

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	09/08/2019
Planning Development Manager authorisation:	TF	09/08/2019
Admin checks / despatch completed	Jue	09/08/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SB	09/08/19

**Application:** 19/00772/FUL **Town / Parish:** Beaumont Parish Council

**Applicant:** Mr C Wright

**Address:** Beaumont Barn Hollands Farm Beaumont Road

**Development:** Change of use to form two holiday lets, workshop, office and games room.

### 1. Town / Parish Council

Beaumont Parish Council Not commented on this application

### 2. Consultation Responses

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority. The existing access comes out onto Beaumont Road and is subject to a 60-mph speed limit the proposal is at the end of an existing private access that serves an existing property and other farm out buildings. The proposal retains adequate room and provision for off street parking and turning, for the proposed dwelling therefore:

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

1. Prior to first occupation of the development a vehicular turning facility, as per drawing no. P06b to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.  
Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1

2. Prior to first occupation, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway.  
Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

3. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

4. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

5. 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.

Reason: 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 in accordance with policy DM1.

6. 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.

Reason: 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 in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

**Informative 1:**

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.

**Informative 2:**

On the completion of the Development, all roads, footways/paths, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

**Informative 3:**

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

SMO1 ' Essex Highways  
Colchester Highways Depot,

653 The Crescent,  
Colchester.  
CO4 9YQ.

Natural England

Thank you for your consultation on the above dated and received by Natural England on 12 July 2019.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**SUMMARY OF NATURAL ENGLAND'S ADVICE - European designated sites<sup>1</sup>**

It has been identified that this development falls within the 'Zone of Influence' (Zoi) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS); see our recent advice to your authority on this issue (our ref: 244199, dated 16th August 2018) for further information.

In the context of your duty as competent authority under the provisions of the Habitats Regulations<sup>2</sup>, it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Tendring District Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.

We therefore advise that you consider, in line with our recent advice, whether this proposal falls within scope of the RAMS as 'relevant development'. Where it does, this scale of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

**Sites of Special Scientific Interest Impact Risk Zones**

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](http://data.gov.uk) website

### **3. Planning History**

19/00772/FUL

Change of use to form two holiday lets, workshop, office and games room. Current

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER11 Conversion and Reuse of Rural Buildings

ER16 Tourism and Leisure Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

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

SPL3 Sustainable Design

PP8 Tourism

PP13 The Rural Economy

PPL4 Biodiversity and Geodiversity

#### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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 refers to Beaumont Barns, Hollands Farm, Beaumont Road, Great Oakley and is accessed off of Beaumont Road. The site is a former agricultural site.

Under planning reference 18/02091/COUNOT, prior approval was not required for the change of use of an agricultural building on site to a single residential unit.

### **Proposal**

The application seeks planning permission for the change of use to form two holiday lets, workshop, office and games room.

### **Assessment**

#### **Principle of Development**

Paragraph 83 of the National Planning Policy Framework 2019 states that planning policies and decisions should enable; the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings, the development and diversification of agricultural and other land based rural business, sustainable rural tourism and leisure developments which respects the character of the countryside, the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

Policy ER11 of the Tendring Local Plan provides guidance in respect of the re-use and conversion of existing rural buildings and sets a number of criteria against which proposals should be judged. Amongst other things, the policy requires the type and scale of activity proposed to be compatible with the character and surrounding area, the building will be suitable for the use proposed, be acceptable in highway terms and be well located in relation to the highway network. These sentiments are carried forward in Policy PP13 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Policy ER16 of the Tendring District Local Plan (2007) ER16 states that proposals for tourism and leisure uses will be permitted provided that: the development is accessible to all potential visitors and users, there is suitable vehicular and public transport access to the site and parking provision, especially when the proposal is likely to generate large traffic volumes. Proposals should be located close to the main road network and link to other public rights of way wherever possible; the type of use proposed would not cause undue disturbance by reason of noise. Uses creating high levels of noise should be located well away from residential property and sensitive wildlife areas; there will not be an adverse effect on agricultural holdings and the proposal would not result in an or reversible loss of high quality agricultural land; and where appropriate opportunities are taken to improve damaged and despoiled landscapes and enhance the landscape character of the area. These sentiments are carried forward in Policy PP8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

In this instance, it is considered that the proposal is generally in accordance with Policy ER11 in so far that it involves the re-use of an existing rural building for a two holiday lets, workshop, office and games room. The policy also requires the building to be suitable for the use proposed. The proposed building is in a good condition with the proposed dwelling incorporating fenestration

changes however this is considered to be minimal and sympathetic to the rural character of the area. The holiday lets will produce some traffic however it is considered that the proposal will produce a lower level of traffic than the existing agricultural use. The policy requires the type and scale of activity proposed and its compatibility with the character of the surrounding area to be acceptable. The proposed use is for holiday lets, workshop, office and games room. The character of the area, whilst predominantly rural, lies in close proximity to other buildings on site. Furthermore, the scattering of a number of existing buildings within the site ensure the proposed change would not significantly harm the open character of the area.

It is therefore considered that subject to the considerations discussed below, there is in principle, no objection to the conversion of the agricultural building to holiday lets, workshop, office and games room.

#### Landscape impact

The existing building is well screened from surrounding public vantage points due to the set back of the building and the presence of the existing building to the south east. Consequently the change of use of the building to a tourism use utilising the existing footprint would have a minimal impact upon the rural character of the locality. In addition, the site can comfortably accommodate parking in a discrete manner that would not harm the character of the area.

#### Impact upon neighbouring amenities

The proposal will be visible to the building to the south east, a residential dwelling which was subject to the granting of planning permission under reference 18/02091/COUNOT. Due to the approximate distance of approximately 9.5 metres to the neighbouring dwelling, it is considered that the proposed conversion will not cause any adverse impact upon neighbouring amenities.

Due to the rural nature of the application site the proposal will be visible to Hollands Farm, however the dwelling is sited approximately 75 metres away and therefore it is considered that the proposed conversion will not cause any adverse impact.

#### Highway Consideration and Parking Provision

Essex Highways have been consulted on this application and do not raise any objections subject to conditions relating to; vehicular turning facility, width of private drive, cycle parking, residential travel information pack and storage of building facilities. The following conditions will not be imposed in this instance; the reception and storage of building materials will be imposed as an informative, Residential Travel Information Pack is only imposed for major developments and there is sufficient space on site to accommodate cycle parking. It is considered that there is sufficient parking available to the front of the site to retain parking spaces for both holiday lets. The vehicular turning facility condition will not be imposed as it is considered that there is sufficient space available on site for vehicular turning. The private drive condition will also not be imposed as there is an existing driveway to the agricultural building and dwelling.

#### Habitat Regulations Assessment

Following recent Natural England advice and the introduction of Zones of Influences (Zoi) around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation), within these 'zones' Natural England are now requesting financial contributions to mitigate against any recreational impact from new dwellings. Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the RAMS strategy.

A Habitat Regulations Assessment has therefore been undertaken. Given the scale of development for two tourist units, it is not considered likely to result in significant impacts on statutory designated nature conservation sites or landscapes and a RAMS contribution is not therefore requested.

## Other Considerations

Beaumont Parish Council have no objection to this application.

No letters of representation have been received.

## 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: DWG No. P02, DWG No. LL 01 C and supporting statement scanned 21 May 2019.

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

- 3 The development hereby permitted shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up-to-date register of the names of all occupiers of the holiday let accommodation and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

Reason - To prevent the use of the site for permanent accommodation in the interests of the tourism economy and local community infrastructure.

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No person shall occupy the site for more than 28 consecutive days and shall not be permitted to return to the site within less than 14 days of vacating the site.

Reason - To prevent the use of the site for permanent accommodation in the interests of the tourism economy and local community infrastructure.

## 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.

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.

On the completion of the Development, all roads, footways/paths, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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.

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.

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 to:

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