

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|---|----------|------------|
| File completed and officer recommendation: | AL | 14/11/2019 |
| Planning Development Manager authorisation: | AN | 18/11/19 |
| Admin checks / despatch completed | CC | 19/11/19 |
| Technician Final Checks/ Scanned / LC Notified / UU Emails: | ER | 19/11/19 |

Application: 19/01428/FUL

Town / Parish: Elmstead Market Parish
Council

Applicant: Mrs Julia Boulton

Address: Beth Chatto Clacton Road Elmstead

Development: Erection of 300sqm warehouse.

1. Town / Parish Council

Elmstead Market Parish Council No comments received.

2. Consultation Responses

None required.

3. Planning History

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| 00/02136/FUL | Erection of poly-tunnel: D | Approved | 06.02.2001 |
| 00/02137/FUL | Erection of poly-tunnel: C | Approved | 06.02.2001 |
| 02/01502/FUL | Proposed toilet block | Approved | 25.09.2002 |
| 02/01525/FUL | Continued siting of residential caravan (renewal of planning permission TEN/97/0473) | Approved | 25.09.2002 |
| 94/00399/FUL | Continued siting of residential caravan (renewal of permission TEN/91/0369) | Approved | 29.04.1994 |
| 97/00473/FUL | Continued siting of residential caravan (renewal of TEN/94/0399) | Approved | 19.05.1997 |
| 98/00011/FUL | (The Beth Chatto Gardens, Clacton Road, Elmstead Market) Proposed re-organisation of and additional facilities at the Beth Chatto Gardens including a tea house | Approved | 07.04.1998 |
| 98/00326/FUL | (Beth Chatto Gardens, Elmstead Market) Erection of polytunnel 'B' | Approved | 30.04.1998 |

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| 98/00328/FUL | (Beth Chatto Gardens, Elmstead Market) Erection of polytunnel 'A' | Approved | 30.04.1998 |
| 98/01601/FUL | Temporary food sales and seating area together with additional W.C. facilities. (Beth Chatto Gardens Limited) | Approved | 21.01.1999 |
| 05/00633/FUL | Removal of existing fabric covered structure, alterations to existing servery and erection of 2 new linked tearooms and food preparation building | Approved | 01.06.2005 |
| 07/02048/FUL | Replacement of existing entrance kiosk and disabled ramp. | Approved | 03.03.2008 |
| 91/00369/FUL | Continued siting of residential caravan. | Approved | 08.05.1991 |
| 11/01417/FUL | Installation of 14 solar panels on south facing roof pitch of tea room. | Approved | 20.03.2012 |
| 16/00438/FUL | Charity building/classroom facility. | Approved | 05.05.2016 |
| 18/00816/FUL | Amendment to previous permission under 16/00438/FUL to convert to a mixed use of the previously approved educational facility and for additional use for events, celebrations and wakes. | Approved | 07.08.2018 |
| 19/00409/FUL | Erection of 300 square metre warehouse. | Approved | 08.05.2019 |
| 19/01093/AGRIC | Proposed disassembly of 4 No. 36m polytunnels and erection of 5 No. 27m polytunnels in new location. | Withdrawn | 20.08.2019 |

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

EN1 Landscape Character

ER7 Business, Industrial and Warehouse Proposals

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

SPL3 Sustainable Design

PPL3 The Rural Landscape

PP13 The Rural Economy

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 is Beth Chatto Gardens, Clacton Road, Elmstead. The site is used as a botanical garden and contains managed landscaped features such as ponds, flower gardens and small woodland areas. The gardens comprise a number of buildings which vary in use to support the site as a whole, staff and large number of visitors. The site is situated just to the east of the A133 just outside Elmstead Market and outside the defined Settlement Development Boundary for the area. The site is accessed by a small un-adopted track. There are no residential properties directly adjacent to the site.

Proposal

This application seeks full planning permission for the erection of a 300 square metre warehouse building to facilitate the preparation of small nursery plants for mail order distribution. The new building will be located between existing polytunnels and an existing blockwork storage unit.

This is a re-submission of the previously approved 19/00409/FUL. This application seeks permission for the same building in the same location but with a reduced ridge and eaves height.

The new building measures 5560mm (previously 5887mm) to the ridge line and 3800mm (previously 4975mm) to eaves height, 15000mm in width and 20000mm in length (width and length as approved). The building will be clad in KINGSPAN KS1000 Architectural Wall Panels insulated cladding panels Colour: Camouflage RAL 110 50 10. This colour is used elsewhere on the gardens estate buildings and can be seen to be their 'signature' colour.

Assessment

There has been no material change in circumstances since the previous approval.

The main considerations remain as before and can be summarised and assessed as follows;

- Principle of Development;
- Design and Impact;
- Access and Highways; and,
- Representations.

Principle of Development

The application seeks planning permission for the erection of a warehouse building to be used in association with the established horticultural use and will not alter the existing access arrangements. It will replace an existing small polytunnel and will be sited nestled amongst the other existing adjacent buildings.

The proposal is therefore considered acceptable in principle with the design and access considered in more detail below.

Design and Impact

The building will replace an existing small polytunnel and will be sited between adjacent large polytunnels and the low blockwork storage unit. The discreet siting of the building nestled amongst existing buildings and sympathetic design and appearance in keeping with the site's character ensures that views from the public areas are minimised and no harm to the wider landscape will occur.

Access and Highways

The supporting statement states that the proposed changes do not affect vehicle or transport links.

On this basis, having regard to the nature of the use and the existing access arrangements which already include the coming and goings of larger vehicles as well as the public, the new development will not materially alter the existing traffic movements and therefore result in no material harm to highway safety.

Representations

Elmstead Market Parish Council has not commented.

No individual letters of representation have been received.

Conclusion

In the absence of any material harm as a result of the development, the application is recommended for approval.

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 hereby permitted shall be carried out in accordance with the following approved plans:

070 P 004

070 P 005

070 P 006
070 P 007
070 P 008 REV A
070 P 009 REV A

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

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.