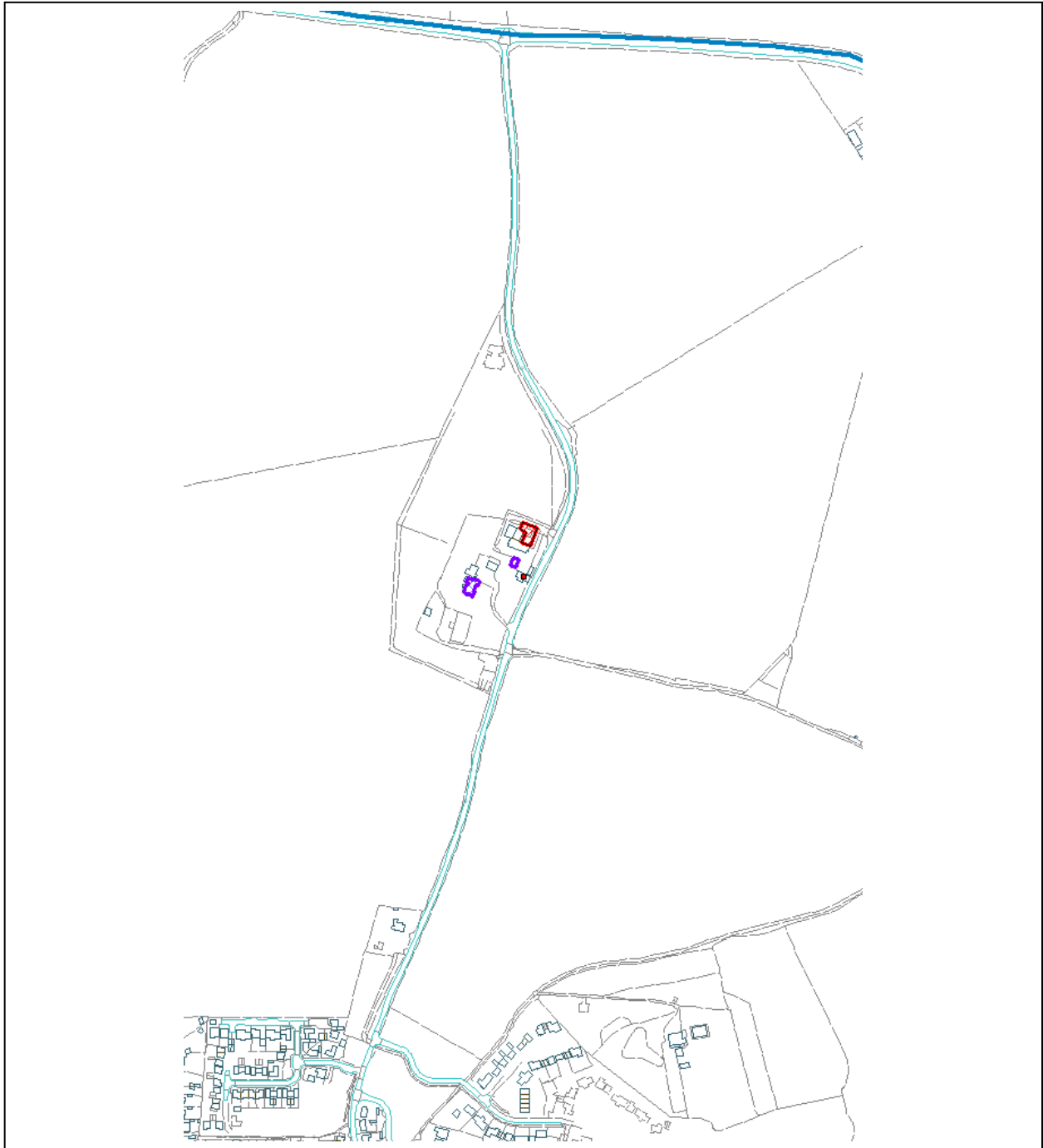


PLANNING COMMITTEE

31 AUGUST 2023

REPORT OF THE DIRECTOR OF PLANNING

**A.1 PLANNING APPLICATION – 23/00746/FUL – GRANGE FARM BARN HECKFORDS ROAD
GREAT BENTLEY CO7 8RR**



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Application:	23/00746/FUL	Expiry Date:	21st July 2023
Case Officer:	Michael Pingram	EOT Date:	7th September 2023
Town/ Parish:	Great Bentley Parish Council		
Applicant:	Mr J Hills		
Address:	Grange Farm Barn Heckfords Road Great Bentley, Colchester CO7 8RR		
Development:	Proposed retention 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 recent decision by the Committee to refuse a similar scheme on the site in February 2023 (reference 22/01601/FUL).
- 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 As mentioned above the same scheme was refused by the Planning Committee under 22/01601/FUL (against Officers recommendation for approval) as it was not considered to make a positive contribution to the quality of the local environment and character, failed to relate to the site and surroundings, including other buildings, by reason of its excessive height, massing, scale and design, and it did not respect the local landscape views.
- 1.4 The only difference between 22/01601/FUL and the current application is that a Landscape Appraisal has now been provided to address the points raised within the previous refusal reason. Following a review of the Landscape Appraisal, as well as a review of comments provided by the Council's Tree and Landscape Officer, Officers conclude that the building is of a size, scale and form that is in keeping with the broadly agricultural character of the area, and will not significantly alter views across the local setting and wider countryside.
- 1.5 In addition, the increased size of the building 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: Approval

- 1) That the Planning Manager be authorised to grant planning permission subject to the conditions as stated at paragraph 8.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
- 2) The informative notes as may be deemed necessary.

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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered

in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

3. **Relevant Planning History**

03/00556/FUL	Proposed single and two storey extensions.	Refused	20.05.2003
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
22/01601/FUL	Retrospective application for the erection of a building for storage of machinery, materials, and ancillary domestic/leisure use, all related to the existing property.	Refused	22.02.2023

4. **Consultations**

Below is a summary of the comments received from consultees relevant to this application proposal. Where amendments have been made to the application, or additional information has been submitted to address previous issues, only the latest comments are included below.

All consultation responses are available to view, in full (including all recommended conditions and informatives), 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/>.

Tree & Landscape Officer

22.06.2023

The existing barn is situated in a position within the grounds of the Grange Hall complex that are well planted with established trees and boundary hedges.

In order to show the current impact of the barn on the local landscape character area the applicant has submitted a Landscape Appraisal that has been carried out in accordance with The Landscape Institutes Guidelines for Landscape and Visual Impact Assessment third edition (GLVIA3).

The document sets out the baseline quality of the Landscape Character Area (LCA) within which the application site is situated (St Osyth and Great Bentley Heaths) and quantifies the impact of the existing barn on the character and appearance of the LCA. The document identifies several locations (visual receptor viewpoints) from which the application site can be viewed or potentially viewed.

In terms of the visibility of the barn and its prominence in the landscape the Landscape Appraisal describes the viewpoints from where the barn is most visible and those where it is seen at such a distance or is screened by intervening vegetation to such a degree that it is not a significant element of the view.

The barn is clearly visible from viewpoints 1, 4 and 5 from Heckford's Road. The Landscape Appraisal describes the fleeting nature of the views as most will be from vehicles travelling along the road towards Great Bentley. Although the barn is visible it is not considered to be an incongruous feature in the landscape as its appearance is that of an agricultural building in a rural setting.

The barn is also visible from viewpoints 2 and 3 along Public Right of Way 1 Great Bentley when approaching from the north-east. Clear views are available but, as above, the appearance of the building is typical of an agricultural building and consequently in keeping with the local landscape character. It is noted that, from this footpath, there are also clear views of farm complexes and barns at both Admirals Farm and Crabtree Farm.

From viewpoint 6 the building is not visible at all and from viewpoints 7 to 10, along Bridleway 2 Great Bentley, the building is either: not visible at all or such a small element of the view that there is no significant impact on the local landscape character.

It is noted that paragraph 9 of section 2 of the Landscape Appraisal states that the proposals would not be significantly conspicuous or cut the skyline any more than the immediately adjacent farm buildings at Admirals Farm to the east or Crab Tree Farm to the north-west.

The impact of the building as described above strongly accords with my view of the impact of the building on the local landscape character and that the building is of a size, scale and form that is in keeping with the broadly agricultural character of the area.

Section 6 of the Landscape Appraisal states that: the development will not significantly change the existing landscape character of the local and wider setting. Furthermore, it will not significantly alter any views across the local setting and wider countryside.

Following a site visit and assessment of the Landscape Appraisal submitted in support of the application it is considered that, in landscape terms, the retention of the existing barn will not have a significant adverse impact on the local landscape character.

The applicant has set out details of new planting in Section 5 of the Landscape Appraisal although details of plant species and specification have not been provided.

Should planning permission be likely to be granted then details of soft landscaping should be secured by a planning condition.

ECC Highways Dept

12.06.2023

The information submitted with the application has been assessed and conclusions have been drawn from a desktop study with the observations below based on the submitted material. No site visit was undertaken in conjunction with this planning application. It is noted that this is part of a retrospective application and is similar to previous application 22/01601/FUL. Like the

previous application, no new or altered means of access to the site is proposed, while the building is set back from the highway, the use of the building will be in part for storage (machinery, materials, domestic), and in part for ancillary leisure use. It is also noted that both aspects are entirely in connection with the use of the existing properties i.e., Grange Farm and Grange Farm Barn, and are for private use. No use of the building for business purposes is proposed, considering these factors:

The Highway Authority does not object to the proposals as submitted.

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

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 are also available.

Essex County Council Heritage

20.06.2023

The application is for proposed retention of a building for storage of machinery, materials, and ancillary domestic/leisure use, all related to the existing property. The current scheme has previously been submitted under reference 22/01601/FUL and a site visit has been carried out as part of our assessment. The proposed scheme has not changed since the previous submission.

The two heritage assets relevant to this application are:

- o Grade II listed Grange Farmhouse (List Entry ID: 1111409); and
- o 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 initially 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. 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.

As previously stated, 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.

5. Representations

- 5.1 Great Bentley Parish Council object to the proposed development as the proposal still remains contrary to Policy SPL3 and is of a scale not in-keeping with the landscape, and overall retains the same concerns that led to a previous recommendation for refusal.
- 5.2 There have been two 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, located to the south-west, 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 Initially, in February 2020 under planning reference 19/01462/FUL, planning permission was granted 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.
- 6.7 Given the above, a retrospective planning application was submitted to the Council and refused by the Planning Committee under reference 22/01601/FUL in February 2023. The building is of the exact same size and siting as that subject of this current planning application. The application was refused by the Planning Committee because it was not considered to make a positive contribution to the quality of the local environment and character, failed to relate to the site and surroundings, including other buildings, by reason of its excessive height, massing, scale and design, and it did not respect the local landscape views. Consequently, it was considered this resulted in a visually intrusive form that was not demonstrated to be sufficiently mitigated by landscaping or other measures.

Description of Proposal

- 6.8 This application is a re-submission of 22/01601/FUL, and again 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.
- 6.9 The building continues to measure 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.
- 6.10 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.
- 6.11 The key difference between this current application and that refused in February 2023 is that the submission is now accompanied by a Landscape Appraisal. The findings of this are addressed in detail below.

Alterations to the Previously Approved Scheme

- 6.12 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.
- 6.13 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.

Impact to Local Landscape

- 6.14 Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 6.15 Adopted Policy SPL3 highlights that all new development should make positive contribution to the quality of the local environment and protect or enhance local character, by relating well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials, and by respecting or enhancing local landscape character.
- 6.16 Within the previous application for the same proposal, the Planning Committee resolved to refuse the scheme on the grounds that the building failed to make a positive contribution to the quality of the local environment and character, failed to relate to the site and surroundings, including other buildings, by reason of its excessive height, massing, scale and design, and it

did not respect the local landscape views. The consequence of this was that the building resulted in a visually intrusive form, and it was not demonstrated that it could be sufficiently mitigated by landscaping or other measures.

- 6.17 While this application proposes the exact same building, in terms of size, design and siting, the key difference is this application is accompanied by a Landscape Appraisal that seeks to address the concerns raised within the refusal reason. Below is a summary of the key findings of this Appraisal.
- 6.18 The Appraisal highlights that the surrounding area comprises scattered buildings and farmsteads, a network of rural lanes surrounded by an arable landscape divided by fragmented hedgerows, although the settlement edge of Great Bentley situated to the south of the site has become significantly urbanised and is prominent in most views across the development site from the north. Equally, the A120 to the north is both visible and audible in the landscape.
- 6.19 The existing built form and vegetation are the dominant factors in defining the extent of the visual envelope. These elements coupled with topography that is generally level relative to the site, ensures the development is only significantly visible from a small select number of locations. In addition, the landscape baseline has been altered following the previous planning application, and while the proposed building is larger in height and footprint, both utilise similar building style, external materials and colour. Consequently, they display a similar character within the landscape setting, and results in a cumulative change rather than a new one.
- 6.20 The scale, height, general arrangement, external materials and colour of the proposed building will still sit comfortably within the existing enclave of the Grange Farm complex. It will also sit easily within the existing vegetation framework and generally below the line of that vegetation. Consequently, it will not significantly change the existing landscape character of the local and wider setting. Furthermore, it will not significantly alter any views across the local setting and wider countryside.
- 6.21 In addition, the Appraisal concludes that the current scheme does not require any secondary mitigation to absorb the site within the local setting. However, it does recognise that there is a small degree of residual visibility resulting from the increase in building dimensions. A limited scheme comprising groups of indigenous tree planting at strategic points would aid this by softening proposed built form.
- 6.22 The Council's Tree and Landscape Officer has been consulted, and has provided the following comments in relation to the Landscape Appraisal.

"The existing barn is situated in a position within the grounds of the Grange Hall complex that are well planted with established trees and boundary hedges.

In order to show the current impact of the barn on the local landscape character area the applicant has submitted a Landscape Appraisal that has been carried out in accordance with The Landscape Institutes Guidelines for Landscape and Visual Impact Assessment third edition (GLVIA3).

The document sets out the baseline quality of the Landscape Character Area (LCA) within which the application site is situated (St Osyth and Great Bentley Heaths) and quantifies the impact of the existing barn on the character and appearance of the LCA. The document identifies several locations (visual receptor viewpoints) from which the application site can be viewed or potentially viewed.

In terms of the visibility of the barn and its prominence in the landscape the Landscape Appraisal describes the viewpoints from where the barn is most visible and those where it is seen at such

a distance or is screened by intervening vegetation to such a degree that it is not a significant element of the view.

The barn is clearly visible from viewpoints 1, 4 and 5 from Heckford's Road. The Landscape Appraisal describes the fleeting nature of the views as most will be from vehicles travelling along the road towards Great Bentley. Although the barn is visible it is not considered to be an incongruous feature in the landscape as its appearance is that of an agricultural building in a rural setting.

The barn is also visible from viewpoints 2 and 3 along Public Right of Way 1 Great Bentley when approaching from the north-east. Clear views are available but, as above, the appearance of the building is typical of an agricultural building and consequently in keeping with the local landscape character. It is noted that, from this footpath, there are also clear views of farm complexes and barns at both Admirals Farm and Crabtree Farm.

From viewpoint 6 the building is not visible at all and from viewpoints 7 to 10, along Bridleway 2 Great Bentley, the building is either: not visible at all or such a small element of the view that there is no significant impact on the local landscape character.

It is noted that paragraph 9 of section 2 of the Landscape Appraisal states that the proposals would not be significantly conspicuous or cut the skyline any more than the immediately adjacent farm buildings at Admirals Farm to the east or Crab Tree Farm to the north-west.

The impact of the building as described above strongly accords with my view of the impact of the building on the local landscape character and that the building is of a size, scale and form that is in keeping with the broadly agricultural character of the area.

Section 6 of the Landscape Appraisal states that: the development will not significantly change the existing landscape character of the local and wider setting. Furthermore, it will not significantly alter any views across the local setting and wider countryside.

Following a site visit and assessment of the Landscape Appraisal submitted in support of the application it is considered that, in landscape terms, the retention of the existing barn will not have a significant adverse impact on the local landscape character.

The applicant has set out details of new planting in Section 5 of the Landscape Appraisal although details of plant species and specification have not been provided.

Should planning permission be likely to be granted then details of soft landscaping should be secured by a planning condition."

- 6.23 Taking the above into consideration the Council's Tree and Landscape Officer has confirmed that they agree with the conclusions of the submitted Landscape Appraisal.
- 6.24 In summary, therefore, Officers conclude that the building is of a size, scale and form that is in keeping with the broadly agricultural character of the area, and will not significantly alter views across the local setting and wider countryside. While some trees have been planted to the north of the site to reduce the overall impacts of the building, full soft landscaping details are recommended to be secured by condition. Having regard to the above and specifically the additional information provided, and subject to such a condition, Officers consider that the reason for refusal previously identified has now been addressed and that the level of harm will not be so significant that it would warrant recommending a reason for refusal.

Design, Appearance and Scale

- 6.25 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.
- 6.26 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.
- 6.27 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.
- 6.28 In terms of the buildings design, the walls are constructed with dark green metal profile cladding, and the roof is dark grey metal profile sheeting with solar panels. Such materials, and the overall design, is in-keeping with both the previous planning permission granted under 19/01462/FUL as well as the semi-rural character of the area.

Heritage Impacts

- 6.29 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.
- 6.30 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.
- 6.31 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:
o Grade II listed Grange Farmhouse (List Entry ID: 1111409); and
o 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 initially 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. 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.

As previously stated, 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."

- 6.32 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.
- 6.33 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

- 6.34 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.
- 6.35 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

- 6.36 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.
- 6.37 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.
- 6.38 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.

Renewable and Energy Conservation Measures

- 6.39 Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the

building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.

- 6.40 The proposal is a development that has the potential to incorporate renewable and energy conservation measures. However, on this occasion it is acknowledged that there is an extant permission for a building on this site, albeit smaller than that now being applied for, and Officers therefore consider it would not be reasonable to now request such details.

7. Conclusion

- 7.1 Retrospective planning applications are allowed in law and 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. While Officers note that the same proposal was refused by the Planning Committee in February 2023, the submission and findings of the Landscape Appraisal confirm that the building is of a size, scale and form that is in keeping with the character of the area, and will not significantly alter views across the local setting and wider countryside.
- 7.3 In addition, the buildings design is considered to be acceptable, it will not detrimentally impact upon the existing amenities of any neighbouring properties, and no harm has been identified in respect of the designated heritage assets. Essex Highways Authority have also raised no objections on highway safety grounds. Accordingly, the application is considered to be compliant with local and national planning policies 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 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below 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 subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Drawing Numbers 22.5294.01,23.5369.01, 102752/03/B, 102752/10, and the documents titled 'Location Plan', 'Explanatory Planning Statement - December 2022 Update', 'Heritage Impact Assessment' and 'Landscape Appraisal'.

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

- 2 **CONDITION:** 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.

- 3 **CONDITION:** Within three months from the date of the decision a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels, shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of visual amenity and the character and appearance of the area.

NOTE/S FOR CONDITION:

Should the landscape works include any new hedgerow, please consider the following planting for a native hedge. Native hedge: 50% hawthorn, 25% blackthorn (but beware - this can spread into adjacent fields), 15% field maple, 2% holly, 2% wild privet, 2% guelder rose, 2% dog rose, 2% buckthorn.

- 4 **CONDITION:** All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development, or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement

of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

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 are also available.

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/>.