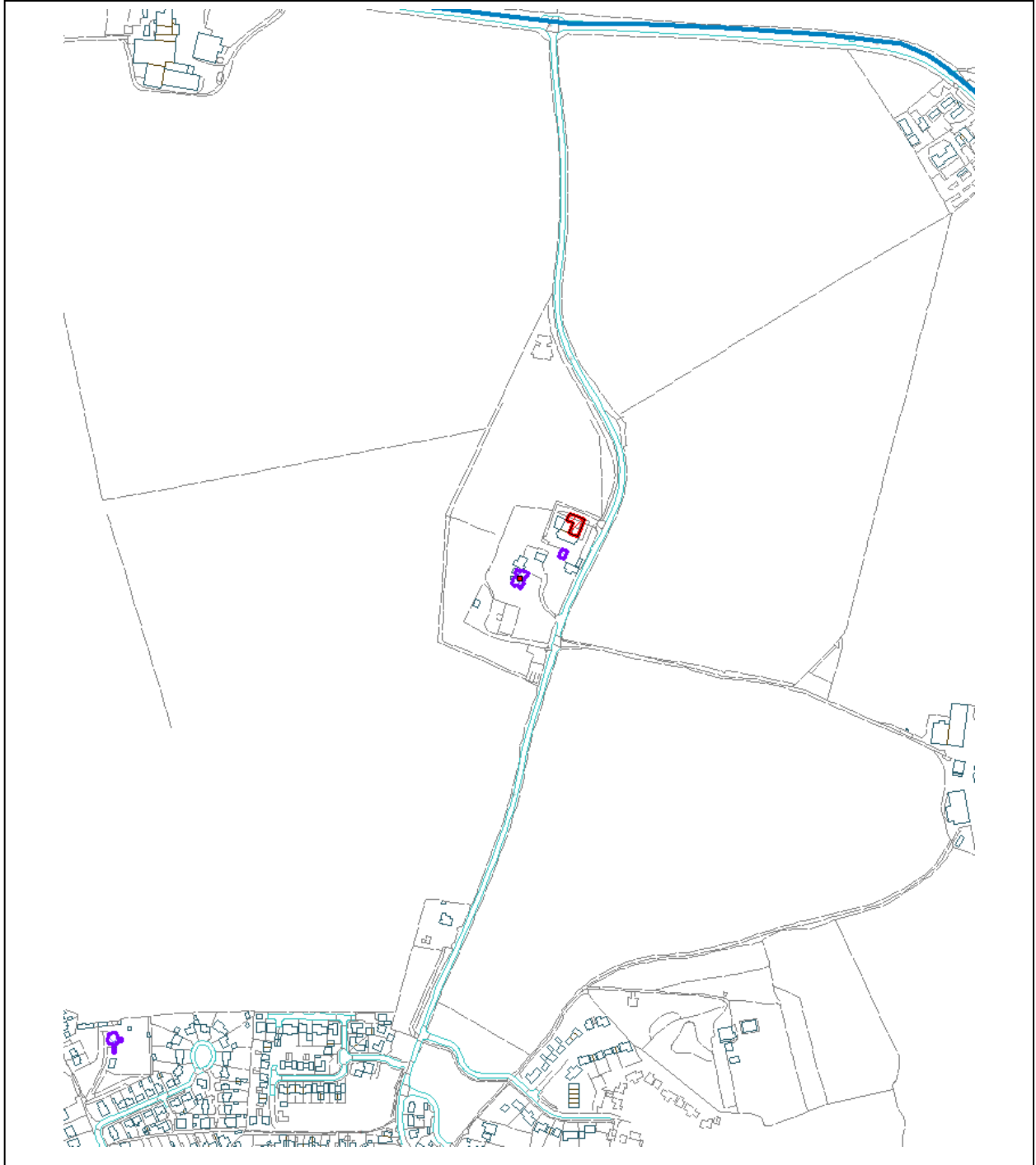


PLANNING COMMITTEE

16 FEBRUARY 2023

REPORT OF THE DIRECTOR OF PLANNING

**A.4 PLANNING APPLICATION – 22/01601/FUL – THE GRANGE HECKFORDS ROAD
GREAT BENTLEY COLCHESTER CO7 8RR**



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Application: 22/01601/FUL

Town / Parish: Great Bentley Parish Council

Case Officer: Michael Pingram

Expiry Date: 22nd February 2023

Applicant: Mr J Hills

Address: The Grange Heckfords Road Great Bentley Colchester CO7 8RR

Development: Retrospective application for the erection of a building for storage of machinery, materials, and ancillary domestic/leisure use, all related to the existing property.

1. Executive Summary

- 1.1 The application is before the Planning Committee following a call-in request from Councillor McWilliams due to concerns that the development does not relate well to its site and surroundings, and harm to the nearby listed buildings.
- 1.2 The proposal relates to a retrospective planning application for a building that was initially approved under planning reference 19/01462/FUL in February 2020, but which has not been built in accordance with the previously approved plans. The main alterations see an increase in the size and height of the building, which is to be utilised for ancillary storage and domestic leisure uses.
- 1.3 The increased size of the building will not be materially harmful to the character and appearance of the surrounding area, will not detrimentally impact the setting of the nearby listed buildings, and will result in a neutral impact to existing neighbouring amenities. In addition, Essex Highways Authority have raised no objections.

Recommendation:

That the Planning Manager be authorised to Grant Planning Permission subject to conditions as stated in Section 8.2 (or as need to be varied) and those as may be deemed necessary by the Planning Manager.

2. Planning Policy

The following Local and National Planning Policies are relevant to this planning application.

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

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

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL3 Sustainable Design

PPL3 The Rural Landscape

PPL9 Listed Buildings

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

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.

3. Relevant Planning History

01/01552/FUL	Proposed farmhouse extension	Withdrawn	29.10.2001
01/01557/LBC	Proposed farmhouse extension and re-establishment of landscape setting	Withdrawn	29.10.2001
03/00556/FUL	Proposed single and two storey extensions.	Refused	20.05.2003
03/00557/LBC	Single and two storey extensions.	Withdrawn	26.03.2003
03/00753/LBC	Single and two storey extension	Approved	25.06.2003
03/00754/FUL	Single and two storey extension	Approved	25.06.2003
04/00096/FUL	Proposed agricultural machinery barn	Refused	11.03.2004
07/00125/FUL	Two storey rear extension.	Approved	20.04.2007

12/00770/FUL	Proposed extension to pool house to form summer house.	Approved	10.09.2012
16/00957/FUL	Proposed extension to pool house to form summer house.	Approved	23.08.2016
19/01462/FUL	Proposed extension to existing machinery store.	Approved	07.02.2020

4. Consultations

<p>Essex County Council Heritage 25.11.2022</p>	<p>The two heritage assets relevant to this application are:</p> <ul style="list-style-type: none"> - Grade II listed Grange Farmhouse (List Entry ID: 1111409); and - Grade II listed Barn (List Entry ID: 1306639). <p>The proposed development site is within the setting of the two designated heritage assets.</p> <p>The development was approved in 2020 under planning reference 19/01462/FUL for the extension to the existing machinery store.</p> <p>The new development, as built, is considerably larger in footprint and height than the extension approved in 2020. A site inspection has been therefore carried out in order to assess the impact of the proposal on the setting of the above-mentioned designated heritage assets.</p> <p>While the scale of the development is considerably larger than the approved, due to its distance from Grange Farmhouse and the Barn and the presence of the existing intervening buildings, there is very limited intervisibility between the designated heritage assets and the new extension. As such this makes no impact on the ability to appreciate and experience the significance of the heritage assets.</p> <p>In this specific case, the proposal is not considered to have any more impact than the scheme previously approved. There is therefore no objection to this application.</p>
<p>ECC Highways Dept 24.10.2022</p>	<p>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 assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. It is noted that this is a retrospective application with no new or altered means of access to the site, while the building is set back from the highway and will be for domestic use, considering these factors:</p> <p>The Highway Authority does not object to the proposals as submitted.</p>

5. Representations

- 5.1 Great Bentley Parish Council object to the proposed development as the development is contrary to Local Plan Policy SPL3 Part A, which requires development to relate well to its site

and surroundings, particularly in relation to siting, height, scale, massing, form, design and materials.

- 5.2 Following receipt of additional information during the course of the applications determination, additional comments were received from Great Bentley Parish Council, raising concerns that the key issue relates to the buildings design and suitability in this location, with heritage matters being a secondary issue. Additional concerns were raised that this could set a precedent for other properties to build larger than that initially allowed and then submit a retrospective planning application.
- 5.3 There have been three additional letters of objection received, that raise concern with the planning process, but do not raise specific planning matters on the merits of the application before members.

6. Assessment

Site Description

- 6.1 The application relates to Grange Farm, which lies to the west of Heckfords Road within the Parish of Great Bentley. Grange Farm consists of a large, detached dwelling with associated outbuildings. To the front of the site is 'The Grange' which is a separate Grade II Listed Building that Officers understand functions as an annexe occupied by the owner's parents. The main dwelling is also a Grade II Listed Building known as Grange Farmhouse.
- 6.2 Grange Farmhouse is accessed from the south and The Grange is accessed from the north. To the northern section of the site is an existing machinery shed and store containing the equipment used for the upkeep of the entire site being approximately 5 hectares in size.
- 6.3 The application relates to a small pocket of the site to the north, alongside the existing store buildings accessed via the existing northern access. There is an existing hedgerow screening the buildings and the adjacent annexe building.
- 6.4 The site falls outside of a recognised Settlement Development Boundary within the adopted Local Plan 2013-2033.

Site History

- 6.5 Under planning reference 19/01462/FUL, planning permission was granted in February 2020 for the erection of a store building to be used in association with the dwelling and its grounds, which measured 18.3 metres x 9.4 metres with an overall height of 6.2 metres. The approved building was to be finished in dark green metal cladding and grey profiled metal roof sheeting.
- 6.6 This planning permission has been implemented/constructed and remains extant, however has not been built in accordance with the approved plans.

Description of Proposal

- 6.7 This application therefore seeks retrospective planning permission for the erection of a building for the storage of machinery, materials and ancillary domestic/leisure use, all of which will be related to the existing properties.
- 6.8 The building measures 21.4 metres in length, 11.9 metres in width for approximately 2/3 of the building, with the remaining area having an extended width of 20.7 metres to accommodate a kitchen area. In addition, the ridge height measures 9.1 metres. The building continues to be finished in dark green metal cladding and grey profiled metal roof sheeting.

- 6.9 Within the supporting information, it is explained that the building will be partly used for domestic storage purposes, and partly used for ancillary leisure purposes. The ancillary leisure use is likely to be greater in the winter months but there is no fixed timeframe for how long in a typical year this would be, as it would be dependent upon factors such as the extent of storage at any time, the weather and personal preferences. The uses, however, are all entirely ancillary to the existing properties Grange Farm and Grange Farmhouse, and therefore will be strictly for private use only. A planning condition is recommended to restrict the use to private domestic use.

Alterations to the Previously Approved Scheme

- 6.10 Officers acknowledge that under planning reference 19/01462/FUL, permission has previously been granted for a similar, albeit smaller, building on the application site. This building has now been constructed and accordingly the previous permission will indefinitely remain extant and forms a material consideration in the determination of the application. It is therefore important to highlight the differences between that approved and the retrospective application currently being applied for.
- 6.11 The most notable difference is that the building is taller than that previously approved. Under reference 19/01462/FUL the ridge height was 6.2 metres, and now measures 9.1 metres. In addition, the size of the building's footprint has extended; previously it measured 18.3 metres length x 9.4 metres width, but now the length has slightly increased to 21.4 metres, with the width now ranging between 11.9 metres and 20.7 metres. The increased width is largely accounted for to accommodate a kitchen and WC area to the north-west of the building.

Visual Impacts

- 6.12 Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.13 Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials and should respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features.
- 6.14 The building itself appears as an extension to the existing cluster of outbuildings in the immediate surrounding area. Following the alterations subject of this planning application it is noted that the building is taller than the adjacent buildings, however still relates satisfactorily to the site and setting.
- 6.15 The building is sited approximately 15 metres back from Heckfords Road, within an area that is almost fully enclosed by existing high dense hedging, and which is to be supplemented with additional trees to the northern boundary. From the north the building will be viewed against a backdrop of the other existing buildings and from the south those existing buildings will screen the new addition. The proportions and finish of the proposed extension together with its siting behind existing screen hedging results in a development that will not appear significantly prominent or have an adverse visual impact on the local countryside or landscape character.

Heritage Impacts

- 6.16 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.17 Adopted Policy PPL9 (Listed Buildings) states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric' although the Plan recognises that the scope for a listed building to adapt to modern life and requirements will itself depend upon a number of considerations and it will not always be possible to incorporate modern design solutions without also causing harm to its special character fabric, or appearance.
- 6.18 The application site is located in close proximity to two Grade II Listed Buildings, the barn sited approximately 40 metres to the south, and the farmhouse located approximately 70 metres to the south-west. Accordingly, Essex County Council Place Services (Heritage) have been consulted on the application, and they have provided the following comments:

"The two heritage assets relevant to this application are:

- Grade II listed Grange Farmhouse (List Entry ID: 1111409); and*
- Grade II listed Barn (List Entry ID: 1306639).*

The proposed development site is within the setting of the two designated heritage assets.

The development was approved in 2020 under planning reference 19/01462/FUL for the extension to the existing machinery store.

The new development, as built, is considerably larger in footprint and height than the extension approved in 2020. A site inspection has been therefore carried out in order to assess the impact of the proposal on the setting of the above-mentioned designated heritage assets.

While the scale of the development is considerably larger than the approved, due to its distance from Grange Farmhouse and the Barn and the presence of the existing intervening buildings, there is very limited intervisibility between the designated heritage assets and the new extension. As such this makes no impact on the ability to appreciate and experience the significance of the heritage assets.

In this specific case, the proposal is not considered to have any more impact than the scheme previously approved. There is therefore no objection to this application."

- 6.19 Given the comments above, it has been identified that despite an increase in scale and height, the building will not impact upon the ability to appreciate and experience the significance of the two designated heritage assets. Accordingly, Officers do not raise any objections in this regard.
- 6.20 The above notwithstanding, within the comments ECC Place Services (Heritage) provided for the previously approved scheme, Officers acknowledge that they raised no objections but did suggest that that was the maximum built footprint that could be accommodated without harm to the heritage asset. While this is noted, it is also important to recognise that each case must be assessed on its own merits, and at that time the comments were made without sight of the plans submitted as part of this current application. Accordingly, the previous comments do not alter the view that the proposal is acceptable on heritage grounds.

Impact to Neighbouring Amenities

- 6.21 The NPPF, at paragraph 130 states that development 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 the Tendring District Local Plan 2013-2033 requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.
- 6.22 While the building is of a relatively large size, it is sited amongst other buildings and is located a significant distance apart from the nearest residential properties, which are within the applicant's ownership. There are no other residential properties in proximity of the site that would be impacted by the proposal.

Highway Safety Impacts

- 6.23 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.
- 6.24 Policy SPL3 (Part B) of the Adopted Local Plan seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking. Adopted Local Plan Policy CP2 states proposals will not be granted planning permission if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.
- 6.25 Essex Highways Authority have been consulted on the application and have confirmed they raise no objections to the proposal. Furthermore, the building is solely for private use and is ancillary to the enjoyment of the existing properties, and therefore does not generate a need for any additional car parking.

7. Conclusion

- 7.1 Retrospective planning applications are allowed in law and noting the Parish Council comments, do not create a precedent. Instead, such applications are required to be considered on their individual merits as per any planning application. While the previous permission was not carried out in accordance with the approved plans, the previous approval remains a significant material consideration in terms of planning history and is given weight in the determination process.
- 7.2 This retrospective planning application is for a building that is both taller and of a larger footprint to that previously granted planning permission in February 2020 under reference 19/01462/FUL. Officers consider that the increased size of the building is material but does not result in harm to the character and appearance of the surrounding area and will not detrimentally impact upon the existing amenities of any neighbouring properties. No harm has been identified in respect of the designated heritage assets and as such an assessment of harm and public benefit is not necessary, and Essex Highways Authority have also raised no objections on highway safety grounds. Accordingly, the application is considered to be policy compliant and is therefore recommended for approval.

8. Recommendation

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives.

8.2 Conditions and Reasons

- 1 The development hereby permitted shall be carried out in accordance with the following approved drawings / documents, and / or such other drawings / documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings / documents as may be subsequently approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard:

Drawing Numbers 22.5294.01, 102752/03/B, 102752/30, and the documents titled 'Location Plan', 'Explanatory Planning Statement - December 2022 Update' and 'Heritage Impact Assessment'.

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

- 2 This permission shall only authorise the use and occupation of the building hereby approved for purposes incidental and ancillary to the principal dwelling known as Grange Farm (or as may be renamed in the future), and shall not be used for any other purpose(s) at any time.

Reason: For the avoidance of doubt, to ensure that the building is not utilised for any purposes other than those incidental and ancillary to the principal dwelling that would be inappropriate development in the countryside.

8.3 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:

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

2: 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.

3: Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools.

9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by

Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

10. Background Papers

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.