

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	26/06/19
Planning Development Manager authorisation:	AN	4/7/19
Admin checks / despatch completed	KNE	04/07/19

Application: 19/00544/FUL **Town / Parish:** Elmstead Market Parish Council
Applicant: Fullcircle Energy Ltd
Address: Allens Farm Tye Road Elmstead
Development: Erection of two buildings to be occupied under a B8 Storage and Distribution use.

1. Town / Parish Council

Elmstead Parish Council No comment.

2. Consultation Responses

ECC Highways Dept From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

Prior to the first use of the proposed development the applicant shall provide the warning signs in precise accord with the details shown on DRAWINGS NUMBERED 4086/120/A and 124A and retained thereafter in perpetuity.

Reason: To ensure the continued safe passage of pedestrians on the definitive right of way in accordance with Policy DM 1 and 11 of the Highway Authority's Development Management Policies February 2011.

Informative1: The public's rights and ease of passage over Public Footpath No.2 (ELMSTEAD) shall be maintained free and unobstructed at all times.

Informative2: 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

00/01344/FUL New building for storage of crops Approved 17.10.2000

	and machinery		
01/02185/FUL	New machinery and box store.	Approved	07.02.2002
02/01170/FUL	Use of agricultural reservoir for diving, fishing and rowing purposes, retention of access road and siting of portacabin for shelter and storage purposes (renewal of planning permission TEN/99/1767)	Approved	23.08.2002
90/00258/CMTR	To excavate sand and gravel and remove from site in order to construct an agricultural irrigation reservoir.	Determination	16.05.1994
91/01282/FUL	Erection of new potato storage building.	Approved	21.01.1992
93/00784/FUL	Retention of office and WC and change of use from residential to farm office	Approved	31.08.1993
93/00785/LBC	Retention of extension to farm office and WC	Approved	31.08.1993
95/01161/FUL	(Allens Farm, Crockleford Heath, Elmstead Market) Proposed farm storage building	Approved	07.11.1995
95/01501/FUL	(Allens Farm, Tye Lane, Elmstead Market) Retention of two storey rear extension and front entrance porch and erection of single storey sun lounge at rear	Refused	20.02.1996
95/01502/LBC	(Allens Farm, Tye Lane, Elmstead Market) Retention of two storey rear extension and front entrance porch and erection of single storey sun lounge at rear	Refused	20.02.1996
96/00109/FUL	(Allens Farm, Tye Lane, Elmstead Market) Farm storage building	Approved	15.05.1996
96/00903/CMTR	(Land adjacent to Allens Farm, Elmstead Market) ESS/41/96/TEN - Construction of agricultural irrigation reservoir including removal of sand and gravel	Determination	20.12.1996
96/00912/LBC	(Allens Farm, Tye Lane, Elmstead Market) Restoration, improvement and preservation of derelict farmhouse	Withdrawn	17.08.1996
96/01052/LBC	(Allens Farm, Tye Lane, Elmstead Market) Retention of two storey rear extension, restoration and	Approved	29.10.1996

	improvement of farmhouse		
96/01053/FUL	(Allens Farm, Tye Lane, Elmstead Market) Retention of two storey rear extension, restoration and improvement of farmhouse	Approved	29.10.1996
96/01054/LBC	(Allens Farm, Tye Lane, Elmstead Market) Retention of two storey rear extension, rebuilding of porch, restoration and improvement of farmhouse	Approved	29.10.1996
96/01055/FUL	(Allens Farm, Tye Lane, Elmstead Market) Retention of two storey rear extension, rebuilding of porch, restoration and improvement of farmhouse	Approved	29.10.1996
97/00141/FUL	(Allens Farm, Tye Lane, Elmstead Market) Farm storage building extension	Approved	03.04.1997
98/00499/LBC	Erection of small TV satellite dish on rear elevation at eaves level	Approved	09.06.1998
98/00918/LBC	(Allens Farm, Tye Lane, Elmstead Market) Erection of fences, walling and gates to enclose garden	Approved	10.09.1998
98/01461/CMTR	(Land adj. Allens Farm, Elmstead Market) ESS/60/98/TEN - Variation of Condition 2 (ESS/41/96/TEN) to allow extension of time for completion of development until 31 December 1999	Determination	29.01.1998
99/00110/FUL	Farm storage building	Approved	17.03.1999
99/00812/LBC	New conservatory	Approved	07.07.1999
99/00813/FUL	New conservatory	Approved	07.07.1999
99/01767/FUL	Use of agricultural reservoir for diving and fishing purposes, retention of access road and siting of portacabin for shelter and storage purposes.	Approved	15.03.2000
05/00451/FUL	Demolition and replacement of existing single storey side extension. Detached garden room/pool plant room and outside swimming pool.	Refused	05.05.2005
05/00471/LBC	Demolition and replacement of existing single storey side	Refused	05.05.2005

	extension. Detached garden room/pool plant room and outside swimming pool.		
06/00711/LBC	Single storey rear extension, detached garden room, plant room and outdoor swimming pool.	Approved	12.06.2006
06/00712/FUL	Single storey rear extension, detached garden room, plant room and outdoor swimming pool.	Approved	13.06.2006
07/01723/FUL	Continued use of former agricultural building for Class B8 purposes.	Refused	27.03.2008
11/01028/FUL	Refurbishment and extension to clubhouse used by family, fishermen and as a centre for the disabled for water based activities on the reservoir.	Approved	13.12.2011
11/01044/FUL	The installation of a 50 kWp solar PV system, comprising of 200 solar panels on to the south facing roof of agricultural building. Area of solar panels 340 m2.	Approved	20.12.2011
12/00960/FUL	Erection of a combined heat and power bio-gas plant comprising anaerobic digester, silage clamp and digestate store.	Approved	21.12.2012
13/00922/DISCON	Discharge of condition 3 (scheme to dispose of surface water) of planning permission 12/00960/FUL - FOR INFORMATION ONLY.	Withdrawn	10.04.2014
13/01424/NMA	Repositioning of sub-station and realignment of cable route.		16.12.2013
14/00078/FUL	Variation of Condition 2 of 12/00960/FUL, to substitute drawing no's 120/D, 121/A and 122 for drawing no's 120/E, 121/B and 122/A to allow relocation of sub-station adjacent to the anaerobic digester for ease of connection and also to realign the cable route from the sub-station to the National Grid connection.	Approved	08.04.2014
14/00300/CMTR	The importation of 10,000 tonnes of inert waste to fill a void left from the extraction of blue clay utilised during the construction of a digestate store, part of a combined heat and power bio-gas plant (already approved at this site).	Determination	07.05.2014

14/00305/CMTR	The extraction of 4000 tonnes of sand and gravel to facilitate the construction of a digestate store, part of a combined heat and power bio-gas plant (already approved at this site). Together with the on-site screening and exportation of some of the materials extracted (retrospective).	Determinati on	07.05.2014
14/00519/DISCON	Discharge of condition 2 (surface water disposal scheme) of planning permission 14/00078/FUL.	Approved	20.05.2014
15/00207/AGRIC	An extension to existing silage clamps comprising an area of structural pavement with containment and division walls.	Determinati on	06.03.2015
15/00597/AGRIC	Steel portal framed building with 15 degree pitch.		11.05.2015
15/00607/FUL	Erection of second combined heat and power bio-gas plant comprising anaerobic digester, additional co generation unit and substation.	Approved	15.06.2015
15/00711/FUL	Erection of agricultural building to be used in connection with recently constructed anaerobic digester.	Approved	18.06.2015
15/01670/FUL	Revised application for erection of agricultural building to be used in connection with recently constructed anaerobic digester.	Approved	05.01.2016
15/01679/FUL	Revised application for erection of second combined heat and power bio-gas plant comprising anaerobic digester, digester dome, CHP engines, substation, operations area and new digestate store to replace planning permission 15/00607/FUL to be revoked in favour of this application.	Approved	05.01.2016
16/01436/FUL	To develop a small scale standby electricity generation plant in a new portal framed building and installation of ancillary equipment.	Approved	01.11.2016
16/01443/FUL	To develop a small scale standby electricity generation plant in a new portal framed building and installation of ancillary equipment.	Approved	01.11.2016
17/01271/FUL	Erection of a second bio-gas plant comprising anaerobic digester, cogeneration unit, grid entry unit	Approved	20.12.2017

and digestate store to replace previous approval 15/01679/FUL.

19/00155/AGRIC	Proposed multi-purpose agricultural storage building including weighbridge office and welfare facility.	Determination	22.02.2019
19/00461/AGRIC	Proposed multi-purpose agricultural storage building including weighbridge office and welfare facility.	Determination	17.04.2019
19/00502/AGRIC	Proposed agricultural storage building.	Determination	18.04.2019

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

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

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

Site Description

The application site is located to the north-west of Elmstead Market and to the south of the A120. The site forms part of Allens Farm which comprises of several agricultural buildings located to the south-west of the site, a listed farmhouse, an Anaerobic Digester and associated outbuildings which are sited to the west of the site. The area of land to which this proposal is to be sited is currently laid to grass and sited to the north of an existing slurry lagoon. To the north and east of the site is a belt of trees and hedging. To the south of the slurry lagoon runs a public footpath that leads from Church Lane to the east.

Proposal

This application seeks full planning permission for the erection of two buildings to be occupied under a B8 Storage and Distribution use.

The original description stated the proposal was for a change of use of the buildings previously approved as electricity generation plants, however the proposal shows a re-location of the buildings and a different design. Therefore this is to be treated as a separate full planning permission.

Site History

Under planning references 16/01443/FUL and 16/01436/FUL planning permission was granted for the erection of two standby electricity generator buildings with associated ancillary equipment. The structures each measured 44m in width, 20m in depth, 6.6m to eaves and 8.6m to ridge height.

Both of these applications were granted permission on 1 November 2016, and therefore are still extant and can be implemented until 1 November 2019 regardless of the determination of this application. The footprints overlap so both permissions could not be implemented, they are effectively alternative permissions.

Appraisal

1. Principle of Development

Paragraph 80 of the National Planning Policy Framework (2019) states planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. 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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

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. Paragraph 84 of the 2019 (NPPF) states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances, it will be important to ensure that development is sensitive to its surrounding, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

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, without harming the amenity of local residents, and satisfactory vehicular access and adequate car parking is provided.

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 buildings being proposed are of a large size. However it is important to assess this against the context that two similarly sized buildings have previously been approved in approximately the same location. These permissions can be implemented regardless of the determination of this application. Given this, that the site is well set back and surrounding by other large buildings, and that the design and use of materials is in-keeping with the surrounding agricultural buildings, there is not considered to be any identifiable visual harm.

3. Landscape Impacts

The area proposed for the two buildings is set to grass and does not contain any trees or other significant vegetation.

There is a well-established hedgerow situated to the north and east of the application site that currently provides a good level of screening. This could be strengthened by additional soft landscaping.

The local landscape character is defined in the Tendring District Council Landscape Character Assessment (LCA) as The Bromley Heaths Clay Plateau. The local landscape type is characterised by exposed and windswept plateau with large scale arable fields divided by low gappy hedgerows with specimen hedgerow Oaks.

Guidance for development contained in the companion document for the LCA describes the need to carefully design and site new buildings, even single farm buildings, as they have the potential to be highly visible over long distances. It goes on to emphasise the importance of constructing buildings so that they blend in with the landscape in scale, colour and design.

With regard to the environmental impact of the development proposal on the local landscape character and taking into account the existing development on the land it is considered that the buildings, although very large, are associated well with the existing farm and other buildings in the vicinity and are unlikely to cause harm to the character and appearance of the area.

4. Impact Upon Setting of Listed Building

Allens Farmhouse to the south-west is a Grade II Listed Building dating back to 1584. However, due to the separation between the development and the listed property being significant (370m), the siting of large agricultural buildings and vegetation in between, and that there is extant permissions for larger buildings on this site, it is considered there will be no harm to the listed building.

5. Residential Amenities

Whilst the B8 Storage and Distribution use has the potential for some noise disturbance, due to the sites existing agricultural use and that the nearest residential properties are located a minimum of 350m away, there is not considered to be significant additional noise and disturbance as a result of the proposed change.

6. Highways

Essex Highways Authority initially issued a holding response as insufficient information had been supplied to demonstrate the proposal would not be detrimental to the highway network. Accordingly the applicant was invited to provide information relating to the size and frequency of vehicles accessing the site, and mitigation measures proposed to protect users of the adjacent Public Right of Way.

The agent for the application explained that it was anticipated there will be a maximum of 3 vehicles per day ranging in size from 7.5-26 tonne. Further, mitigation measures to protect users of the footpath include road signage, raised speed restrictions and pedestrian crossing signage.

Following the submission of this additional information, Essex Highways Authority have confirmed they raise no objections subject to a condition to provide warning signs.

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. Each building is approximately 820sqm, which would equate to 12 parking spaces in total. There is however sufficient room surrounding the site to comfortably meet this requirement.

Other Considerations

There are existing and extant permissions on this site, approved under planning references 16/01443/FUL and 16/01436/FUL for the erection of two standby electricity generator buildings with associated ancillary equipment. Due to the buildings subject of this application being slightly re-located, consideration was given to attaching a condition that stated all developments could not

be implemented. However, given that the footprints of the developments cross over, it would not be possible to implement all permissions. Given this, and that both uses proposed are considered acceptable in this location, it was not considered necessary to impose such a condition on this occasion.

Little Bentley Parish Council have not commented.

There have been no other letters of representation 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 development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers 120/A, 121, 122, 123, 124/A and the document titled 'Planning Statement'.

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

- 3 Prior to the first use of the proposed development the applicant shall provide the warning signs in precise accord with the details shown on drawing numbers 120/A and 124/A and shall be retained thereafter in perpetuity.

Reason: To ensure the continued safe passage of pedestrians on the definitive right of way.

- 4 Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include 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 visual impact of the proposed works.

- 5 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 enhance the visual impact of the proposed works.

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 Informatives:

The public's rights and ease of passage over Public Footpath No.2 (ELMSTEAD) shall be maintained free and unobstructed at all times.

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.