

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	20/08/2019
Planning Development Manager authorisation:	AN	22/8/19
Admin checks / despatch completed	<i>ER</i>	<i>22/8/19</i>

Application: 19/00195/FUL

Town / Parish: Great Bentley Parish Council *one*

Applicant: Mr Gibbon

Address: Dines Farm Flag Hill Great Bentley

Development: Change of use of land to a lorry park.

1. Town / Parish Council

Great Bentley Parish
Council

No objection

2. Consultation Responses

ECC Highways Dept

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal is utilising the existing vehicle access which is located within the 40-mph speed limit on Flag Hill. The vehicle access has a separate in and out arrangement which is not changing from the information submitted; this is also shared with the existing caravan site. The movement resultant from the new application will be less frequent and during set hours compared to the existing agricultural use for the grain store, as such the application is not considered to result in a significantly adverse impact, therefore:

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

1. Prior to occupation of the site a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed 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 occupation of the site the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be provided clear of the highway and retained thereafter for that sole purpose.

Reason: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety in accordance with policy DM1.

3. Each vehicular parking space for the HGV's shall have minimum dimensions of 3.5 metres x 12.0 metres for a rigid lorry and 3.5 metres x 17.0 metres for an articulated lorry.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

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.

Informative1: In relation to any proposed site works associated with the change of use; 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.

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

3. Planning History

00/00358/FUL	Change of use of agricultural building and land to caravan and motor caravan workshop, sales and storage.	Approved	08.06.2000
01/01018/FUL	Change of use of agricultural building and land to caravan and motor caravan workshop (Renewal of planning permission 00/00358/FUL)	Approved	23.08.2001
02/00791/FUL	Change of use of agricultural building and land to caravan and motor caravan workshop, sales and storage (renewal of planning permission 01/01018/FUL)	Approved	03.07.2002

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

ER7 Business, Industrial and Warehouse Proposals

ER11 Conversion and Reuse of Rural Buildings

EN1 Landscape Character

EN3 Coastal Protection Belt

TR1A Development Affecting Highways

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

SPL3 Sustainable Design

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PP6 Employment Sites

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 (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 comprises a parcel of land situated to the western side of Flag Hill, Great Bentley. The site, in its entirety, comprises approximately 0.59 hectares. The site has been occupied with the current operations since 2002, hosting a caravan and motor caravan sales and storage facility however has more recently has been expanded to includes a car sales area (no planning records to confirm this).

The site historically formed part of the farmyard to Dines Farm, the remaining buildings are evidence of its agricultural past. The site is situated adjacent to, and shares an access with the Bentley Country Park, a holiday park which extends to approximately 24 hectares, situated adjacent to the Black Water Estuary.

The site comprises hardstanding, generally gravel with intermittent concreted areas. The land slopes down to the south away from the entrance. A car parking area is provided to the north.

The southern and eastern site boundaries are defined by fencing supplemented by established hedgerows. To the west is the existing boundary of the holiday park and to the north are a handful of private residences, an agricultural building and workshop.

Description of Proposal

The proposal seeks permission for a lorry park, for the stationing of vehicles in association with nearby farm haulage operations. The change of use is proposed in response to the growing success of the farming business. The lorry park is intended to operate in association with Gibbon Farms Haulage, currently operating from The Lodge, Great Bentley.

Permission is sought for a depot capable of stationing 20 lorries and associated trailers.

The application was originally submitted on an unrestricted basis (timing of comings and goings of vehicles during unrestricted hours).

Additional information has been provided to clarify the use, vehicle types and movements and how the site will operate as set out within the Agent's emails dated 1st March and 22nd March 2019. Additional information has also been provided in the form of an amended red lined site plan to include the existing building and now includes staff parking.

Assessment

The main considerations are;

- Policy Considerations;
- Principle of Development and Compatibility of Uses (including impact on neighbours);
- Appearance and Landscape Impact;
- Access and Parking;
- Other Matters; and,
- Representations.

Policy Considerations

Paragraph 83 of The National Planning Policy Framework 2019 (NPPF) deals with 'Supporting a prosperous rural economy' stating that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas and the development and diversification of agricultural and other land-based rural businesses.

Paragraph 84 of the NPPF goes on to say that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found 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 utilises previously developed land, is sensitive to its surroundings and does not have an unacceptable impact on highway safety.

Paragraph 127 states that planning policies and decisions should ensure that developments function well, are safe and accessible, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character including the surrounding landscape setting. Furthermore, Paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing the landscape.

Saved Policy ER7 of the adopted Tendring District Local Plan 2007 deals with Business, Industrial and Warehouse Proposals. It states that in considering proposals for the establishment, expansion or change of use to business, industrial or warehousing sites the Council will need to be satisfied that (amongst other things) the scale and nature of the proposal is appropriate to the locality, including its relationship with adjacent uses; there is no unacceptable impact on amenity in terms of appearance, noise, smell, dirt or other pollution; satisfactory vehicular access and adequate car parking is provided and that adequate waste water and trade effluent treatment facilities can be made available.

Furthermore, saved Policy QL10 of the adopted plan states that all new development should meet functional requirements by ensuring that access to the site is practicable and the highway network will be able to safely accommodate any additional traffic the proposal will generate.

Principle of Development and Compatibility of Uses (including impact on neighbours)

As set out above, national and local plan policy support the sustainable growth and expansion of all types of business in rural areas provided the impact is not harmful.

In this instance, the site constitutes formerly developed land with an existing permission for a caravan workshop, sales and storage which more recently appears to have changed to car sales with the site showing 'Evolution Car Sales' signage at the time of the officers' site visit. The site comprises the open vehicular sales area and existing single storey office building. Directly abutting the site is a large agricultural building and grain silo, with 3 residential dwellings beyond adjacent to the highway. To the west and south west is Great Bentley Country Park and Caravan Site with residential dwellings beyond to the north and south. The site is to be accessed via the existing shared access off Flag Hill serving Great Bentley Country Park and the 3 adjacent dwellings.

The site is therefore surrounded by development on all sides with some screening provided along the eastern and southern boundaries in the form of mature vegetation.

The application seeks the change of use to a lorry park to cater for up to 20 lorries and associated trailers. In terms of vehicular movement, the supporting information describes how four of the lorries are anticipated to be 'day drivers' making daily trips to and from the site at the beginning and end of the day. An area for parking personal vehicles has therefore been provided. The remaining vehicles will be for haulage of wider transport and will vacate the site for the majority of the week; these will disperse Monday mornings and return Friday evenings, and occasionally on Saturdays and as such would generally only be present at the weekends. The site is generally only to be used for the storage of lorries, however due to strict transport enforcement regulations there will be the infrequent occasion that drivers will need to use the site as a rest area. Toilet and shower facilities will be available to use in the existing office building.

The agent has provided additional information regarding the permitted movement of larger vehicles from the adjacent Great Bentley Country Park site in support of this application. Whilst this information has been taken into account, the use, type of vehicles, frequency of movements and proximity to neighbouring dwellings is not directly comparable to the proposal and therefore holds little weight in the assessment of this application.

However, the Council's Environmental Protection Department have been consulted on the application and raise no objections subject to conditions to ensure that nearby noise sensitive premises do not suffer a loss of amenity by reason of noise nuisance from moving lorries and other activities on site.

Originally the suggested condition specified Monday - Friday (7am-7pm), Saturday (8am-6pm) and closed on Sunday/Bank holidays.

The applicant requested an earlier start time to accommodate for the following (as set out within the Agent's emails dated 1st March and 22nd March 2019);

- Two 32 tonne lorries would be running from the site daily, operating from between 06.30 and 16:30 Monday to Friday.
- Four 44 tonne lorries will be running of the site daily from between 05:00 and 17:00 Monday to Friday.
- The remaining vehicles are long distance haulage - these would depart at approximately 05:00 on a Monday and return to the site 17:00 on a Friday.

The earlier start time of 5am was considered wholly inappropriate given the close proximity to residential dwellings and the noise and disturbance from the starting up of HGV engines together with the vehicular movements themselves.

After discussions with the Agent regarding the requirements of the business, on balance, officers consider a 6am start to be acceptable given the proximity of the dwellings to the highway and level of existing associated traffic noise.

Landscape and Visual Impact

The application site does not contain any trees or other significant vegetation. When viewed from the highway it is relatively well screened by suckering Elm growth on what appears to be, adjacent highway land.

Due to the size and height of the vehicles, there will be some visual impact although somewhat mitigated by the existing boundary screening. However, a condition to secure details of additional soft landscaping to strengthen and control the screening is considered necessary in this instance.

Highway Considerations

The proposal is utilising the existing vehicle access which is located within the 40-mph speed limit on Flag Hill. Essex County Council Highway Authority has been consulted on the application and raise no objections subject to conditions relating to bay sizes and turning facilities. The amended plans provided show acceptable turning and parking areas which will be controlled by the approved plans condition.

Representations

Great Bentley Parish Council raise no objections to the application.

2 letters of representation has been received from the nearest neighbouring dwelling. Originally the comments raised concerns relating to the unrestricted traffic movements, noise and disturbance, outside working and drainage.

The amended plans and additional information satisfactorily address the concerns and the neighbouring resident now support the application as they consider the lorry storage here will reduce congestion in the village.

Other Matters

It is noted that the Grade II Listed Hill House lies to the south of the application site. However, the separation distance, change in land levels and dense trees and vegetation ensure that the development will not have an impact on the setting of the listed building.

Conclusion

For the reasons set out above, the proposal is not considered to result in any material harm that would warrant refusal of planning permission. The application is therefore recommended for approval

subject to conditions to manage and control the use of the site to ensure potential noise and disturbance to nearby residential dwellings is minimised.

6. Recommendation

Approval - Full

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 and use hereby permitted shall be carried out in accordance with the following approved plan: 1:750 Amended Site Layout Plan and the Planning, Design and Access Statement dated January 2019.

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

- 3 Prior to the commencement of the use hereby approved the HGV parking, staff parking and all turning/manoeuvring areas shown on the approved plans shall be provided and retained as approved for this sole purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of highway safety.

- 4 There shall be no outside storage or working within the site at any time.

Reason - To ensure the site is kept free for the intended lorry park use and in the interests of visual amenity and residential amenity.

- 5 The use of the site hereby approved is limited to 20 commercial vehicles only.

Reason - In the interests of residential amenities and highway safety.

- 6 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 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 secure landscaping enhancements and buffers to minimise noise and disturbance to neighbours and in the interests of visual amenity.

- 7 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 - In the interest of visual amenity and neighbouring amenity.

- 8 No commercial vehicle associated with the use hereby approved shall enter or exit the site before 6am or after 7pm Monday to Friday or before 8am or after 6pm on Saturdays. No commercial vehicle associated with the use hereby approved shall enter or exit the site on Sundays/Bank holidays.

Reason - To ensure that nearby noise sensitive premises do not suffer a loss of amenity by reason of noise nuisance from moving lorries and other activities on site.

- 9 All new parking areas and areas of hardstanding shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the site area.

Reason - In the interests of sustainable development and to minimise the risk of surface water flooding.

- 10 Notwithstanding the provisions of Article 3, Schedule 2, Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls or other enclosures shall be erected except in accordance with drawings showing the design and siting of such structures which shall previously have been submitted to and approved, in writing by the Local Planning Authority.

Reason - In the interests of visual amenity.

- 11 No floodlighting or other external lighting shall be installed until details of the illumination scheme have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.

Reason - In the interests of amenity to reduce the night time illumination on the character of the area.

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.

Highways Informatives

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