

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	06/12/2019
Planning Development Manager authorisation:	TF	06/12/2019
Admin checks / despatch completed	SB	06/12/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	W	6/12/19

Application: 19/01368/FUL **Town / Parish:** Beaumont Parish Council

Applicant: Mr C Wright

Address: Beaumont Barn Hollands Farm Beaumont Road

Development: Change of use to form one holiday let and covered pool area.

1. Town / Parish Council

Beaumont Parish council
have not commented.

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 into the site is not changing and the proposals highlight adequate room and provision for off street parking and turning, for the proposal therefore:

The Highway Authority does not object to the proposals as submitted.

Informative 1: 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

3. Planning History

19/00772/FUL

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

Approved

09.08.2019

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

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

EN6 Biodiversity

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.

Under planning reference 19/00772/FUL, planning permission was granted for the change of use to form two holiday lets, workshop, office and games room.

Proposal

The application seeks planning permission for the change of use to form one holiday let and covered pool area.

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 holiday let and covered pool area. 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 let 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 a holiday let and covered pool area. 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 a holiday let and covered pool area.

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

The proposal will also be visible to the building to the north east, a holiday let which was subject to the granting of planning permission under reference 19/00772/FUL. Due to the approximate distance of 9.5 metres to the neighbouring building, 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 have stated that the existing access to the site is not changing and the proposals highlight adequate room and provision for off street parking and turning. Therefore the Highway Authority does not object to the proposal.

Biodiversity/Protected Species

Paragraph 174 of the National Planning Policy Framework 2019 requires Local Planning Authorities to protect and enhance biodiversity and geodiversity.

Saved Policies EN6 'Biodiversity' and EN6a 'Protected Species' of the adopted Tendring District Local Plan 2007 state that development proposals will not be granted planning permission unless existing local biodiversity and protected species are protected. These sentiments are carried forward within draft Policy PLA4 'Nature Conservation and Geo-Diversity' of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Due to the nature and condition of the building a bat and barn owl survey has been submitted.

The findings and recommendations set out within the report satisfactorily address the potential impact of the development on bats and birds. It is concluded that the building is not a suitable habitat for barn owls, bats and nesting birds and therefore considered no further surveys are required.

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 plan: Drawing No. B3-P02, B3 - P01, Drawing No, B3-P03, Barn Owl and Bat Roost Assessment dated 14th November 2019 and Planning Supporting Statement Scanned 10 September 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.

- 4 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.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO