

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	08/10/19
Planning Development Manager authorisation:	AN	8/10/19
Admin checks / despatch completed	ML	09/10/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	9/10/19

Application: 19/01133/FUL **Town / Parish:** Wix Parish Council

Applicant: Mr Enoch - M J Enoch Tree Surgery and Landscaping

Address: Land West of Dixey Bradfield Road Wix

Development: Change of use of agricultural land to a tree surgery and landscaping business, including the erection of a building and associated landscaping.

1. Town / Parish Council

Wix 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:

1. There should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety in accordance with policy DM1.

2. Prior to occupation of the development a vehicular turning facility, of a design 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.

3. Prior to occupation of the development 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.

4. No unbound material shall be used in the surface treatment of the

vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

5. Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be less than 6 metres (3 metres minimum - 6 metres maximum), shall be retained at that width for 6 metres within the site.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

6. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

7. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

8. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

9. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

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.

Informative 1: On the completion of the Development, all roads, footways/paths, cycle ways, 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 2: 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.

Essex County Council
Heritage

The application is for the erection of building and associated landscaping for a tree surgery and landscaping business.

The above concerns Land West of Dixey. The application site is located within close proximity of Pond Hall, a Grade II listed (HE Ref: 1240445) house, and adjoins Dixey, which can be considered a non-designated heritage asset.

Whilst the proposed scale, layout and location of development appear acceptable, the use of inappropriate and non-traditional materials is considered detrimental to the setting of nearby historic buildings. Considering the emergence of a modern development to the west of Pond Hall, industrial in appearance and pragmatic in detailing, the enshrinement of the grade II listed building with unsympathetic built form, as is proposed within the current scheme, is considered to cause further and cumulative harm to its setting, exacerbating the damage already caused. The green, box profile metal cladding is considered out of keeping with the surroundings, increasing the building's visual prominence which negatively impacts the appreciation of historic buildings and their architectural merits. Should materials be amended to featheredged weatherboarding (stained black) and traditional roof cladding, I would have no objection.

For the above, the scheme is considered to cause "less than substantial harm" to the significance of a designated heritage asset as derived from its setting and paragraph 196 of the NPPF is relevant; as a negative impact on the setting of a non-designated heritage asset has been identified, paragraph 197 of the NPPF is relevant.

3. Planning History

17/01382/AGRIC	Erection of an agricultural store.	Prior Approval not required.	05.09.2017
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4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

EN6 Biodiversity

EN23 Development Within the Proximity of a Listed Building

HG14 Side Isolation

QL1 Spatial Strategy

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)

PP13 The Rural Economy

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

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 (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

Site Description

The application site is a parcel of land measuring approximately 0.82 hectares located to the northern side of Bradfield Road, within the parish of Wix. The site is currently overgrown and set within a relatively rural location; the wider surrounding area being dominated by large areas of grassed and agricultural land. That notwithstanding, there are examples of built form to the immediate east and west, including a Grade II Listed Building to the west.

The site falls outside of a recognised Settlement Development Boundary, as agreed in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Description of Proposal

This application seeks planning permission for the erection of a building measuring 4.8m in height, 17.5m in depth and 21.5 in width. The building, which includes a lean-to element, is to provide permanent accommodation for MJ Enoch Tree Surgery and Landscaping.

Site History

Under planning reference 17/01382/AGRIC, permission has been granted for the erection of an agricultural storage barn for the storage of grain and fertilizer. The barn measured 18.2m wide, 24.3m in length and 9m to the ridge, and was determined 5 September 2017.

Assessment

1. Principle of development

Paragraph 83 of the National Planning Policy Framework (2018) states planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, particularly well-designed new buildings, and should enable the development and diversification of agricultural and other land-based rural businesses.

Policy PP13 of the Emerging Local Plan states that to support growth in the rural economy, the Council may support buildings that are essential to support agricultural, aquaculture, horticulture and forestry, subject to detailed consideration against other policy requirements.

The proposal would relate to the construction of a new building for MJ Enoch Tree Surgery and Landscaping, who specialise in tree surgery, wood processing for log sales from the tree surgery business, and hard/soft landscaping. The submitted information also indicates that the proposal will result in the creation of six full time employees. Therefore the Council is in support of a proposal that will see the growth of an established local business, and the principle of development is acceptable subject to the detailed considerations below.

2. Landscape Impacts

The existing site is currently slightly overgrown, and is well enclosed with existing mature hedgerows on its southern, western and northern boundaries that provide good screening. The land is situated in the Stour Valley System Landscape Character Area (LCA) directly adjacent to the northernmost part of the Bromley Heathland Plateau LCA as defined in the Tendring District Council Landscape Character Assessment. One of the key characteristics of the Stour Valley System is that; 'the southern slopes and scenic tributary valleys of the Stour, form a setting to one of the most important wildlife estuaries in Europe and a setting to the Suffolk Coast and Heaths AONB'. It is therefore vitally important that planning permission is not granted unless it can be demonstrated that significant harm will not be caused to either the scenic beauty or wildlife value of the area. In this respect the separation distance between the application site and the estuary is such that the impact on the estuary will not likely be significant.

The application site is related more strongly to the qualities of the Bromley Heaths LCA. The key characteristics of the Bromley Heaths LCA are the exposed and windswept plateau with a dominating skyline. There is a network of narrow lanes connecting scattered farms, halls, hamlets and villages supporting a low density, rural settlement pattern. In this respect, development in this location may not accord with the local settlement pattern. However, it is noted that under planning reference 17/01382/AGRIC an agricultural building has recently received approval, and therefore the introduction of a building designed to look like a functional agricultural building is not an incongruous feature in this setting. Further, the existing built form adjacent to the east and west helps to ensure that the proposal would not result in significant harm to the existing landscape.

In terms of the boundary hedgerows the applicant has submitted a detailed survey of the value and condition of the boundary hedgerows and steps that would be taken to retain them. Information has also been provided relating to new hedges to improve screening of the proposed structure and the strengthening of the existing boundary hedgerows to improve the screening that they provide.

It is therefore clear from the information provided that the development will not result in the loss of any existing trees and will provide a net gain in the amount of hedging on the land. The proposed structure will not be out of keeping with the local landscape character and will not result in harm to the appearance of the countryside.

3. Visual Impacts

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 submitted plans show that the building is to measure 4.8m height, 21.5m width and 17.5m depth, with a lean to element. While this is of a large size, it is acknowledged that the site has an extant permission to develop an agricultural building of a larger size; against this backdrop the proposed dimensions are considered to be acceptable. Further, the plans show the building is to be of an agricultural appearance, while proposed landscaping to supplement the existing soft landscaping will help to screen the development from any views along Bradfield Road to the south.

4. Impacts to Neighbouring Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Adjacent to the east of the application site is 'Dixey' and to the west 'Pond Hall'; however there is an approximate separation distance of 80m and 90m respectively, which will ensure the development does not appear imposing or result in loss of light/overlooking. Again, in this context it is also important to consider the extant permission for a larger structure already approved on this site.

Despite these significant separation distances the statement provided states that the development will include the use of machinery that has the potential to result in significant noise disturbances. The plans state that the applicant has invested in up to date machinery that drastically reduces noise levels. That notwithstanding a Noise Impact Assessment has been supplied which confirms the noise levels at the nearest noise sensitive receptor do not exceed the typical background sound level, and therefore the assessment result is a low impact. A Noise Management Plan has also been supplied, that details the operations at the site likely to generate noise and how this will be managed. A condition will also be attached to secure operating hours.

5. Impact to setting of a Listed Building

Paragraph 196 of the National Planning Policy Framework (2019) states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 197 of the National Planning Policy Framework (2019) states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policy EN23 of the Adopted Local Plan states proposals for development that would adversely affect the setting of a Listed Building, including group value and long distance views will not be permitted. The sentiments of this are carried forward within Policy PPL9 of the Emerging Local Plan.

The above concerns Land West of Dixey. The application site is located within close proximity of Pond Hall, a Grade II listed building, and adjoins Dixey, which can be considered a non-designated heritage asset.

Following consultation the Council's Historic Environment consultant stated that whilst the proposed scale, layout and location of development were acceptable, the use of inappropriate and non-traditional materials was considered out of keeping with the surroundings, increasing the building's visual prominence which negatively impacts the appreciation of historic buildings and their architectural merits. As such the applicant has amended the use of materials to black boarding and terracotta fibre cement sheeting. Given that the building is to be well set back within the site, maintains good separation distances to nearby important buildings, and is surrounded by existing and proposed vegetation, the proposal would preserve the setting of the designated and non-designated heritage assets.

6. Highways Impacts

Essex Highways Authority have been consulted and have stated they have no objections subject to a number of conditions relating to visibility splays, a vehicular turning facility, the width of the access, no discharge of surface water, the submission of a construction method statement, and that any new boundary planting will be planted 1m back from the highway.

Adopted Car Parking Standards state a B8 use requires minimum provision of one space per 150sqm. The proposed building is 375sqm and also demonstrates provision of eight car parking spaces, thereby comfortably meeting the above requirements.

7. Biodiversity

Upon undertaking a site visit it was clear that the site currently contains areas that are overgrown, while there is mature vegetation to the boundaries. Accordingly, due to the potential for protected species on site, a Phase 1 Habitat Survey has been provided. Within the survey it states that, with the exception of a potential reptile refuge, there is negligible potential for protected species to be using the site. Therefore, no further ecological surveys of the site are necessary.

The report does highlight that consideration should be given to the potential for reptiles on site, specifically in the piles of grass clippings by the south-west corner of the field, if still present at the time of construction. It recommends that if the grass pile is still present at the time of construction and needs to be moved, that this be done between mid-March and mid-June, to avoid potential disturbance of snakes hibernating overwinter, or of eggs, which are laid in late June/July and hatch in autumn. A condition will be attached to this decision to ensure this mitigation measure is adhered to.

Other Considerations

Wix Parish Council have not commented on the application.

There have been three letters of objection received, including from the local ward member, with the following concerns:

1. Would be better suited to a brownfield site;
2. Highway safety concerns regarding siting of access;
3. No need for these services;
4. Noise report is not accurately assessed;
5. Impact to neighbours;
6. Biodiversity impacts; and
7. Harm to existing landscape.

Please see below answers to these points:

1. The application must be assessed on its own individual merits, and as discussed within the 'principle of development' section, is an acceptable use for this location;
2. Addressed within the main body of the report;
3. Not a material planning consideration;
4. The Council's Environmental Protection team have confirmed it is acceptable. Conditions will be applied to protect neighbouring amenities;
5. Addressed within the main body of the report;
6. Addressed within the main body of the report.
7. Addressed within the main body of the report.

An additional letter of objection was received, however the comments related to four houses and are therefore assumed to relate to a different planning application.

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 151018-0504 Rev F, SCN1279 01, SCN1279 02, SCN1279 05, SCN1279 06, SCN1279 07, the untitled Site Location Plan received 2 October 2019, the untitled Block Plan received 2 October 2019, the untitled Boundary Hedgerow Survey, a letter dated 8 October 2019 detailing the external materials to be used, and the documents titled 'Phase 1 Habitat Survey', 'Noise Impact Assessment', 'Noise Management Plan', 'Heritage Statement', and 'Planning Statement'.

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

- 3 There should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety.

- 4 Prior to occupation of the development a vehicular turning facility, of a design 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.

- 5 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

- 6 There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 7 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

- 8 Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be less than 6 metres (3 metres minimum - 6 metres maximum), and shall be retained at that width for 6 metres within the site.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

- 9 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety

- 10 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 impact of night time illumination on the character of the area, and in the interests of neighbouring amenities and highway safety.

- 11 Use of the premises as hereby permitted shall be confined to the following hours:

Mondays to Fridays: 8am - 6pm
Saturdays: 8am - 5pm
Sundays and Bank Holidays: Closed

Reason - To avoid disturbance in the interest of residential amenity.

- 12 The recommendations as highlighted within Section 4.6 of the submitted Phase 1 Habitat Survey shall be implemented prior to occupation of the dwelling and maintained in perpetuity thereafter.

Reason - In order to enhance the development of the site for local wildlife.

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:

On the completion of the Development, all roads, footways/paths, cycle ways, 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.

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.