades).	Approved	18.04.2012
12/00710/NMA	Change of turbine unit from Windcrop HY-5 turbine unit to Evance R9000 turbine unit.		29.06.2012
12/00734/FUL	Installation of a single small scale wind turbine (14.97m to hub, 5.6m diameter blades). Variation of approval 12/00210/FUL changing turbine unit from Windcrop HY-5 turbine unit to Evance R9000 turbine unit.	Approved	24.08.2012
19/00152/FUL	Change of use from agricultural to B2 general industrial (retrospective).	Current	

#### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

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

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

COM23 General Pollution

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

PP13 The Rural Economy

PPL3 The Rural Landscape

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 (including Site Description and Proposal)**

### **Site Description**

The application site is located at the southern end of St Cleres Hall Lane, which is a private access located within the settlement of St Osyth which serves several dwellings and agricultural buildings. The application site is located within a small agricultural holding known as Top Barns. This application relates to part of an agricultural steel clad barn situated at the northern end of the small holding.

### **Proposal**

This application seeks to retain the part change of use of the agricultural barn to a B2 (General Industrial) use for a car spraying business. The spraying operations are contained within a purpose design spray booth in the corner of the building and the remainder of the space is utilised for the storage of cars prior to being sprayed. The supporting information states that the business sprays approximately 12 cars per week and no storage outside of the building takes place.

### **Appraisal**

#### **Principle**

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.

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.

The preamble of saved Policy ER7 of the adopted Tendring District Local Plan 2007 explains how the Council wishes to support the growth of existing firms and will grant permission for extensions to established business premises in rural locations providing they have an acceptable impact on visual amenity.

In summary, national and local plan policies support the proposed development in a rural locations 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 which are both addressed in more detail below.

#### Visual Impact

The works to the car take place solely within the building. Furthermore, the only changes to the building relate to the insertion of extraction equipment to the rear and no external storage is undertaken. As a result the change of use does cause any harm to visual amenity.

#### Residential Amenities

The nearest neighbouring property is located to a significant distance to the north on St Cleres Hall Lane. The distance of approximately 370m ensures that any noise associated with the use would be minimal. In terms of traffic movements along the lane the supporting information confirms that the use is low key and employs only 1 person who works on 12 cars per week. At this level any disturbance associated with the use of the lane would be low. The Council's Environmental Protection Team has no objections. A condition will be applied to the permission restricting the B2 use for that applied for only i.e. a car spraying business.

#### Highway Safety

ECC-Highways have reviewed the application have the following comments;

The site is located off Spring Road which is subject to a 30-mph speed limit with traffic calming features. The premises will be accessed from the existing access road that serves St Cleres Hall Farm and Top Barns. The proposal is at the end of a private access and retains adequate room and provision for off street parking and turning, for the business that has been operational from 1 December 2018, therefore the Highway Authority does not object to the proposals as submitted.

#### Other Considerations

The Council's Building Control Team have confirmed the need for Building Regulations approval. This will be communicated to the applicant by way of an informative on the permission.

St Osyth Parish Council supports the application. No further letters of representation have been received.

### **6. Recommendation**

Approval

### **7. Conditions**

- 1 The agricultural building the subject of the change of use shall be used for Class B2 (General Industry) in the manner described in the supporting letter prepared by Stanfords (Dated - 28th January 2019) and for no other purpose including any other purpose in Class B1 (Light Industry) or Class B8 (Storage and Distribution) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the interests of amenity for neighbouring dwellings and in the interests of visual amenity.

- 2 No processes shall be carried out or power tools, equipment, machinery or plant of any kind shall be used at any time anywhere on the site except within the building hereby permitted.

Reason - In order to control the development in the interest of visual amenity.

- 3 There shall be no outside display or storage of goods at any time.

Reason - In order to safeguard the visual amenity of the area.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans: Layout Plan (Scale 1:100).

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.

### Building Control Informative

It would appear that this work should be the subject of a retrospective Building Regulations application. The applicants are advised to contact the Council's Building Control Department on 01255 686131 to discuss this issue.

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