

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	24/07/2020
Planning Development Manager authorisation:	TF	24/07/2020
Admin checks / despatch completed	CC	28.07.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	28.07.2020

**Application:** 20/00755/COUNOT                      **Town / Parish:** St Osyth Parish Council

**Applicant:** Messers Sargeant

**Address:** St Osyth Priory The Bury St Osyth

**Development:** Change of use of existing Atcost barn for a microbrewery (B1c), cafe (A3) and play space (D2).

### 1. Town / Parish Council

St Osyth Parish Council      No objections

### 2. Consultation Responses

ECC Highways Dept                      The Highway Authority does not object to the proposals as submitted. However, the Highway Authority observes that the applicant has not submitted any details regarding service and delivery vehicles attending the site, loading and unloading of supplies to the proposed development or their means of access throughout the site. The applicant should be requested to clarify and confirm these arrangements.

Environmental Protection      EP have no comments to make in relation to this application.

### 3. Planning History

11/00336/CON                      Demolition of detached dwelling at 7 Mill Street.                      13.06.2014

14/01008/FUL                      Creation of a Visitor Centre in the Tithe barn, Cart Shed, Dairy and adjacent paddock including changes of use to A1, A3, B1, D2 and conference/functions/wedding reception use; construction of extensions; internal and external alterations and all ancillary works shown on the drawings.                      Approved                      09.01.2015

14/01009/LBC                      Creation of a Visitor Centre in the Tithe barn, Cart Shed, Dairy and adjacent paddock including changes of use to A1, A3, B1, D2 and conference/functions/wedding reception use; construction of

	extensions; internal and external alterations and all ancillary works shown on the drawings.		
15/01060/FUL	Removal of section of boundary wall fronting Mill Street and rebuild on a new reinforced concrete foundation.	Approved	09.09.2015
16/00018/DISCON	Discharge of condition 03 (Archaeology Report) of Listed Building Consent 14/000993/LBC.	Approved	19.02.2016
16/00019/DISCON	Discharge of condition 04 (Archaeology Report) of Listed Building Consent (12/01285/LBC)	Approved	19.02.2016
16/00141/TCA	5 No. Sycamore - fell to help access to gateway.	Approved	01.03.2016
16/00656/FUL	Demolition of existing property at 7 Mill Street and the creation of 72 no. two, three and four bedroom houses, plus associated roads, car parking, garages and landscaping.	Approved	18.11.2016
16/00671/FUL	Erection of 17 dwellings for use as residential and holiday accommodation (C3 use); restoration of park landscape; bunding; re-grading of 9 hectares of land; construction and alterations to access driveway; landscaping and all ancillary works.	Approved	18.11.2016
16/00786/FUL	Proposed new build garages, access and metal park rail fences.	Approved	29.07.2016
16/01057/DISCON	Discharge of condition 2 (Details of materials) of approved planning application 12/01285/LBC.	Approved	23.08.2016
16/01258/DISCON	Discharge of condition 4 (materials) of Listed Building Consent 14/00993/LBC.	Approved	21.09.2016
17/00471/FUL	Demolition of pump-house building (including the removal of boilers/flue) and the erection of a building adjoining the bury boundary wall, for uses as a store.	Approved	16.06.2017
17/00472/FUL	Erection of new substation building (containing emergency generator and banded diesel tank) and subterranean gas governor valve.	Approved	16.06.2017

17/00634/FUL	Variation of condition 3 of planning permission 16/00671/FUL - To allow the re-location of Lake House North and South Lodge.	Approved	19.12.2018
17/00674/LBC	Demolition of pump-house building (including the removal of boilers and flue) and the erection of a building adjoining the bury boundary wall for use as a store.	Approved	16.06.2017
17/01175/FUL	Variation of condition 3 of 16/00656/FUL to allow amendments to the elevations and layout of Phase 1 and removal of condition 14 part e to remove the requirement to relocate the bus stop.	Approved	21.12.2018
17/01593/DISCON	Discharge of conditions 02 (S106 Agreement), 07 (Construction details), 08 (Wastewater Strategy), 09 (Foul Water Strategy), 10 (Surface Water Strategy) 11 (Landscape/ habitat management plan), 12 (Construction and Environmental management Plan), 13 (Cleaning facility), 14 (Highways details), 15 (Amendments to Drawings), 17 (Local Recruitment Strategy), 19 (External Lighting) and 20 (Construction Method Statement) of Planning Permission 16/00656/FUL. Discharge of Conditions 02 (S106 Agreement), 08 (Construction Details), 12 (Landscape/ habitat management plan), 14 (Construction and Environment Plan), 15 (Cleaning facility), 17 (Local Recruitment Strategy) and 19 (Construction Method Statement) of planning permission 16/00671/FUL.	Approved	18.09.2018
17/01683/DISCON	Discharge of condition 03 (landscaping) of planning permission 17/00472/FUL.	Approved	10.04.2018
17/01735/DISCON	Discharge of condition 03 (external facing, roofing and hardsurfacing materials), 04 (hard and soft landscaping), 08 (written scheme of investigation), 10 (details of new or replacement windows and doors) and 11 (new balustrade and staircase drawings) of approved planning permission 14/01008/FUL. Discharge of	Approved	04.01.2018

condition 03 (external facing, roofing and hardsurfacing materials), 04 (hard and soft landscaping), 05 (details of new or replacement windows and doors) and 6 (new balustrade and staircase drawings) of planning permission 14/01009/LBC.

17/01828/DISCON	Discharge of condition 4 (Materials) of approved planning application 16/00656/FUL.	Approved	29.05.2018
17/01843/FUL	Variation of condition 2 of 11/00333/OUT - condition to be amended from "application for approval of the reserved matters (listed above) shall be made to the Local Planning Authority before the expiration of three years from the date of the permission" To - "application for approval of the reserved matters (listed above) shall be made to the Local Planning Authority before the expiration of five years from the date of the permission".	Approved	
18/00042/DISCON	Discharge of condition 2 (wall details) of planning permission 15/01060/FUL.	Approved	26.01.2018
18/01166/FUL	Variation of condition 2 of approved application 17/01175/FUL to allow amendments to the elevations and layout of Phase 2.	Approved	18.04.2019
18/01476/DETAIL	Erection of 190 dwellings on 16.3 hectares of land; new junction and access roads; driveways; parking; footpaths; landscaping and all ancillary works; use of land as an archery range; construction of access drive and layout of parking area including siting of storage container for archery equipment. The proposals also include for a new footway to be built along a section of Colchester Road, south of the Wellwick.	Approved	01.07.2020
18/01596/FUL	Erection of 14 dwellings. (As part of previously approved West Field scheme.)	Approved	01.06.2020

19/00032/FUL	Variation of Condition 2 (Approved plans) of application 17/00634/FUL - to allow amendments to the elevations of Lake House North and the re-building of the end gable serving Nuns Hall.	Approved	08.04.2019
19/00208/ADV	5 No. signs to advertise development and business activities.	Approved	07.06.2019
19/01171/OUT	Variation of conditions 18 and 30 for application 11/00333/OUT to amend wording of condition 18 to 'Land as identified on drawing RW007-008 Rev D to be used for the relocated Bowmans Archery range shall be retained for that use with any ancillary buildings.' and amend wording of condition 30 to only include the following plans Site Plan showing Application Boundary - CC-0175-ABP010-6, Building Envelope/Use Plan - RW007-008 Rev D and Building Storey Heights Plan - RW007-009 Rev E.	Approved	22.06.2020
19/01373/DISCON	Discharge of condition 20 (Travel Pack) of approved application 18/01166/FUL.	Approved	30.09.2019
19/01507/DISCON	Discharge of conditions 3 (Materials); 8 (Wastewater Strategy); 9 (Foul Water Strategy); and 10 (Surface Water Scheme) for approved application 19/00032/FUL (Lake House North only)	Current	
19/01614/AGRIC	Installation of an agricultural track.	Determination	15.11.2019
19/01641/DISCON	Discharge of conditions 06 (Archaeology) and 15 (CEMP) of planning permission 19/00032/FUL.	Current	
19/01694/DISCON	Discharge of condition Condition 9 (Wastewater strategy); Condition 11 (Foulwater Strategy); Condition 13 (Surface Water Drainage); Condition 16 (Hard and Soft Landscaping); Condition 23 (External Lighting); Condition 27 (Landscaping Habitat); 28 (CEMP); 29 (Archaeology of planning permission 18/01166/FUL.	Current	

19/01725/NMA	Non material amendment to planning permission 18/01166/FUL - Alter arrangement of central landscaping area to include the relocation of 4 car parking spaces.	Approved	10.12.2019
20/00613/FUL	Conversion of the West Barn from one dwelling to 1no. two bedroom house, 1no. one bedroom flat and 1no. two bedroom flat.	Current	
20/00614/LBC	Conversion of the West Barn from one dwelling to 1no. two bedroom house, 1no. one bedroom flat and 1no. two bedroom flat.	Current	
20/00719/FUL	Conversion of and external alterations to existing C20 barn and repositioning of 4no existing shipping containers to form mixed use visitor destination and community hub (comprising microbrewery, café, farm shop, interpretation & visitor reception and soft play) and construction of temporary 20 space car park	Current	
20/00755/COUNO T	Change of use of existing Atcost barn for a microbrewery (B1c), cafe (A3) and play space (D2).	Current	

#### **4. Relevant Policies / Government Guidance**

N/A

#### **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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 modern Atcost Barn and the immediate area proposed for conversion and redevelopment sit outside and to the west of the main Priory Precinct. Historically farming activities have focused in the area of the site. To the west of the barn is the main wall that enclosed the Priory. The area to the south of the barn is used for agricultural storage connected to the wider farming use of the Priory Parkland.

A full planning application has been submitted in parallel with this prior notification submission to provide a car parking area to the west of the barn and for the siting of containers to provide a future visitor's entrance area/courtyard directly to the south.

### Proposal

The proposal is to reuse an existing agricultural building (Atcost Barn) for a mixture of uses including; microbrewery - B1, café - A3 and play space - D2 are all identified as appropriate "flexible commercial uses".

Class R is found within Schedule 2, Part 3 of the General Permitted Development Order 2015 (as amended) (GPDO), and allows for change of use from an agricultural building (and land within its curtilage) in England to flexible commercial use - i.e. uses falling within the following use classes:

- Class A1 (shops)
- Class A2 (financial and professional services)
- Class A3 (restaurants and cafes)
- Class B1 (business)
- Class B8 (storage or distribution)
- Class C1 (hotels)
- Class D2 (assembly and leisure)

Class R automatically grants planning permission for the use subject to certain qualifying criteria being met. In order to be permitted development the notification concerned needs to pass these tests:

- The land must have been in agricultural use as at 3rd July 2012.

*The building in question forms part of an established agricultural holding and was utilised for agricultural purposes on 3rd July 2012.*

- The cumulative floor space of buildings changing use under Class R of the Order must not exceed 500 square metres for the agricultural holding.

*This is the first such Class R application on the holding and the floor space of the building in question is approximately 350 square metres. The test is met.*

- The site must not be a military explosives storage area, safety hazard area and the building must not be a listed building or scheduled ancient monument.

*These do not apply. The building in question is a modern agricultural barn and therefore not curtilage listed as constructed after 1948. This test is met.*

The application must also pass these conditions;

- *Where the cumulative floor space of the building or buildings which have changed use under Class R within an established agricultural unit exceeds 150 square metres, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to;*

(i) Transport and highways impacts of the development;

*The Highway Authority does not object to the proposals as submitted. However, the Highway Authority observes that the applicant has not submitted any details regarding service and delivery vehicles attending the site, loading and unloading of supplies to the proposed development or their means of access throughout the site.*

*In response to this the applicant has clarified that the existing service and delivery regime for the estate will continue and support these proposals, namely access will be from Mill Street. They will then enter the Priory Complex from the existing access way and use the existing turning circle to the north of the Atcost barn to turn around and depart once they have unloaded.*

*As such the Council is satisfied that the highway impacts of the development would not be adverse.*

(ii) Noise impacts of the development;

*The nearest residential property outside the Priory Complex is located to the south-west some 150m from the proposal screened by agricultural structures and the Priory boundary wall. As such noise emanating from the uses would not represent a significant worsening of noise caused by the existing agricultural activities. Environmental Protection have also been consulted on this application and have no adverse comments to make.*

(iii) Contamination risks on the site; and

- *The barn has been used for the storage of agricultural produce and therefore has not been exposed to contaminants.*

(iv) Flooding risks on the site

- *The site is not located within a high flood risk zone.*

The Notification can therefore be accepted as meeting the requirements of Class R and the proposal is therefore permitted development under the 2015 order as amended.

### Conclusion

Having regard to the above it is considered that the change of use from agricultural to a flexible use comprising of B1, A3 and D2 uses does not require Prior Approval.



**6. Recommendation**

Prior Approval – Not required

**7. Conditions**

The proposal constitutes permitted development as defined in Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 and may therefore be carried out providing that it is wholly in accordance with the legislation.

1 Development must begin within a period of 3 years starting with the prior approval date.

Reason - For the avoidance of doubt.

**8. Informatives**

Development is permitted by Class R subject to the following conditions—

(a) a site which has changed use under Class R may, subject to paragraph R.3, subsequently change use to another use falling within one of the use classes comprising the flexible use;

(b) for the purposes of the Use Classes Order and this Order, after a site has changed use under Class R the site is to be treated as having a sui generis use;

(c) after a site has changed use under Class R, the planning permissions granted by Class G of Part 7 of this Schedule apply to the building, subject to the following modifications—

(i)"curtilage" has the meaning given in paragraph X (interpretation) of this Part;

(ii)any reference to "office building" is to be read as a reference to the building which has changed use under Class R.

Where planning permission is granted on an application in respect of associated operational development before the end of the period referred to in condition 1 then development under Class R must begin within the period of 3 years starting with the date that planning permission is granted.

"associated operational development" means building or other operations in relation to the same building or land which are reasonably necessary to use the building or land for the use proposed under Class R.

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