

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		OA	03.10.24
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		JJJ	04/10/2024
Assistant Planner final checks and despatch:		ER	04/10/2024

Application: 24/01121/FUL **Town / Parish:** Great Bentley Parish Council

Applicant: Mr R Wright - Wright Ruffell Ltd

Address: Units 7 and 8 Plough Road Centre, Plough Road, Great Bentley, CO7 8LG

Development: Planning Application – Two new units (Use Class B8 or E(c) and (g) only).

1. Town / Parish Council

Great Bentley Parish Council No Comments

2. Consultation Responses

Environmental Protection
07.08.2024 With reference to the above application, I can advise we have reviewed the proposal and the EP Team have no adverse comments to make.

ECC Highways Dept
14.08.2024 The information provided with the application has been assessed by the Highway Authority and conclusions reached from a desktop study based on the submitted material and google maps. No site visit was undertaken in conjunction with this planning application. The Highway Authority observes that the units are to be built on private land set well back from the public highway and accessed from a private road, and as such would not normally comment. It is noted that the current use of the site is outside storage with deliveries on a daily basis, the proposal will not add any additional traffic to and from the site as the areas will initially still be storage but secure. In addition, the overall site, due to its location has good public transport links. All delivery vehicles and staff will use the existing access, while

six additional off-street parking spaces will be provided for future uses, considering these factors:

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

Informative:

i) 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

ii) Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

iii) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no. 8 (Great Bentley_165) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

iv) 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.

v) 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.

3. **Planning History**

10/01000/FUL	Change of use of Unit 4 from gym to fire and kitchen retail/showroom with ancillary storage and office space.	Approved	27.10.2010
23/01777/NDPNO T	Application under Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for solar panels to the roofs of Northgate and Southgate House.	Determination	18.01.2024
24/01121/FUL	Planning Application - new units to existing storage area.	Current	

4. **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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

5. **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>

There are no neighbourhood plan(s) in place for this area.

6. **Relevant Policies / Government Guidance**

National:

National Planning Policy Framework December 2023 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic

Section 1 (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

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PP6 Employment Sites

PP7 Employment Allocations

PP13 The Rural Economy

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

DI1 Infrastructure Delivery and Impact Mitigation

Essex Minerals Local Plan Adopted July 2014

S8 Safeguarding mineral resources and mineral reserves

DM1 Development Management Criteria

Supplementary Planning Documents

[Essex Design Guide](#)

Biodiversity Net Gain Supplementary Planning Document June 2023 (DRAFT)

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

National:

National Planning Policy Framework December 2023 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

7. Officer Appraisal

Site Description

The application site is located on the northern side of Plough Road Business centre within the parish of Great Bentley. It is sited east of Unit No's B4 & B5 and west of units W1, W11 & W12 with the access road immediately south. The wider site is all in commercial use with an Employment Allocation located further east for potential future expansion.

A private access road is provided to the front of the site with access onto Plough Road to the west. The site is not located outside of the defined a settlement development boundary for Great Bentley within the Adopted Local Plan.

Proposal

This application seeks planning permission for the erection of two new commercial units within Plough Road Business Centre on land which is currently used for storage and vehicle parking in association with neighbouring businesses. The submitted plans highlight the two new units know as 'B7' & 'B8' with 102m² of interna floor area, a W/C and a fire exit to the rear of both units. Three parking spaces are proposed for each unit directly outside to the south.

The dimensions of the proposed building give a height of approximately 10.4 metres in height, 16.3 metres in width and 19.2 metres in depth. Proposed materials consist of facing brickwork with a metal profile sheet roof and roller shutter doors. Solar panels would be installed on the roof.

Assessment

Principle of Development

Paragraph 88 of the National Planning Policy Framework (NPPF) (2023) states planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

Adopted Local Plan Policy PP13 (The Rural Economy) highlights that the Council will permit sustainable development proposals for farm and other land based diversification schemes that benefit the rural area. Proposals for re-use or redevelopment of rural buildings for employment purposes will be considered against criteria including the building being structurally sound, the development not affecting the rural setting of the building in the locality, it not creating significant levels of traffic or road safety concerns. The economic benefits of a development must also be given due consideration. The site is also in an allocated employment site therefore the principle of new development that will generate employment is supported.

The proposed development is seeking for the extension of the existing business park and for the provision of two new commercial units. The applicant has stated in his supporting statement that the proposal is for class ' B8 and E' however limited information has been provided with regards to the proposed end users, and given the sites industrial surrounds and the fact that it is an allocated employment site (therefore policy PP6 is relevant), it would be reasonable and necessary to ensure that the proposed use is compatible and a restriction on

occupancy would be required to ensure inappropriate Class E uses (such as retail, restaurants, medical centres and creche/day centres/nurseries) are not able to use the premises without a further planning application for change of use because all these uses would be considered highly inappropriate on an established employment site of this nature, and not least due to the different dynamics in the offer they provide and traffic generation (for example a restaurant / food and drink facility will not be compatible with the established uses on the site).

Further, the application form states that the proposal would create 4 full-time and 2 part-time employees which is an increase from the current 2 part-time, this is seen as broadly aligned with the aims of policy PP13 but no further justification has been provided with regards to the usability of the proposed building.

Notwithstanding the above, it is accepted that the proposed use is broadly in line with both National and Local Policy by providing an expansion to an existing business park which is well occupied and subject to a condition restricting certain class E uses, there is in principle support for the proposed business premises, subject to the detailed considerations below.

Design, Layout, Scale & Appearance

Paragraph 135 of the NPPF states that Planning policies and decisions should ensure 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.

Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context, and to protect the district's landscape and the quality of existing places and their environs. Policy SPL3 of the 2013-33 Local Plan also requires, amongst other things, that developments are designed to high standards and which, together with a well-considered site layout which create a unique sense of place.

The proposal involves a new commercial building of similar appearance to its surrounds in terms of scale, design and materials. It is not considered that the building would be out of character with the locality having due regard to both National and Local Policy above. Accordingly there are no objections in relation to visual impacts to the surrounding area.

Impacts on Neighbouring Amenities

Paragraph 135 of the National Planning Policy Framework (2023) 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 application site is in a relatively rural location but in an established employment site with a further expansion to the east planned in light of the employment allocation, and while there are residential properties nearby, the nearest such property is located approximately 120 metres to the west on Plough Road. The wider site is already an established employment area and on this basis it is considered that there will be no harm to the amenity of neighbouring residents in respect of privacy, light or the development appearing oppressive. The building is likely to result in some additional vehicle movements to the site however this is considered unlikely to result in material harm to amenity given the separation distances from the parking area. Although no proposed opening hours are indicated on the application form officers feel

that given the nature of the immediate area, the prevailing opening hours of other business on the estate and the proximity of residential properties further afield that a condition restricting opening hours Mon – Sat from 8am to 6pm is necessary and reasonable.

With reference to the proposed uses the Council's Environmental Health protection team have no comments to make. For these reasons the proposals are considered acceptable in accordance with both National and Local Policy with regards to neighbouring impacts.

Highway Safety

Paragraph 114 of the National Planning Policy Framework 2023 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 108 requires that streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people.

Essex Highways have been consulted as part of this application and have stated that access to the development will be from an existing private access road and raised no objections. The LPA noted that the proposed building may well obstruct a side access of the adjacent unit however the applicant has confirmed that the employment park is under one ownership and the access and all the hardstanding areas are in private ownership. The proposals are therefore compliant with National and Local Policy subject to conditions.

Habitats, Protected Species and Biodiversity Enhancement

Ecology and Biodiversity

General duty on all authorities

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. An informative can be imposed strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The proposals involve the development of

less than 25sqm of protected habitat and therefore BNG is not applicable.

Protected Species

In accordance with Natural England's standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

Conclusion

The application represents a positive, expansion of an existing employment site and is therefore supported in principle. There are no significant detrimental impacts to existing neighbouring amenities or the character of the surrounding area, and Essex Highways Authority raise no objections. Given this, the proposal is considered to be acceptable and is recommended for approval

Conclusion

The application is considered to comply with both National and Local Policy and is recommended for approval.

8. Recommendation

Approval - Full

9. Conditions

1. COMPLIANCE: TIME LIMIT

CONDITION: 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. COMPLIANCE: APPROVED PLANS AND 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.

- Drawing No. P01 – Proposed Elevations, Floor Plan & Block Plan - received 29.07.24
- Drawing No. P02 – Site Plan – received 24.07.24

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

3. SUSTAINABLE ENERGY EFFICIENCY MEASURES

CONDITION: No above slab level works shall commence until a detailed scheme for the provision and implementation of water, energy and other resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the local planning authority. The scheme such include, but not be limited to:

- Details of, including the location of all types of electric vehicle charging points
- Details of, including the location of a water resource efficiency measures
- Agreement of heating of the building hereby approved
- Agreement of scheme for waste reduction
- Provision of a fibre optic broadband connection to the best possible speed installed on an open access basis and directly accessed from the nearest exchange, incorporating the use of resistant tubing. If the applicant is unable to achieve this standard of connection and can evidence through consultation that this would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 30mbps) wireless service will be considered.

The scheme shall be fully implemented prior to the first occupancy of the development unless otherwise agreed in writing by the local planning authority. The scheme shall be constructed, and the measures provided and made available for use as may be agreed and thereafter shall be maintained.

REASON: To enhance the sustainability of the development through reduce need, better use or savings in the use of water, energy and resources; reduce harm to the environment; and result in wider public benefit in accordance with the NPPF.

4. ONGOING REQUIREMENT IMPOSED - RESTRICTION ON OPERATION TIMES

CONDITION: The hereby permitted development/use shall only operate between the hours of 08:00 and 18:00; Monday to Saturday and between the hours of 10:00 and 16:00 on Sundays. There shall be no working on Bank Holidays. There shall be no deliveries to the development/use arranged for outside of these approved hours.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

NOTE/S FOR CONDITION:

1) This condition shall engage and restricts the operation of the development from the first commencement of the use. This conditions is imposed to ensure the development avoid unreasonable impact on the residential amenity of neighbouring dwellings, especially given the location of the development with considerations to the prevailing character and amenity currently enjoyed in this location. Without the imposing of this condition, the development would be refused due to the risk of harm and this condition is considered necessary, enforceable and reasonable in all other respects. This condition as detailed will apply to the development at all times unless varied or removed legally.

2) If the development operates outside of the hours stated this may result in unlawful development/use at risk of Enforcement Action. You are encouraged to discuss any concerns with this condition with the Local Planning Authority.

5. **CONDITION:** Notwithstanding the provisions of Article 3, Schedule 2 Part 3 of the Town & Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), the hereby approved development shall be restricted to Use Classes B8 or E(c) and (g) only and for no other purpose including any other purpose under Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any Statutory instrument and re-enacting that Order with or without modification).

REASON: To enable the Local Planning Authority to retain control over the development in the interests of the amenity.

10. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informatives:

- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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
- ii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway
- iii. There shall be no discharge of surface water onto the Highway.

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include: <https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (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 that in summary

include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

12. Notification of Decision

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

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