



### 3. Planning History

01/01796/AGRIC	Proposed steel framed agricultural building	Refused	09.11.2001
94/00640/FUL	Horticultural Glasshouse (64m x 16m)	Approved	01.07.1994
92/00009/AGRIC	Polytunnel	Determination	16.10.1992
19/00662/FUL	Proposed rear cafe glasshouse extension.	Current	

### 4. Relevant Policies / Government Guidance

National Planning Practice Guidance

Tendring District Local Plan 2007

NPPF National Planning Policy Framework February 2019

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER7 Business, Industrial and Warehouse Proposals

EN1 Landscape Character

TR1A Development Affecting Highways

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

SPL3 Sustainable Design

PPL3 The Rural Landscape

PP13 The Rural Economy

CP1 Sustainable Transport and Accessibility

#### 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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The application site is situated on the western side of Clacton Road within the settlement of Weeley Heath. The site accommodates a garden centre and associated horticulture enterprise. To the south of the site are residential properties and to the west is a turf business. The area of the site relevant to this proposal is populated by large glasshouses which house the customer area of the garden centre business including a cafe. At the western end of the glasshouse is an outside seating area. Directly to the north of this area is grassed paddock land.

### Proposal

This application proposes an extension to the glasshouse to accommodate additional indoor seating areas for the cafe and a small extension to the kitchen area for storage purposes. At present cafe seating is provided within an area previously utilised for garden centre sales. This proposal seeks to relocate this seating into a purposely built extension to the cafe area allowing the regained area to be re-used for garden centre retail purposes.

The extension would extend the glasshouse out a further 12.5m westwards and would measure 10m in width. The ridge height would follow that on the existing glasshouse. The kitchen area extension would measure 7.5m in depth and 6.4m in width.

## Appraisal

### Principle

The cafe use associated with the garden centre is a historic use that is firmly established. The extension to the cafe area is accepted in principle given that it relates to an established use and assists in facilitating the expansion of a successful rural enterprise. The site is situated within the Weeley Heath emerging development boundary which reflects the sustainable credentials of the site with good access to local transport links.

The proposal therefore accords with the requirements of the NPPF and local plan policies which promote the expansion of rural businesses.

### Design/Visual Impact

The extensions are not visible from public vantage points outside the confines of the site and are situated amongst a cluster of existing commercial and residential buildings. Furthermore, the additions are not excessive in size and follow the form and materiality of the existing structures on the site.

As a result the development would cause any harm to the character and appearance of the area.

### Residential Amenities

The extension to the cafe would be situated in the location of an existing outdoor sitting area. Consequently, any noise and disturbance associated with the use would be now largely re-located inside the proposed extension, thereby reducing any noise to nearby residents to the south. Notwithstanding that point, the opening hours of 9am-5:30pm (Monday-Saturday) and 10am-4pm (Sundays) ensure that the use would be during less sensitive daytime hours.

The agent has confirmed that no additional extraction equipment is required through the kitchen area enlargement thereby avoiding any increased impacts from cooking odours. The extended kitchen area is to be used for food prepping and storage only.

### Highways/Parking

The extensions would cater for more indoor seating for the cafe albeit at the expense of current outdoor seating areas. As a result the increase in traffic movements to and from the site would be minor. The site currently benefits from a large car parking area that can comfortably accommodate any additional trade and the ECC-Highways do not provide any objections to the proposal.

### Other Considerations

Building Control has advised that the extensions may require the installation of additional sanitary facilities. An informative will be included on the decision notice to make the applicant aware of this potential requirement.

Weeley Parish Council has no objections to the proposal. No further letters of representation have been received.

## **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 cafe use shall only be open to the public during the following times;  
9am-5:30pm (Monday-Saturday) and 10am-4pm (Sundays & Bank Holidays).

Reason - To protect the amenity of the local residents.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: 1904/892-104 A, 1904/892-102 and 1904/892-103.

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

Additional sanitary conveniences may be required due to the additional seating capacity.

### Highway Informative

Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway. This is to ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

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.

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

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	<input checked="" type="radio"/> NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	<input checked="" type="radio"/> NO