

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	31.7.19
Planning Development Manager authorisation:	AN	5/8/19
Admin checks / despatch completed	AC	8/8/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SB	08/08/19

Application: 19/00729/COUNOT **Town / Parish:** Beaumont Parish Council

Applicant: Mr Stuart McDonald

Address: Old House Farm Harwich Road Beaumont

Development: Proposed change of use to B8.

1. Town / Parish Council

No comments received

2. Consultation Responses

Environmental Protection have no comments to make.
Highways England from a highway and transportation perspective the impact of the
proposal is acceptable to Highway Authority

3. Planning History

94/01258/FUL	New Box Onion Store	Approved	06.12.1994
96/00018/AGRIC	Reservoir	Determination	10.10.1996
19/00356/COUNOT	Proposed change of use to B2.	Withdrawn	29.04.2019
19/00729/COUNOT	Proposed change of use to B8.	Current	

4. Relevant Policies / Government Guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015

5. Officer Assessment

The application site is located on the southern side of Harwich Road in a rural location located outside the settlement development boundary of Beaumont. This notification relates to an open barn that forms part of the wider agricultural holding known as Old House Farm. To the north and west of the site are agricultural buildings which are served by an access from Harwich Road.

Schedule 2, Part 3, Class R - Changes of use from Agriculture to Storage

Class R

Development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class B1 (business), Class B8 (storage or distribution), Class C1 (hotels) or Class D2 (assembly and leisure) of the Schedule to the Use Classes Order.

R.1 Development is not permitted by Class R if -

- (a) the building was not used solely for an agricultural use as part of an established agricultural unit -
- (i) on 3rd July 2012
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or
 - (iii) in the case of a building which was brought into use after 3rd July 2012, for a period of at least 10 years before the date development under Class R begins

The building in question forms part of an established agricultural holding and was utilised for agricultural purposes on 3rd July 2012. **The proposal complies.**

- (b) the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 500 square metres

This is the first such Class R application on the holding and the floor space is 400 square metres. **The proposal complies.**

- (c) the site is, or forms part of, a military explosives storage area

The site is not or does not form part of a military explosives storage area. **The proposal complies.**

- (d) the site is, or forms part of, a safety hazard area

The site is not or does not form part of a safety hazard area. **The proposal complies.**

- (e) the building is a listed building or a scheduled monument.

The site is not a listed building or a scheduled monument. **The proposal complies.**

R.2 - Conditions

Development is permitted by Class R subject to the following conditions -

- (a) a site which has changed use under Class R may, subject to paragraph R.3, subsequently change use to another use falling within one of the use classes comprising the flexible use
- (b) for the purposes of the Use Classes Order and this Order, after a site has changed use under Class R the site is to be treated as having a sui generis use
- (c) after a site has changed use under Class R, the planning permissions granted by Class G of Part 7 of this Schedule apply to the building, subject to the following modifications -
- (i) "curtilage" has the meaning given in paragraph X (interpretation) of this Part
 - (ii) any reference to "office building" is to be read as a reference to the building which has changed use under Class R.

There have been no previous changes of use.

R.3

(1) Before changing the use of the site under Class R, and before any subsequent change of use to another use falling within one of the use classes comprising the flexible use, the developer must –

- (a) where the cumulative floor space of the building or buildings which have changed use under Class R within an established agricultural unit does not exceed 150 square metres, provide the following information to the local planning authority –
- (i) the date the site will begin to be used for any of the flexible uses
 - (ii) the nature of the use or uses; and
 - (iii) a plan indicating the site and which buildings have changed use

Not applicable; the cumulative floor space of the building or buildings to be changed exceeds 150sqm.

- (b) where the cumulative floor space of the building or buildings which have changed use under Class R within an established agricultural unit exceeds 150 square metres, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to
- (i) transport and highways impacts of the development
 - (ii) noise impacts of the development;
 - (iii) contamination risks on the site; and
 - (iv) flooding risks on the site

The Highway Authority has assessed the details of this application and consider the impact of the proposal is acceptable. As such, the Council is satisfied that the highway impacts of the development would not be adverse; the prior approval of the authority will not be required.

The nearest residential property is located to the west some 100m from the proposal screened by agricultural buildings. As such noise emanating a storage and distribution use would not represent a significant worsening of noise caused by the existing agricultural activities. Environmental Protection have also been consulted on this application and have no adverse comments to make. The prior approval of the authority will not be required.

The barn has been used for grading of agricultural produce - potatoes and onions as well as general agricultural crop storage and therefore has not been exposed to contaminants. The prior approval of the authority will not be required.

The site is not located with a flood risk zone; the prior approval of the authority will not be required.

and the provisions of paragraph W (prior approval) apply in relation to that application [see below].

- (2) Subject to sub-paragraph (3), development under Class R of the type described in paragraph R.3(1)(b) must begin within a period of 3 years starting with the prior approval date.
- (3) Where, in relation to a particular development under Class R of the type described in paragraph R.3(1)(b), planning permission is granted on an application in respect of associated operational development before the end of the period referred to in sub-paragraph (2), then development under Class R must begin within the period of 3 years starting with the date that planning permission is granted.
- (4) For the purposes of sub-paragraph (3), “associated operational development” means building or other operations in relation to the same building or land which are reasonably necessary to use the building or land for the use proposed under Class R.

R.4 - Interpretation of Class R

For the purposes of Class R, "flexible use" means use of any building or land for a use falling within the list of uses set out in Class R and change of use (in accordance with Class R) between any use in that list.

Paragraph W - Procedure for applications for prior approval under Part 3

- (1) The following provisions apply where under this Part a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required.

In accordance with paragraph R.3, (1) (b) and application for prior approval of the authority has been made. **The provision of Paragraph W (1) has been met.**

- (2) The application must be accompanied by –
 - (a) a written description of the proposed development, which, in relation to development proposed under Class C, M, N or Q of this Part, must include any building or other operations
 - (b) a plan indicating the site and showing the proposed development
 - (c) the developer's contact address
 - (d) the developer's email address if the developer is content to receive communications electronically; and
 - (e) where sub-paragraph (6) requires the Environment Agency (a) to be consulted, a site-specific flood risk assessment,

together with any fee required to be paid.

The application is accompanied by a written description of the proposed development (question 4 on the application form). A 1:500 Block Plan (received 24th May) and a 1:1250 Site Plan (received 20th June 2019) accompanied the application – cumulatively they indicate both the site and the location of the proposed development. The developer's contact address is given in response to question 1 on the application form. The developer's email address if given in response to question 7 on the application form. There is no requirement to consult the Environment Agency or provide a site-specific flood risk. The fee was paid on 10th May 2019. **The provisions of Paragraph W (2) have been met.**

- (3) The local planning authority may refuse an application where, in the opinion of the authority
 - (a) the proposed development does not comply with, or
 - (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with

any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.

The proposed development does comply with and the developer has provided sufficient information to enable the authority to establish whether the proposed development complies with any conditions, limitations or restrictions specified in this Part as being applicable to the development in question. **The provisions of Paragraph W (3) have been met.**

- (4) Sub-paragraphs (5) to (8) and (10) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

The provision of Paragraph W (4) is not relevant.

- (5) Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult

- (a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road
- (b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and
- (c) the operator of the network which includes or consists of the railway in question, and

the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway (not applicable).

The Highways Authority were consulted on 18th July 2019. **The provisions of Paragraph W (5) have been met.**

- (6) Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency (b) where the development is –
 - (a) in an area within Flood Zone 2 or Flood Zone 3; or
 - (b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

The site is not within Flood Zone 2 or 3. **The provisions of Paragraph W (6) have been met.**

- (7) The local planning authority must notify the consultees referred to in sub-paragraphs (5) and (6) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).

The Highways Authority were consulted on 18th July 2019 and responses were requested by 8th August 2019; this is 21 days before the overall decision is required. No other consultees were notified. **The provision of Paragraph W (7) have been met.**

- (8) The local planning authority must give notice of the proposed development— (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which— (i) describes the proposed development; (ii) provides the address of the proposed development; (iii) specifies the date by which representations are to be received by the local planning authority; or (b) by serving a notice in that form on any adjoining owner or occupier.

The Local Planning Authority displayed a site notice at the property on 5th July 2019. The proposed development is described as 'Proposed change of use to B8.' The address is described as 'Old House Farm Harwich Road Beaumont Clacton On Sea' and the representations expiry date was publicised as 26th July 2019. **The provisions of Paragraph W (8) have been met.**

- (9) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include— (a) assessments of impacts or risks; (b) statements setting out how impacts or risks are to be mitigated; or (c) details of proposed building or other operations.

The Local Authority has not required the developer to submit any further information. **The provision of Paragraph W (9) is not relevant in this case.**

- (10) The local planning authority must, when determining an application –
 - (a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8)
 - (b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012(a), so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and

- (c) in relation to the contamination risks on the site –
- (i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990(b), and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012(c), and
 - (ii) if they determine that the site will be contaminated land, refuse to give prior approval.

The Local Planning Authority have taken into account the representations received in response to the consultation undertaken under sub-paragraph (5). Consultations under sub-paragraph (6) were not undertaken. No representations have been received in response to publicity under sub-paragraph (8). Consideration has been given in regards to Paragraphs 84 and 118 of the National Planning Policy Framework February 2019. There are no contamination risks on the site, as confirmed by representations received from Environmental Protection 30th July 2019. **The relevant provisions of Paragraph W (10) have been met.**

(11) The development must not begin before the occurrence of one of the following –

- (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required
- (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or
- (c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

The provisions of Paragraph W (11) will be met by the developer.

(12) The development must be carried out -

- (a) where prior approval is required, in accordance with the details approved by the local planning authority
- (b) where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1),

unless the local planning authority and the developer agree otherwise in writing.

The provisions of Paragraph W (12) will be met by the developer.

(13) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

The provision of Paragraph W (13) will be met.

6. Recommendation

Determination prior approval not required. The proposal constitutes permitted development as defined in Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 and may therefore be carried out providing that it is wholly in accordance with the legislation.

7. Conditions / Reasons for Refusal

None

8. Informatives