

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	24/06/19
Planning Development Manager authorisation:	AN	24/6/19
Admin checks / despatch completed	SB	25/06/19

SR

Application: 18/01347/FUL **Town / Parish:** Wix Parish Council

Applicant: Mr Cox - PMC Landscapes Limited

Address: Abbey Farm Spinnels Lane Wix

Development: Erection of storage building, 9 parking spaces & small open yard (materials limited to 1.8m in height).

1. Town / Parish Council

Wix Parish Council have not commented on this application.

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

95/00138/FUL	Use of former agricultural buildings for repair of agricultural equipment, fabrication of fencing and building products	Refused	20.04.1995
14/00098/FUL	Replacement of barns with purpose designed offices and storage buildings and associated external	Approved	15.05.2014

storage in relation to the relocation of two local companies involving a landscape contractor and a roofing contractor.

14/00819/DISCON	Discharge of condition 03 (contamination), 08 (gates), 09 (fences and planting), 10 (fences and planting) and 13 (materials) of planning permission 14/00098/FUL.		07.08.2014
14/01570/FUL	Removal of condition 3 of planning permission 14/00098/FUL - submission of contamination report etc.	Approved	15.12.2014
17/01422/FUL	Erection of storage building.	Refused	17.10.2017
18/01347/FUL	Erection of storage building, 9 parking spaces & small open yard (materials limited to 1.8m in height).	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

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)

SPL3 Sustainable Design

PPL3 The Rural Landscape

PPL9 Listed Buildings

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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 Abbey Farm, Spinnels Lane, Wix, which is located to the south-west of Spinnels Lane. The surrounding area is generally rural in character, with large agricultural and grassed areas to the south, east and west. However, there are examples of some built form to the immediate east and north. The site is situated outside of a recognised Settlement Development Boundary in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Description of Proposal

This application seeks planning permission for the erection of a storage building, 9 parking spaces and a small open yard (Materials to 1.8 m in height).

The storage building will measure 16.5 metres in width, 9 metres in depth with an overall height of 5.4 metres.

Planning History

Under previous planning application 14/00098/FUL, planning permission was granted for the replacement of barns with purpose designed offices and storage buildings. Under planning reference 17/01422/FUL, planning permission was refused for the erection of a storage building due to the location of the building being within a designated open landscaping area whilst conditions with that permission ensured that no goods, materials, plant or equipment shall be stored in the open land beyond that allocated for external storage to the west of the site, in order to protect the setting of the nearby listed buildings.

Assessment

The main considerations of this application will be the visual impact, the impact to neighbouring amenities, the highways impact, the impact to trees and the impact to the setting of the Listed Building.

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 proposed storage building will be located to the west of the application site. However, due to the existing vegetation along the western boundary of the application site to help screen the proposal as well as there being a scattering of buildings on the site, it is considered that the proposal will not have a significant impact upon the character of the surrounding area. In terms of its semi-rural design and use of weatherboarding and natural slate which will match the other agricultural buildings, the proposal is considered to be in keeping with the agricultural character of the surrounding area.

The proposed 1.8 metre high storage area will be located to the north of the application site with 2 metre screen hedge proposed to the boundary. The storage area is located approximately 50 metres from the highway and due to the existing vegetation along the boundary of the application site which will help to screen the proposal, it is considered that the storage will not cause any significant impact upon the street scene.

The proposed parking spaces located to the north of the application site are well set back from the street scene and is an area considered to be in keeping with the number of parking spaces within the site already.

It is therefore considered that the proposal will not cause any significant impact upon the street scene.

Impact upon neighbouring amenities

The NPPF states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The only neighbouring residential property potentially impacted upon is that to the north, known as Wix Abbey, whilst the existing buildings to the east are for B2 use (General Industrial).

It is considered that the proposed storage building will not adversely impact upon the neighbouring dwelling due to the sufficient distance and its single storey nature. The parking and storage area will be visible to the neighbouring dwelling, however after amendments to the plans 2 metres of additional planting has been proposed to help screen the proposal to the neighbouring dwelling and a condition will be imposed to ensure that the planting is implemented and retained thereafter.

Highways

Essex Highways Authority have been consulted as part of the application process and do not object to the proposals as submitted.

The proposed parking spaces are inline with the Essex Parking Standards requirements of 5.5 metres by 2.9 metres and there is a 6 metre turning area. It is therefore considered that the proposal is acceptable in terms of highway safety.

Impact to Trees

There are a few small trees on the application site but none that merit retention or protection by means of a tree preservation order. Further details are required of the soft landscaping scheme and therefore a condition will be imposed to ensure that additional information is provided relating to the quantity, species and specification of the plants to be incorporated into the planting scheme.

Heritage Impact

Paragraph 128 of the National Planning Policy Framework states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 132 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Policy EN23 of the Saved Tendring Local Plan 2007 states that proposals for development that would adversely affect the setting of a Listed Building, including group value and long distance views will not be permitted. Policy PPL9 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft carry forward these sentiments and state that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, character and appearance.

The application site lies adjacent to a small, loose-knit, group of listed buildings comprising Wix Abbey (Grade II), a dwelling, St. Mary's Church (Grade II) and The Granary Barn (Grade II), a converted dwelling. The impact of the proposal to the setting of these Listed Buildings is therefore a key consideration of this application and as such the applicant has submitted a detailed Heritage Statement.

Under previous planning permission 14/00098/FUL, the application site was designated as an open landscaping area, whilst conditions with that permission ensured that no goods, materials, plant or equipment shall be stored in the open land beyond that allocated for external storage to the west of the site, in order to protect the setting of the nearby listed buildings. Furthermore, historically to the south of Wix Abbey there has been substantial farmland prior to the recent planning approval. However, the applicant has proposed to reduce the size of the storage of materials as well as provide an additional 2 metre screening of trees to reduce the impact upon the listed building. Therefore, it is considered that the proposals will not cause any significant harm upon the heritage asset.

Other Considerations

Wix Parish Council has not commented.

There have been three letters of objection received, with the following concerns;

1. Non-compliance with planning conditions from planning permission 14/00098/FUL;
2. Visual Impact;
3. Impact to Listed Building;
4. Loss of property value; and
5. The proposal falls within an environmental protection strip designated within 14/00098/FUL.

In answer to this, points 2 and 3 have been addressed within the main body of the report above, whilst point 4 is not a material planning consideration and can therefore form part of the consideration of the application. With regards to point 5, the planting strip highlighted within previous permission 14/00098/FUL is not impacted upon as a result of this application, whilst point 1 is a matter for the Council's Planning Enforcement Team.

Conclusion

In the absence of any significant material harm as a result of the proposed development, this 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: Drawing Number 6505-1301 Revision P3 and Drawing No. 6505-1103-P8

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

- 3 No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include all boundary treatments, quantity, species and specification of the plans, any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 - Trees in Relation to Design, Demolition and Construction."

Reason - To enhance the aesthetics of the developments.

- 4 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the effective implementation of the approved landscaping scheme.

- 5 No means of external artificial light shall be installed or operated on the site at any time except in accordance with a scheme of external lighting which has been previously submitted to and approved in writing by the Local Planning Authority.

Reason - In order to ensure that any external lighting is appropriate to the rural location of the site and to its historic and rural setting.

- 6 Notwithstanding the provision of Article 3, Schedule 2, Part 2, Class C of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), the external timber cladding of the buildings hereby approved shall be painted black and retained as such thereafter.

Reason - To ensure that the replica barn retains a traditional Essex appearance

- 7 Notwithstanding the provision of Article 3, Schedule 2, Part 7, Class H of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), no external changes which affect the appearance of the building hereby permitted shall be carried out, without prior written consent from the Local Planning Authority.

Reason - To ensure that the appearance of the new building is appropriate to the historic and rural setting, it has been carefully designed as replica a barn to reflect the former agricultural use of the site.

- 8 The vehicular parking shall accord with Drawing No. 6505-1103-P8 and shall be installed and thereafter retained in their approved form prior to occupation, unless otherwise agreed in writing by 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.

- 9 The proposed 2 metre screen of trees to the northern boundary as shown on Drawing No. 6505-1103-P8, shall be planted prior to the first occupation of the storage area hereby permitted. Any planting which subsequently dies or is otherwise removed within a period of 5 years shall be replaced with plants of a similar size and species, unless otherwise agreed in writing with the Local Planning Authority.

Reason - In order to preserve the setting of the Listed Building

- 10 The storage area as indicated on drawing no. 6505-1103-P8 is restricted to a height of 1.8 metres.

Reason - In order to preserve the setting of the Listed Building.

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.

Highways

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

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