

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	05/04/19
Planning Development Manager authorisation:	AN	8/4/19
Admin checks / despatch completed	SB	09/04/19

**Application:** 19/00233/FUL      **Town / Parish:** Little Bentley Parish Council

**Applicant:** H D Cobbald & Sons

**Address:** Hall Farm Church Road Little Bentley

**Development:** Proposed change of use of Agricultural implement store for B1 (A) & (C) Business and B8 storage/distribution.

### 1. Town / Parish Council

Little Bentley Parish Council      No comment.

### 2. Consultation Responses

Environmental Protection      I have reviewed the application and have no adverse comments 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 Church Road which is subject to a 17 tonne environmental weight limit except for access. The premises will be accessed from the existing junction that serves Hall Farm. The proposal retains adequate room and provision for off street parking and turning, for the current and proposed businesses, therefore:

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 occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be provided clear of the highway and retained thereafter for that sole purpose.

Reason: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety in accordance with policy DM1.

2. The development shall not be occupied until such time as the car parking and turning facilities indicated on the approved plans, 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 and in accordance with Policy DM 1 and 8.

3. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

Informative 1:

Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

Informative 2:

Any 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](mailto:development.management@essexhighways.org) or by post to:

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

Building Control and  
Access Officer

The 1st floor should be accessible to all.  
Accessible WC's should be provided.

### 3. Planning History

02/01074/OUT	Farm managers dwelling	Refused	02.09.2002
93/00651/FUL	Removal of mineral & surplus topsoil and ancillary matters including the construction of an access and haul road associated with the construction of an agricultural reservoir	Determination	30.09.1993
94/00182/CMTR	Removal of mineral and surplus topsoil and ancillary matters including the construction of an access and haulroad associated with the construction of an agriculturalreservoir		24.10.2000
03/01807/FUL	Conversion of redundant agricultural building to Dental	Approved	03.11.2003

Technician premises.

07/01984/FUL	Conversion and alteration of agricultural buildings to B1 and B2 use. Construction of new vehicular access.	Withdrawn	15.04.2008
08/00661/FUL	Conversion and alterations of agricultural buildings to B1, B2 and B8 use. Continued use of agricultural buildings to B2 and B8 use and dog grooming salon (sui generis use). Construction of new vehicular access, as amended by drawing No. 477/105 received on 23rd June 2008.	Approved	14.08.2008
10/00423/AGRIC	General purpose agricultural building.	Determination	17.05.2010
11/01227/LBC	Alterations to existing wall to include new opening and gates.	Approved	21.03.2012
11/01228/FUL	Realignment of existing farm access, construction of new agricultural access and alterations to existing wall to include new opening and gates.	Approved	21.03.2012
15/01020/FUL	Demolition of existing redundant agricultural buildings and erection of two B1(c) buildings incorporating three units, including courtyard, parking, landscaping and natural amenity area.	Approved	29.09.2015
17/00727/FUL	Variation of condition 14 of 15/01020/FUL, to increase the overall height of building 1 by 659mm.	Approved	28.07.2017
18/01193/AGRIC	Change existing grain store into agricultural chemical store.	Determination	15.08.2018
18/01892/FUL	Change of use from agricultural chemical store to include use Class B8 for storage and distribution.	Approved	21.01.2019
19/00340/FUL	Proposed offices for existing Agricultural Chemical store and new farm office.	Current	

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

## Tendring District Local Plan 2007

- EN1 Landscape Character
- EN23 Development Within the Proximity of a Listed Building
- ER7 Business, Industrial and Warehouse Proposals
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses

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

- CP1 Sustainable Transport and Accessibility
- PPL3 The Rural Landscape
- PPL9 Listed Buildings
- SPL1 Managing Growth
- 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 western side of Church Road within the parish of Little Bentley. The application site is located on an established farm holding known as Hall Farm. The site contains a number of outbuildings, whilst the building itself was the subject of planning

application 18/01193/AGRIC, where permission was granted to convert its use from a grain store to an agricultural chemical store. To the north is the Grade II Listed Little Bentley Hall; however the overall character is rural, with large areas of vegetated or agricultural land to all sides.

### Proposal

This application seeks planning permission for the conversion of the existing agricultural implement store, located to the western section of the site, into a joint use including B1(a) (business office), B1(c) (business for any industrial process which can be carried out in any residential area without causing detriment to the amenity of the area), and B8 (storage or distribution).

The submitted plans show that 60% of the site will be used for a vehicle wrap area/ training room. The remaining 40% is to be used for unknown B1 and B8 uses. The proposed change will also incorporate a mezzanine area.

There are numerous external alterations to the building being proposed, including replacement roofing and walls, with the front elevation to also incorporate three shutter doors, and doors and windows associated with the proposed new uses.

### History

Under planning references 18/01193/AGRIC and 18/01892/FUL planning permission has been granted for the conversion of the building to the south-east of the proposal site from agricultural to a mixed use as a chemical store and a storage and distribution use.

### Assessment

#### 1. Principle of Development

Paragraph 80 of the National Planning Policy Framework 2019 (NPPF) 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 2019 (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. Saved Policy ER7 itself states that in rural locations permission may exceptionally 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.

In summary, national and local plan policies support the proposed development for an expansion to the established business 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.

Therefore the principle of development is acceptable subject to the detailed consideration below.

#### 2. Design/Visual Impact

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 building is already in situ and is well set back within the site amongst other agricultural buildings. It is therefore not visible from the street scene along Church Road to the east. While there are numerous external changes being proposed, these are considered to be of good visual merit that will result in a small enhancement to the existing arrangement and will not appear incongruous within this rural location.

### 3. Impact Upon Setting of Listed Building

Little Bentley Hall is located approximately 100m to the north of the site. Given the presence of other buildings in the immediate vicinity, that the building itself is currently in situ and that there is vegetation located within the grounds of Little Bentley Hall, there would be minimal intervisibility between the proposals and the listed building itself. As such for these reasons and the degree of separation the impact upon the setting of the listed building would be minimal.

### 4. Residential Amenities

Whilst the additional B1(c) and B8 Storage and Distribution uses have the potential for some noise disturbance, due to the sites existing agricultural use and that the nearest residential properties are located a minimum of 100m away, there is not considered to be significant additional noise and disturbance as a result of the proposed change.

### 5. Highways

Essex Highways Authority have been consulted and state they have no objections to the proposed development.

Adopted Car Parking Standards state that for a B8 Storage or Distribution use, provision should be made for a minimum of one parking space per 150sqm, while a B1 use should have 1 space per 100sqm for staff and 1 space per 200sqm for visitors. The overall building is approximately 390sqm and there is a large car parking area to the north of the site that can accommodate approximately six cars. Given this and an area to the front of the building, there is considered to be sufficient room to meet the above requirements.

### Other Considerations

Little Bentley Parish Council have not commented.

There have been no other letters of representation received.

### Conclusion

It is considered that for the above reasons the proposal meets the criteria set out in the National Planning Policy Framework and relevant policies of the National Planning Policy Framework, the Tendring District Local Plan and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

### 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 numbers 120, 121, 122 and 123.

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

- 3 The development shall not be occupied until such time as the car parking and turning facilities indicated on the approved plans, 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.

- 4 Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

## 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.

Prior to occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be provided clear of the highway and retained thereafter for that sole purpose.