

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JD	02/10/2020
Planning Development Manager authorisation:	AN	05/10/2020
Admin checks / despatch completed	DB	05/10/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	05/10/2020

Application: 20/01094/COUNOT **Town / Parish:** St Osyth Parish Council

Applicant: Mr William Timmis - Primal Combat Academy

Address: Norwood Lodge Barn Bentley Road Weeley

Development: Change of use of barn to D2 Assembly and Leisure - with the intention of use as a Martial Arts gym.

1. Town / Parish Council

No response.

2. Consultation Responses

Environment Agency No response.

Environmental Protection
17.09.2020 I have reviewed the application and have the following comments to make:

The proposed D2 site should operate in such a way as to not cause noise nuisance.

Environmental Protection require further detail on the proposed operating times and any proposed measures to reduce noise from the Martial Arts gym, including details of the sound insulation scheme.

Reason: To ensure that nearby noise sensitive premises do not suffer a loss of amenity.

ECC Highways Dept
18.09.2020 From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1 All off street car parking shall be provided in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

2 Prior to commencement of the proposed development, details of the provision for parking of powered two wheelers and bicycles, of a design that shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered

and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

Informative1: 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

00/01080/FUL	Woodstore in existing building in redundant grain store (Variation of Condition 01 and 02 of planning permission TEN/98/0037)	Approved	20.09.2000
TRE/11/84	Fell flowering Cherry	Current	25.01.1985
TRE/12/89	Works to 5 Oaks	Current	23.05.1989
TRE/29/89	Fell one dead Oak	Current	21.11.1989
TRE/1/91	Fell Oak	Current	12.04.1991
02/01100/TPO	Fell dead Oak tree to the front left of the property	Approved	19.06.2002
94/00412/LUEX	(Land adjoining Norwood Lodge, Bentley Road, Weeley Heath) Use of land for the landing and taking off of light aircraft and the storage of light aircraft		27.09.1994
95/01479/FUL	Wood store in existing building in redundant grain store	Approved	30.01.1996
98/00037/FUL	Woodstore in existing building in redundant grain store (Renewal of planning permission TEN/95/1479)	Approved	28.04.1998
04/01639/FUL	Change of use to storage and	Approved	24.11.2004

	ancillary office accommodation.		
91/00079/FUL	Change of use of dwelling into hotel.	Approved	30.04.1991
91/00088/FUL	Change of use of dwelling to Residential Home for the elderly.	Approved	30.04.1991
17/30298/PREAPP	Residential Development.	Refused	07.12.2017
18/00354/AGRIC	Proposed new agricultural storage barn.	Determination	22.03.2018
19/30032/PREAPP	Change of use of barn to D2 Assembly and Leisure - with the intention of use as a Martial Arts gym.		02.04.2019
20/01121/AGRIC	Erection of new grain store.	Determination	09.09.2020

4. Relevant Policies / Government Guidance

Not applicable.

5. Officer Appraisal (including Site Description and Proposal)

The site is that of an agricultural building at a farmyard to the rear of Norwood Lodge. Measuring from the submitted plan the agricultural building has a floor space of some 300 sq m. The application form confirms that the building has a floor space greater than 150 sq m but less than 500 sq m.

The proposal is to change the agricultural building to a form of a commercial use, more specifically an assembly and leisure use (D2), in that the building would be used as a martial arts gymnasium by the Primal Combat Academy.

The relevant legislation is the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class R. This states that, subject to certain provisions referred to below, the development consisting of a change of use of a building from a use as an agricultural building to a Class D2 (assembly and leisure) use is Permitted Development.

Paragraph R.1 states that development is not permitted by Class R if certain time limits are not met. The building the subject of the application appears on maps and aerial photography and gives the impression of having been in existence for some considerable length of time. It would appear that the building was used solely for an agricultural use as part of an established agricultural unit on 3rd July 2012. On this basis a requirement of paragraph R.1 (a) is met at (i).

It is understood that the cumulative floor space of buildings which have changed use under Class R within the established agricultural unit concerned has not exceeded 500 sq m and accordingly (b) of R.1 is met.

The site is not within a military explosives area or a safety hazard area and the building is not a listed building or a scheduled monument so accordingly (c), (d) and (e) are met.

Conditions relating to what is subsequently permitted after the change has occurred are set out at R.2.

Paragraph R.3 at (b) is relevant to this case as the floor space would exceed 150 sq m. With regard to (i) transport and highways impacts of the development, the local highway authority has been consulted and a written response received which raises no objection. Conditions are recommended but these are considered to not be reasonably related to the subject matter of the prior approval; the application seeks confirmation that the proposal is Permitted Development, the application is not a planning application. There is space outside the building, elsewhere in the farmyard, for car and bicycle parking. With regard to (ii) noise impacts of the development and (iii) contamination risks on the site, the Council's Environmental Protection section has been consulted and a response received in writing which, whilst seeking detail regarding noise, raises no objection. The nearest residential dwelling is Norwood Lodge, the house to the northeast. This is a detached house set in grounds. The swimming pool of the house is north of the rear elevation of the application building but the house itself is fairly distant. Another agricultural type building is conjoined to the application building and this would provide a screen between the application building and the detached house. A condition is therefore considered appropriate in this case to agree reasonable opening hours and if necessary noise reduction measures. With regard to (iv) flooding risks on the site, no response has been received from the Environment Agency but the Environment Agency flood map shows the building and the site to be in Flood zone 1, land with the least likelihood of flooding. The requirements of R.3 (b) are met.

With regard to the provisions of paragraph W, documentation and a fee were received to make this type of application valid. The developer has provided sufficient information to enable the authority to establish whether the proposed development complies with the legislation. The highway authority was consulted and any flooding aspect is acceptable. A site notice was displayed near the site. No representations have been received.

6. **Recommendation**

Prior approval not required.

7. **Conditions / Reasons for Refusal**

1. Development must begin within a period of 3 years starting with the prior approval date.
2. Prior to commencement of the hereby approved use full details of operating times and any proposed measures such as sound insulation to reduce noise from the Martial Arts gym shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details which shall remain/be maintained for the lifetime of the use.

Reason - To ensure that nearby noise sensitive premises do not suffer a loss of amenity.

8. **Informatives**

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