

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	07/05/2019
Planning Development Manager authorisation:	SCE	08.05.19
Admin checks / despatch completed	AP	8/5/19

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**Application:** 19/00409/FUL **Town / Parish:** Elmstead Market Parish Council

**Applicant:** Mrs Julia Boulton

**Address:** Beth Chatto Gardens Clacton Road Elmstead

**Development:** Erection of 300 square metre warehouse.

### 1. Town / Parish Council

Elmstead Parish Council No comments received.

### 2. Consultation Responses

None required.

### 3. Planning History

00/02136/FUL	Erection of poly-tunnel: D	Approved	06.02.2001
00/02137/FUL	Erection of poly-tunnel: C	Approved	06.02.2001
02/01502/FUL	Proposed toilet block	Approved	25.09.2002
02/01525/FUL	Continued siting of residential caravan (renewal of planning permission TEN/97/0473)	Approved	25.09.2002
94/00399/FUL	Continued siting of residential caravan (renewal of permission TEN/91/0369)	Approved	29.04.1994
97/00473/FUL	Continued siting of residential caravan (renewal of TEN/94/0399)	Approved	19.05.1997
98/00011/FUL	(The Beth Chatto Gardens, Clacton Road, Elmstead Market) Proposed re-organisation of and additional facilities at the Beth Chatto Gardens including a tea house	Approved	07.04.1998
98/00326/FUL	(Beth Chatto Gardens, Elmstead Market) Erection of polytunnel 'B'	Approved	30.04.1998
98/00328/FUL	(Beth Chatto Gardens, Elmstead Market) Erection of polytunnel 'A'	Approved	30.04.1998
98/01601/FUL	Temporary food sales and seating	Approved	21.01.1999

	area together with additional W.C. facilities. (Beth Chatto Gardens Limited)		
05/00633/FUL	Removal of existing fabric covered structure, alterations to existing servery and erection of 2 new linked tearooms and food preparation building	Approved	01.06.2005
07/02048/FUL	Replacement of existing entrance kiosk and disabled ramp.	Approved	03.03.2008
91/00369/FUL	Continued siting of residential caravan.	Approved	08.05.1991
11/01417/FUL	Installation of 14 solar panels on south facing roof pitch of tea room.	Approved	20.03.2012
16/00438/FUL	Charity building/classroom facility.	Approved	05.05.2016
18/00816/FUL	Amendment to previous permission under 16/00438/FUL to convert to a mixed use of the previously approved educational facility and for additional use for events, celebrations and wakes.	Approved	07.08.2018

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

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

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

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

SPL3 Sustainable Design

PPL3 The Rural Landscape

PP13 The Rural Economy

#### **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 Beth Chatto Gardens, Clacton Road, Elmstead. The site is used as a botanical garden and contains managed landscaped features such as ponds, flower gardens and small woodland areas. The gardens comprise a number of buildings which vary in use to support the site as a whole, staff and large number of visitors. The site is situated just to the east of the A133 just outside Elmstead Market and outside the defined Settlement Development Boundary for the area. The site is accessed by a small un-adopted track. There are no residential properties directly adjacent to the site.

### Proposal

This application seeks full planning permission for the erection of a 300 square metre warehouse building to facilitate the preparation of small nursery plants for mail order distribution. The new building will be located between existing polytunnels and an existing blockwork storage unit.

The new building measures 5887mm to ridge line (4975mm to eaves), 15000mm in width and 20000mm in length. The building will be clad in KINGSPAN KS1000 Architectural Wall Panels insulated cladding panels Colour: Camouflage RAL 110 50 10. This colour is used elsewhere on the gardens estate buildings and can be seen to be their 'signature' colour.

### Assessment

The main considerations are;

- Principle of Development;
- Design and Impact;
- Access and Highways; and,
- Representations.

### Principle of Development

Paragraph 83 of the National Planning Policy Framework 2019 (NPPF) states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings and should enable the development and diversification of agricultural and other land-based rural businesses.

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 for an expansion to the established business in a rural location providing the proposals can be accommodated without an adverse impact on the landscape character of the countryside and satisfactory vehicular access is provided.

The application seeks planning permission for the erection of a warehouse building to be used in association with the established horticultural use and will not alter the existing access arrangements. It will replace an existing small polytunnel and will be sited nestled amongst the other existing adjacent buildings.

The proposal is therefore considered acceptable in principle with the design and access considered in more detail below.

#### Design and Impact

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. 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.

The building is will replace an existing small polytunnel and will be sited between adjacent large polytunnels and the low blockwork storage unit. The discreet siting of the building nestled amongst existing buildings and sympathetic design and appearance in keeping with the site's character ensures that views from the public areas are minimised and no harm to the wider landscape will occur.

#### Access and Highways

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.

The supporting statement states that the proposed changes do not affect vehicle or transport links.

On this basis, having regard to the nature of the use and the existing access arrangements which already include the coming and goings of larger vehicles as well as the public, the new development will not materially alter the existing traffic movements and therefore result in no material harm to highway safety.

#### Representations

Elmstead Market Parish Council has not commented.

No individual letters of representation have been received.

#### Conclusion

In the absence of any material harm as a result of the development, the application is recommended for approval.

## **6. Recommendation**

Approval - Full

## **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 NO: 061 P 003, DRAWING NO: 061 P004, DRAWING NO: 061 P005, DRAWING NO: 061 P006, DRAWING NO: 061 P007, DRAWING NO: 061 P008 and DRAWING NO: 061 P009.

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.