

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	15/05/2020
Planning Development Manager authorisation:	AN	18/05/2020
Admin checks / despatch completed	CC	18/05/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	18/05/2020

**Application:** 20/00237/FUL **Town / Parish:** Alresford Parish Council

**Applicant:** Sibbons (Alresford) Ltd

**Address:** Livery Stable adjacent Tenpenny Farm Colchester Main Road Alresford

**Development:** Variation Of Approved Plans (Condition 2) for application 18/00114/FUL-  
Revision To Approved Scheme Involving Provision Of First Floor Office Area  
Over Approved Ground floor Office Area for application 18/00114/FUL.

### 1. Town / Parish Council

Alresford Parish Council      No objection.  
15.04.2020

### 2. Consultation Responses

ECC Highways Dept      The information that was submitted in association with the application  
17.04.2020      has been fully considered by the Highway Authority. It is noted that  
the variation is associated with the provision of a first-floor office and  
does not affect the parking or vehicle access provision for the original  
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

99/00738/FUL	Proposed stables together with associated hay store	Approved	30.07.1999
00/01175/FUL	Construction of menage	Approved	11.09.2000

01/00379/FUL	Retention of works involving clearing of existing lake and reforming banks to safer gradient	Approved	18.07.2001
01/01884/FUL	New access off private road with gates. New hard surfaced track, raised levels to corner of site to support existing banks.	Approved	17.01.2002
04/02191/FUL	Machine store	Approved	23.12.2004
05/01810/FUL	Barn and equipment store	Refused	27.02.2006
17/02149/FUL	Erection of new detached dwelling and garage.	Refused	09.02.2018
18/00114/FUL	Change of use of existing equestrian buildings to use class B1.	Approved	17.08.2018
19/00076/DISCON	Discharge of Condition 3 and 4 (Landscaping), Condition 5 (Lighting), Condition 12 (Cycle Parking), Condition 14 (Speed Limit Signs), Condition 15 (Turning Space) and Condition 16 (Building Adaption) of application 18/00114/FUL.	Approved	14.03.2019

#### **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

ER3 Protection of Employment Land

ER11 Conversion and Reuse of Rural Buildings

EN1 Landscape Character

TR1A Development Affecting Highways

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

SPL3 Sustainable Design

PP13 The Rural Economy

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

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 (including Site Description and Proposal)**

### **Site Description**

The site is located to the north of St. Osyth Road (B1027) and the Alresford Business Centre, beyond the settlement boundary of Alresford. Access is from an existing lane, Tenpenny Lane, which has an access onto St Osyth Road. The land also serves some other residential properties and agricultural land.

The site is quite well screened from St Osyth Road by an existing 2 metre high hedge. From the south-east it is well screened by the existing trees in the garden of Tenpenny House.

### **Proposal**

The application seeks a variation to the approved plans attached to the scheme approved under planning application 18/00114FUL for change of use of equestrian buildings to Use Class B1.

Application 18/0114/FUL included approval for the division of the larger building into 2 units each served by an office and WC.

This application seeks to amend the approved drawings to allow for the creation of 1 large unit, 1 office and 2 WCs at ground floor and a further office at first floor level.

### Appraisal

The proposed alterations do not impact upon the main considerations of the overall development simply altering the internal arrangement and accommodation. The proposed amendments are not significant and internal only. The proposal does not involve any changes to the external appearance of the building nor result in any impact on the character of the area.

### Conclusion

Due to the minor nature of the changes and lack of any harmful impact, the application is recommended for approval subject to conditions carried over from 18/00114/FUL and taking into account the details approved under 19/00076/DISCON.

## **6. Recommendation**

Approval - Full

## **7. Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of 17.08.2018.

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 Drawing No: 20/012-02.

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

- 3 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the landscaping details approved under application 19/00076/DISCON 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 - To ensure the appropriate implementation of the landscaping scheme in the interests of the character of the area.

- 4 All floodlighting or other means of external lighting shall be installed in accordance with the details approved under application 19/00076/DISCON.

Reason - To secure an orderly and well designed development sympathetic to the character of the area.

- 5 All new driveways, parking areas and hardstandings 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 or surface within the curtilage of the site.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

- 6 The working hours in connection with the use hereby permitted shall only be between 08:00am and 18:00pm Monday to Friday, and between 08:00am and 13:00pm on Saturdays, no work shall be carried out on Sundays or Public Holidays, or outside the specified hours.

Reason - In the interests of adjacent residential amenity.

- 7 Notwithstanding the provisions of Article 3, Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), the buildings shall be used as B1 and for no other purpose including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 2015 (or in any provision equivalent to that Class in any Statutory instrument and re-enacting that Order with or without modification), and no further sub-division of the premises to form additional units shall be carried out without the express consent of the Local Planning Authority first having been obtained by an application made in that behalf.

Reason - To ensure the development is satisfactory in relation to the premises and its surroundings.

- 8 Prior to occupation of any of the buildings, the approved vehicular access shall be reconstructed in complete and precise accord with the details shown on Drawing No: 20/012-02.

Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 9 No unbound materials shall be used in the surface treatment of the approved vehicular access within 12m of the highway boundary.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 10 The development shall not be occupied until such time as the car parking areas, indicated on Drawing No: 20/012-02, including any spaces for the mobility impaired has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 11 The cycle storage facilities approved under application 19/00076/DISCON shall be installed and made available for use prior to occupation of the development, and thereafter retained in the approved form.

Reason - To promote the use of sustainable means of transport.

- 12 Prior to occupation of the development, vehicular visibility splays of 17m by 2.4m by 17m, as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access to the development site at the connection to Tenpenny Farm Lane and shall be maintained in perpetuity free from obstruction exceeding a height of 600mm.

Reason - To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

- 13 Prior to occupation of the development the speed limit signs approved under application 19/00076/DISCON shall be erected to Highway Authority specifications detailing the speed limited to 15 mph, in both directions and shall be retained in the approved form thereafter.

Reason - To encourage the users of the site to maintain low vehicle speeds where the road crosses a PRow and to ensure the continued safe passage of pedestrians on the definitive right of way.

- 14 Prior to occupation of the development the vehicular turning facility approved under application 19/00076/DISCON shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

Reason - To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety.

- 15 Prior to the occupation of the development, the details approved under application 19/00076/DISCON in relation to how the buildings will be adapted to accommodate the approved use shall be carried out in their entirety.

Reason - In the interests of adjacent residential amenity.

## **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

The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PRow is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no 5 shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

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

SMO1 - Essex Highways

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653 The Crescent,  
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