

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	05/08/2020
Planning Development Manager authorisation:	TF	05/08/2020
Admin checks / despatch completed	CC	05/08/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	05/08/2020

Application: 20/00468/FUL **Town / Parish:** Great Bentley Parish Council
Applicant: Mr Mark Moorcroft
Address: The Forge Forge Lane Great Bentley
Development: Alteration to planning approval 17/00199/FUL to allow for holiday accommodation.

1. Town / Parish Council

Great Bentley Parish
Council
09.06.2020

At Great Bentley Parish Council Planning Committee meeting held on 4th June 2020 it was resolved to support the application observing and noting the common land issues for this property.

2. Consultation Responses

ECC Highways Dept
16.06.2020

The Highway Authority observes that the proposed parking space for this proposal is currently allocated to use by Restaurant 43 as shown in drawing numbered 1081/PO3b of planning application 16/00070/FUL. The loss of any off street parking facility in this area is likely to cause additional conditions of danger, obstruction and congestion on Forge Lane or Thorrington Road and add to the existing and current parking stress. It is also observed that the proposal includes two double bedrooms which indicate that up to 4 people may occupy this development and may arrive in different vehicles but only one space is offered for use. Furthermore, the proposed parking space is somewhat remote from the development site and is considered to be inconvenient for use by any occupiers of the development.

The Highway Authority considers that the proposal does have merit but this is not outweighed by the lack of parking facilities and parking demands in the area.

Essex County Council
Heritage
01.07.2020

This application is for alterations to planning approval 17/00199/FUL to allow for holiday accommodation.

The property is located in the Great Bentley Conservation Area.

I acknowledge that demolition of The Forge has been previously approved. However, I consider the demolition of The Forge to cause 'less than substantial harm' to the Conservation Area as per paragraph 196 of the NPPF. I would also consider The Forge to be a non-designated heritage asset and therefore paragraph 197 is also relevant. The Forge is present on the first edition OS Map and in its historic form is indicative of historic land use. The Heritage statement acknowledges the significance of the existing forge, stating: 'The Forge - which despite its size, is a landmark building due to its

location close to the children's play area and when viewed across the Green at the centre of the village, the site forms the remaining element of a larger complex of buildings that have long-since disappeared, however the existing building is an important structure within the Conservation Area and gave the Lane its name.'

There is an in-principle objection to the demolition of The Forge as it would result in the loss of a non-designated heritage asset and also be harmful to the Conservation Area. Considering the application will result in the loss of a building that makes a positive contribution to the significance of the Conservation Area, this less than substantial harm can also be considered in the context of paragraph 201 of the NPPF. 'Great weight' should also be given the conservation of heritage assets as per paragraph 193.

Notwithstanding the above, the proposed alterations are considered to be worse than the previously approved proposal (17/00199/FUL). The rooflights and additional windows result in an overly domestic appearance of The Forge and would too far detach from the utilitarian character of the existing non-designated heritage asset. The form and appearance should remain simple in order to relate to the architectural and historical context of the existing structure. Similarly, the chimney should not extend above the ridge height of the building, the proposed replacement building should reflect, as closely as possible, the existing non-designated heritage asset in order to lessen the harm to the character and appearance of the Conservation Area. Therefore, I would be unable to support the proposed alterations as it would cause 'less than substantial harm' to the Conservation Area (designated heritage asset) as per paragraph 196 of the NPPF. 'Great weight' should also be given to the conservation of heritage assets as per paragraph 193.

I recommend the applicant proposes ways of retaining the existing building to provide holiday accommodation.

Building Control and
Access Officer
12.06.2020

No adverse comments at this time.

Tree & Landscape Officer
15.06.2020

The proposed change of use to holiday accommodation will not affect the impact of the development proposal on any existing trees or other vegetation and will not otherwise alter the impact of the building on the character or appearance of Great Bentley Conservation Area.

ECC Highways Dept
01.07.2020

The Highway Authority raises an objection to the above application for the following reasons:

As far as can be determined from the submitted plans the proposal fails to provide sufficient off road parking facilities in accord with current Parking Standards in addition to maintaining present parking demands of the adjacent site. The proposal would lead to additional vehicles being left parked in the adjoining highway adding to the existing parking stress in this area and causing conditions of congestion, danger and obstruction, contrary to the interests of highway safety and contrary to Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

3. Planning History

01/01671/FUL	Demolition of existing forge building and erection of proposed office B1	Refused	12.11.2001
02/01168/FUL	Demolition of existing forge building and erection of proposed office/B1	Approved	23.10.2002
07/00710/FUL	Change of use from Forge to Office including extensions and alterations.	Approved	20.07.2007
07/01834/FUL	Demolition of former forge and erection of new building for use as Office (B1).	Approved	27.02.2008
17/00199/FUL	Demolition of existing forge (B2) and erection of residential dwelling (C3).	Approved	30.05.2017
20/00468/FUL	Alteration to planning approval 17/00199/FUL to allow for holiday accommodation.	Current	

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

ER16 Tourism and Leisure Uses

EN17 Conservation Areas

EN20 Demolition within Conservation Areas

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL3 Sustainable Design

PP8 Tourism

PP13 The Rural Economy

PPL8 Conservation Areas

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

Proposal

The application seeks permission for the demolition of the existing dilapidated forge building and rebuild to provide for holiday accommodation. The application site is located within the settlement development boundary of Great Bentley and also lies within the Great Bentley Conservation Area.

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, it should also enable sustainable rural tourism and leisure developments which respect the character of the countryside. Following on from that, paragraph 84 further comments on the rural economy stating that the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Policy ER16 of the Tendring District Local Plan (2007) supports proposals for tourism and leisure uses and these 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...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. 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).

Demolition of The Forge has previously been granted in 2002 and 2007 which included rebuilding for office use. The most recent application 17/00199/FUL granted permission on 30th May 2017 allowing for the demolition of the building and rebuild as a single dwelling. Although the permission expired on the 30th May 2020, Clauses 17, 18, 19 of the Business and Planning Act 2020 (Act in force: 22nd July 2020) modifies Section 93 of the Town and Country Planning Act 1990 and Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to provide for the automatic extension of the duration of some planning permissions including outline permissions, reserved matters and listed buildings. Permissions that lapse between 23 March this year and the date the Act comes into force as in this case require an additional environmental approval to be submitted and local planning authorities will be required to make a decision on the environmental approval within 28 days meaning that it may still be possible to implement the 2017 permission.

It is therefore considered that subject to the considerations discussed below, there is no objection in principle to the redevelopment of the application site for the use as holiday accommodation.

Design and Appearance

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 existing forge building is in a dilapidated state and is currently enclosed by Heras fencing for public safety. The Forge holds a prominent position on The Green at Great Bentley and it is considered that the demolition and rebuild of a similar structure with the objective of bringing the new building back to life while replicating some of the features of the original building would be favourable. The new building would hold a similar form although slightly larger than the original building with a cat slide clay pantile roof at the rear, the use of black timber weatherboarding and timber fenestration. Shutters will also be added as a security measure and these will be used when the holiday accommodation is not in use given the exposed position of the building with no boundary treatments. There is no need to secure a landscaping scheme as the original building holds a prominent position without being screened and this would detract from the historical connotation of The Forge.

The design and scale of the proposal is acceptable and would result in no material harm to visual amenity.

Heritage

Due to the application site being located within the Great Bentley Conservation Area the applicant has submitted a Heritage Statement in order to justify that the proposal will enhance and preserve the surrounding area. ECC Heritage have been consulted for heritage advice and they object to the demolition of the existing building. ECC Heritage confirm that the existing building is indicative of historic land use, would be a loss of a non-designated heritage asset and harmful to the Conservation Area. They commented on the originally submitted drawings that *'the proposed alterations are considered to be worse than the previously approved proposal (17/00199/FUL). The rooflights and additional windows result in an overly domestic appearance of The Forge and would too far detach from the utilitarian character of the existing non-designated heritage asset. The form and appearance should remain simple in order to relate to the architectural and historical context of the existing structure. Similarly, the chimney should not extend above the ridge height of the building, the proposed replacement building should reflect, as closely as possible, the existing non-designated heritage asset in order to lessen the harm to the character and appearance of the Conservation Area'*.

The comments of ECC Heritage have been taken on board and revised drawings replicating those approved under reference 17/00199/FUL which reduce the height of the chimney to below the ridge by positioning it in the centre so as not to create a feature at one side, remove the roof lights from the rear roof slope and remove the window under the eaves at the front helping it to retain its simple form.

When taking into account all the elements of the application and considering the planning history with previously approved applications on the site there is not considered to be significant harm to the Conservation Area or the non-designated heritage asset that would represent a reason for refusal.

A demolition and redevelopment scheme will need to be provided and this will be secured by condition to reduce the impact of vacant sites and unsightly gaps in the historic built environment by ensuring the construction of the replacement building occurs within a reasonable and specified time period in order to preserve the character and appearance of the Conservation Area, in accordance with Policy EN20 of the Adopted Tendring District Local Plan 2007.

Impact upon residential amenity

Whilst the proposal will be visible to adjacent neighbours there is a significant separation distance to ensure no material harm from overlooking, outlook or loss of light.

The new building and holiday accommodation will not benefit from its own private amenity space, only a covered sitting out area to the rear which will be in public view; It provides a modest area for residents to use and the property would be directly adjacent to the public open space of the Green, and as such for its use as holiday accommodation is acceptable.

Highway safety

The existing building contains a set of double doors accessed directly from Forge Lane, which is repeated with the current proposal and provides a garage, although this fails to meet the standards for a new dwelling where a single garage should measure 7 metres x 3 metres internally. No other means of parking has been provided within the application site however the Planning and Heritage Support Statement that accompanies the application confirms that the holiday let will be run in conjunction with the owners other bed and breakfast accommodation already in use at Restaurant 43 located within 100 metres walking distance of the proposed holiday let. Essex Highways have been consulted on the proposal and raise an objection as the proposed parking space is currently allocated to for use by Restaurant 43 under approved planning reference 16/00070/FUL. It is considered likely that the users of the holiday let will also visit Restaurant 43 as part of their stay and the proposed parking space at Restaurant 43 is likely to form a shared use space for cross-visitation purposes and is considered an acceptable arrangement taking into account the previously approved dwelling under reference 17/00199/FUL.

A representation has been made by a member of the public which raises concerns in respect of storage of materials and deliveries given the already limited size of the site and limited parking. These elements will be addressed in the demolition and redevelopment scheme that will need to be provided by the applicant and this will be secured by condition in the interests of highway safety.

Other Considerations

Six letters of support for the proposal have been received. One of those letters asks how the demolition and construction phase will be managed in terms of storage of materials and deliveries given the already limited size of the site and limited parking. These issues have been addressed in the Highways Safety section of the report.

The Tree and Landscape Officer confirmed that no existing trees or vegetation will be impacted by the proposal and the Building Control Officer has no adverse comments at this time.

Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval.

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: DWG. NO. P01c, P02d, P03b and the Planning and Heritage Support Statement dated 23/3/2020.

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

- 3 Notwithstanding the provision of Article 3, Schedule 2 Part 2 Class C of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), the external timber weatherboarding of the building shall only be painted in black.

Reason - To preserve and enhance the character and appearance of the Conservation Area.

- 4 No part of the building shall be demolished until a binding contract for the full implementation of the scheme of redevelopment, which provides for storage of materials, deliveries to the site and site worker parking, granted planning permission under reference number 20/00468/FUL has been entered into and evidence thereof has been submitted to the Local Planning Authority.

Reason - To reduce the impact of vacant sites in the historic built environment by ensuring the construction of the replacement building occurs within a reasonable and specified time period in order to preserve and enhance the character and appearance of the Conservation Area, in accordance with Policy EN20 of the Adopted Tendring District Local Plan 2007 and in the interests of highway safety.

- 5 Notwithstanding the provisions of Article 3, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking and re-enacting that Order) no extensions, alterations to the roof, curtilage buildings, swimming pool, oil storage tanks, satellite dish, or means of enclosure (including fences, walls and gates) shall be erected/constructed without first obtaining planning permission.

Reason - To preserve and enhance the character and appearance of the Conservation Area, in accordance with Policy EN17 of the Adopted Tendring District Local Plan 2007.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that order), the garage forming part of the development hereby permitted shall be kept available for the purpose of garaging private motor vehicles only and no other purpose.

Reason - In the interests of highway safety.

- 7 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.

- 8 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 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.

Wildlife-Bats

Bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and by EC Directive 92/43/EEC, which is enforced in the UK by the Conservation (Natural Habitats &c.) Regulations 1994 (as amended) (known as the Habitats Regulations). The Wildlife and Countryside 1981 Act states that 'it is an offence to 'intentionally' or 'recklessly' damage or destroy any structure or place which a bat uses for shelter or protection. It is also an offence to intentionally disturb a bat whilst it is occupying such a structure or place and/or obstruct the access or entrance to such a place. However, if there is evidence that a place has been used by a bat, it is protected regardless of whether it is currently occupied or not. If any evidence of bats is found during the course of the development advice should immediately be sought from Natural England.

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