

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	04/08/22
Planning Development Manager authorisation:	JJ	04/08/2022
Admin checks / despatch completed	ER	04/08/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	04.08.2022

**Application:** 22/00931/FUL **Town / Parish:** Tendring Parish Council

**Applicant:** Mr M Neville and L Westall - Hoverwood Ltd

**Address:** Rosier Crown Lane Tendring

**Development:** Proposed change of use of part of industrial unit (Class B8) granted under 15/00900/FUL to create up to 6no. business units (Classes E(c) and E(g)).

### **1. Town / Parish Council**

Tendring Parish Council No comments received.

### **2. Consultation Responses**

Tree & Landscape Officer  
28.06.2022

The proposed change of use of the existing building will not adversely affect any trees or other significant vegetation and will not alter or otherwise increase the impact of the structure on the local landscape character.

The site benefits from the screening provided by soft landscaping which appears to have been planted in association with the approved planning application 15/00900/FUL.

If the existing vegetation is retained then there is little need for additional soft landscaping to be secured by a planning condition.

ECC Highways Dept  
28.07.2022

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2010. It is noted that the building was constructed in 2016 following the granting of planning consent in 2015 for a new storage building under reference planning application: 15/00900/FUL. The proposal will utilise an existing established vehicular access and there are no new or altered means of access proposed as part of this application. The site also serves both Rosier and Ford Barn. Ford Barn was subject to a separate planning application for a retail showroom and store that was granted consent in 2011. When compared with the current and previous use, the level of activity will be on a par or possibly reduced. The land on which the building is situated enjoys sufficient space for the parking of vehicles, deliveries and turning within the site, taking these factors into consideration:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following

mitigation and conditions:

1. There should be no obstruction above ground level within a 2.4-metre-wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage with Crown Lane. Such vehicular visibility splays shall be provided before the road junction / access is first used by the new business units and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety in accordance with policy DM1.

2. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and if required marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

3. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

4. The Cycle / Powered two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

5. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

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](mailto:development.management@essexhighways.org)

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Regeneration  
30.06.2022

Looking at the planned proposal from an economic point of view, I would think that it would be of benefit to local businesses in the Tendring area.

As it would allow small businesses in the area to have a unit to work from.

### **3. Planning History**

11/00823/FUL	Proposed change of use from the storage, dismantling, servicing and repair of vehicles and the storage and sale of new and used automotive products to the storage and sale of furniture and associated items together with the demolition of existing buildings associated with the business use and construction of new single storey building as replacement.	Approved	10.11.2011
15/00900/FUL	Construction of new storage building and associated works.	Approved	29.07.2015
15/01347/DISCON	Discharge of condition 08 (materials) of planning permission 15/00900/FUL.	Approved	14.09.2015

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

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP5 Employment

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth

SPL3 Sustainable Design

PP13 The Rural Economy

PPL3 The Rural Landscape

PPL5 Water Conservation, Drainage and Sewerage

PPL10 Renewable Energy Generation

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

### **Status of the Local Plan**

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

## **5. Officer Appraisal**

### **Site Description**

The application site is 'Rosier' which is a large building of agricultural design located on the western side of Crown Lane, within the parish of Tendring. The site is outside the Settlement Development Boundaries as established within the Adopted Local Plan and is therefore considered to form part of the countryside.

The character of the surrounding area is predominantly rural, with large areas of agricultural and grassed land further out to all sides. The more immediate area does include some sporadic commercial and residential development, including 'Ford Barns' to the immediate south.

### **Description of Proposal**

This application seeks planning permission for the change of use of part of the existing industrial unit (Use Class B8) to create six business units falling within Use Classes E(c) and E(g). This relates to the middle half of the existing building, with the rest of the building to remain within its existing B8 Storage and Distribution use.

The sub-division will result in a total of six units measuring 68sqm each, with the only external works involved being the creation of three entrance areas to both the east and west side elevations, and the removal of two existing side elevation doors. No extensions are proposed as part of the development.

### Site History

Under planning reference 15/00900/FUL planning permission was granted in July 2015 for the erection of the building subject of this current planning application.

### Assessment

#### 1. Principle of Development

Paragraph 83 advises that decisions should enable sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 84 makes it clear that decisions should recognise that sites to meet local business needs in rural areas may have to be found beyond existing settlements and in locations that are not well served by public transport.

The application site is an existing building within B8 use, which provides for employment opportunities, following its approval and construction in 2015. However, following this permission changes to the circumstances in the UK and worldwide markets has meant storage space is now under-used, and as such the proposal is looking for an alternative approach to retain the employment use on site.

The sub-division will create six smaller units for a mixture of storage, professional or smaller-scale industrial uses, which has the potential to increase the level of employment opportunities overall. Accordingly, the application represents a form of development that expands an existing rural enterprise, and the principle of development is considered to be acceptable subject to the detailed considerations discussed below.

#### 2. Visual Impacts

Paragraph 130 of the National Planning Policy Framework (NPPF) (2021) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place. Paragraph 174(b) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Adopted Policy PPL3 confirms the Council will look to protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance. Adopted Policy SPL3, Part A (c) requires that development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features.

The proposal predominantly relates to the change of use of the building, however to facilitate this there are some alterations proposed to the building, namely the removal of the two existing side elevation doors and replacement with a total of six entrances which incorporate a double door and glazing. Three entrances are to be located to the eastern side elevation, and three to the western side elevation. While the eastern elevation in particular is fairly prominent, it is acknowledged that the changes are relatively minor and the building itself is significantly set back from the street scene. As such, there is not considered to be any significant visual harm as a result of the proposal that would justify recommending a reason for refusal.

#### 3. Impact to Neighbouring Amenities

Paragraph 130 of the National Planning Policy Framework (2021) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The site is located in a relatively rural location, although there are some commercial and residential properties within the wider proximity. However, given there is significant separation distance to any neighbouring properties, and that the alterations to the building are minor in nature, there will be no harm to existing amenities in respect of overlooking, loss of daylight/sunlight or the development appearing oppressive. Further, while the change of use may result in additional vehicular movements, the noise associated with this would not be to such an extent that it would warrant recommending a reason for refusal.

#### 4. Highway Safety

Paragraph 108 of the National Planning Policy Framework 2021 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 111 of the Framework states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Essex Highways Authority have been consulted and note the proposal will utilise an existing established vehicular access, and when compared with the existing use, the level of activity will be on a par or possibly reduced. Given this, and that the land on which the building is situated enjoys sufficient space for the parking of vehicles, deliveries and turning within the site, they raise no objections subject to a series of conditions relating to visibility splays, the vehicular parking area, cycle parking and storage of building materials.

The Essex Parking Standards have not been updated since the introduction of Class E, however do state that Use Class A2 would previously have required one space per 20sqm of floorspace, Use Class B1 would have required one space per 30sqm of floorspace, and for Use Class B2 one space per 50sqm of floorspace. In addition, Use Class B8 requires one space per 150sqm of floorspace.

Depending on the eventual use of the smaller units, there would be a requirement for between 12 and 24 parking spaces for these, with an additional 4 spaces required for the remaining B8 use. Therefore a total requirement of 16 and 28 parking spaces are required when assessed against the Essex Parking Standards. While the submitted Block Plan shows a provision of two spaces per smaller unit (therefore 12 spaces in total) which falls below these standards, there is significant space surrounding the property to accommodate additional parking and comfortably meet the requirements as set out within the Essex Parking Standards.

#### Other Considerations

Tendring Parish Council have not commented.

There have been no other letters of representation received.

#### Conclusion

The proposed development represents a small expansion of an existing business/employment use that will provide for a flexible response to the changing commercial market and therefore the principle of development is acceptable. No significant visual harm or harm to residential amenities has been identified, while Essex Highways Authority do not object. Accordingly the proposal accords with the aforementioned national and local planning policies and is therefore 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:

Drawing Numbers 652/P2/LOC A, 652/P2/02/B, 652/P2/01/A and the untitled Planning Statement.

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

- 3 There should be no obstruction above ground level within a 2.4-metre-wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage with Crown Lane. Such vehicular visibility splays shall be provided before the road junction/access is first used by the new business units and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety.

- 4 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and if required marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

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

- 5 Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

- 6 The Cycle/Powered two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety.

- 7 Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

Reason: To ensure that appropriate loading/unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

## 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:

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2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.