

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	18/06/19
Planning Development Manager authorisation:	SCE	19.06.19
Admin checks / despatch completed	AP	19/6/19

*AP*

**Application:** 19/00282/FUL

**Town / Parish:** Little Bentley Parish Council

**Applicant:** McDowell

**Address:** Pump Farm Tendring Road Little Bentley

**Development:** Proposed construction of B8 storage building and B1 Office and change of use of units 2A and 2B for B1/B8 uses.

### **1. Town / Parish Council**

Little Bentley Parish Council have not commented on this application.

### **2. Consultation Responses**

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 within an existing 30-mph speed limit and the premises will be accessed from the existing vehicle access for the site. The proposal is at the end of a private access and proposes additional off street parking and turning, for the premises therefore

The Highway Authority does not object to the proposals as submitted sun.

1. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the vehicle parking and access plan, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

2. 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.

Informative 1:

Steps should be taken to ensure that the Applicant 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 or by post to:

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

### 3. Planning History

00/00050/FUL	Change of use - redundant farm buildings to be used for a) artistic pottery works b) horticultural plant centre and sales outlet	Approved	07.04.2000
02/00641/FUL	Change of use of redundant farm buildings (Renewal of planning permission 00/00050/FUL)	Approved	04.10.2002
03/00804/FUL	Change of use of redundant farm buildings (renewal of planning permission 02/00641/FUL)	Refused	13.08.2003
05/00925/OUT	Residential house to replace existing bungalow	Approved	19.07.2005
06/01454/FUL	Replacement dwelling and garage.	Approved	18.12.2006
07/00605/FUL	Change of use of redundant agricultural building to a centre for health and safety training for operators in light industry and agriculture.	Approved	22.06.2007
11/01365/FUL	Change of use of redundant farm buildings. Variation to original approval 02/00641/FUL.	Approved	09.01.2012
12/00025/FUL	Change of use of Unit 4 to	Approved	07.03.2012

equipment storage area.

19/00282/FUL	Proposed construction of B8 storage building and B1 Office and change of use of units 2A and 2B for B1/B8 uses.	Current
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#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework 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  
ER11 Conversion and Reuse of Rural Buildings  
TR1A Development Affecting the Highway  
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  
PPL3 The Rural Landscape

#### **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 site is known as Pump Farm and is located to the north of Tendring Road, Little Bentley. The property is located 10 miles to the east of Colchester and 10 miles to the north west of Clacton. The business provides landscape construction on new large scale development sites.

### Proposal

The application seeks planning permission for the proposed construction of B8 Storage building, B1 Office and Change of use for Units 2A and 2B for B1/B8 Uses.

The storage building will measure 10 metres in width, 20 metres in depth with an overall height of 5.5 metres.

The office building will measure 12.2 metres in width, 7.6 metres in depth with an overall height of 3.5 metres.

### Assessment

The main considerations for this application are the principle of development, design and landscape impact, impact upon neighbours and highway safety.

### Principle of development

Paragraph 83 of the National Planning Policy Framework (2019) states that planning policies and decision should enable the sustainable growth of all types of business in rural areas both through the 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 establish 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 business where new employment opportunities would be generated providing the proposal can be accommodated without an adverse impact on the landscape character of the countryside and satisfactory vehicular access and adequate car parking is provided.

Emerging Policy PP13 concerns supporting the rural economy and states that to support growth in the rural economy the Council may grant planning permission for buildings that are essential to support agricultural and farm diversification schemes. This is obviously subject to details consideration against other policy requirements in the local plan. These considerations are addressed below.

In this instance, it is considered that the proposal is in accordance with the aims and aspirations of the policies mentioned above, in so far that it concerns the proposed expansion of an established rural business that would support rural economic growth. The details design aspects of the proposal are considered below.

### Design and Landscape Impact

QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.

Paragraph 127 of the National Planning Policy Framework 2019 states that development should respond to local character and history, and reflect the identify of local surroundings Saved Policies QL9 and EN1 of the Tendring District Local Plan (2007) and Policies 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. Emerging Policy PPL3 of the 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.

The proposed storage building will be located to the north of units 2A and 2B. The building will be set back and screened from the highway by the existing buildings on site with limited views of the proposal from Tendring Road. The impact of the proposal is reduced by its single storey nature, aligned with its pitched roof design, whilst the materials proposed are in keeping with both the rural character of the area and other buildings within Pump Farm.

The proposed office building will be located to the north of the application site. The site is not particularly visible and is well set back. Whilst the site is currently quite open land, there are limited views and building will assimilate well within its surrounding, and therefore will not create a negative impact to the surrounding area. Furthermore, the scattering of a number of existing buildings within the site ensure the proposal would not significantly harm the open character of the area.

The proposed change of use of units 2A and 2B do not seek any external changes and therefore the proposal will not cause any impact upon the street scene of Tendring Road.

#### Impact upon neighbours

The intensification in the use of the site has the potential to impact upon local residential, although it is noted that the nearest dwelling 'Pump Farm Cottage' is in the applicants ownership. 'Lemon Cottage' to the south of the south west of the application site. The proposed storage building and office are sited away from the neighbouring property and will be screened by existing agricultural buildings on site. A condition will be imposed to secure the operational hours of the site. It is therefore considered that due to the distance to the neighbouring dwellings as well as a B1 use being appropriate in a residential area, the proposal will not cause any significant impact upon neighbouring amenities.

#### Highway Safety

Essex Country Highways have been consulted on this application and do not object to the application subject to the following conditions; prior to occupation of the development, vehicle parking area shall be hard surfaced, sealed and marked out and the loading unloading reception and storage of materials and manoeuvring shall be provided clear of the highway. The second condition will not be imposed as a condition but added as an informative.

#### Other considerations

Little Bentley Parish Council have not commented on this application.

No letters of representation have been received.

#### Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval

## **6. Recommendation**

Approval - Full

## **7. Conditions / Reasons for Refusal**

- 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 and documents: 009 Site Plan, Drawing. Proposed Floor Plan and Elevations – B8 Storage Building, Proposed Floor Plan and Elevations – Office Building, 009 Vehicle Parking and Access Plan.

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

- 3 The Office and Storage use hereby approved shall be undertaken only between the hours of;

Monday to Friday	07:00 – 19:00
Saturday	08:00 – 13:00

Reason - To ensure the use of the site is appropriate to the locality and to safeguard the amenities of local residents.

- 4 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the vehicle parking and access plan, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests 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.

Highways

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.

Steps should be taken to ensure that the Applicant 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.

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.

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

<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