

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	06/06/2018
Planning Development Manager authorisation:	AN	7/6/18
Admin checks / despatch completed	CR	8/6/18

**Application:** 17/02146/FUL **Town / Parish:** Thorpe Le Soken Parish Council

**Applicant:** Mr Charlie Fillingham - Strutt and Parker (Farms) Ltd

**Address:** Valley Farm Golden Lane Thorpe Le Soken

**Development:** Change of use of former straw barn and surrounding land to a bus depot.  
Retention of concrete/hardcore surfaced areas utilised for parking purposes.

### 1. Town / Parish Council

Thorpe-le-Soken Parish Council      No comments received

### 2. Consultation Responses

ECC Highways Dept

1) Current use; Application 17/00778/COUNOT changed the use of the barn to B8, and as the applicant detailed below, there are "3 employees who travel to the site"

2) The applicant has not stated that they leave and return during the day. So from a highway point of view three people arrive in the morning and leave again at the end of the working day (6 movements in total).

3) Proposed use; The current application 17/02146/FUL has been detailed below by the applicant as creating "14 Full Time Employees in the business (About 10 drivers, 1 Engineer, 3 Office staff)" and "one delivery van (bringing parts) per day"

4) Of these members of staff, up to 10 of them leave again in busses to do the 'school run', some return late morning, and the leave again mid-afternoon to undertake the p.m. school run. These staff return to the site to drop the buses and leave again in their own vehicles. So, the maximum number of movements could be;  
14 movements in as all staff arrive at the site  
10 busses out again  
10 busses back in late morning,  
10 busses out again for the pm run and  
10 busses back in,  
14 out as all staff leave work;

68 movements plus the 2 for the delivery van makes 70 in total, potentially 40 of which are busses

Golden Lane is a narrow, single track rural route. Between the site and Colchester Road there are no passing places. This will mean vehicles attempting to pass each other will either damage the highway



verges, or will use private vehicle accesses thus increasing the damage to private property which this Authority cannot be seen to be promoting.

The introduction of this dramatic increase in potentially heavy vehicular traffic along the lane will increase the level of conflict with local residents and existing highway users. The large vehicles will also increase the risk of damage to the highway, and collisions between vehicles in the highway.

Taking all of the above into account this Authority retains the current objection on the grounds of safety and efficiency.

Environmental Protection I have no adverse comments to make on this application.

### 3. Planning History

91/00872/FUL	Use of building to construct replacement double glazing windows and doors - renewal of consent TEN/0675/86).	Approved	28.08.1991
91/00874/FUL	Use of building for storage of cabinet making timbers and veneers for resale distribution (renewal of consent TEN/797/86).	Approved	28.08.1991
96/00985/FUL	Use of barns for storage and preparation of cabinet making timbers and veneers for resale distribution [including renewal of TEN/91/0874]	Approved	22.10.1996
13/00484/FUL	Construction of steel framed storage barn.	Approved	11.07.2013
17/00778/COUNO T	Change of use of the straw barn from agricultural to B8 (storage and distribution).	Determination	23.06.2017
17/02146/FUL	Change of use of former straw barn and surrounding land to a bus depot. Retention of concrete/hardcore surfaced areas utilised for parking purposes.	Current	



#### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER5 Transport Depots

ER11 Conversion and Reuse of Rural Buildings

COM23 General Pollution

EN1 Landscape Character

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL1 Managing Growth

SPL3 Sustainable Design

PP13 The Rural Economy

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

#### Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16<sup>th</sup> June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.



## 5. Officer Appraisal (including Site Description and Proposal)

### Site Description

The application site comprises a small cluster of former agricultural buildings, surrounded by hardstanding, on the northern side of Golden Lane, which is approximately 1km to the north of the village centre of Thorpe le Soken. This application concerns the former straw barn (and surrounding hardstanding), which is the northern-most building within the cluster. The buildings to the south of the cluster are already occupied by a roofing contractor.

Adjacent to the site frontage is a small single storey dwelling, which was originally an agricultural workers cottage. Approximately 200m to the east of the site is a further dwelling. Otherwise the application site is surrounded by agricultural fields.

### Proposal

This application proposes the retention of the change of use of an existing barn and surrounding land for use as a bus depot along with the retention of parking areas, which consist of a mix of concrete and hardcore surfaces.

The bus depot operates on the following basis;

- On average, there are 10 buses in operation during a working day. 80% of the business is focused on providing transport for local schools in the area, the remaining 20% being for a number of purposes.
- All drivers drive to the site, and leave their cars while they work. It is common that, given the nature of their business, drivers arrive at site between 6.15am and 7am returning late morning. They then return to the site in the afternoon to complete the school run. In some cases buses are left at schools during the daytime so that they do not return until after the afternoon school run.
- The drivers stagger their departure in the morning and do not leave all at the same time.
- In leaving the site, all buses take a right turn on Golden Lane, and therefore do not go into Thorpe Le Soken to make their journey. This is very different to the operation at their last site, where they drove down Landermere Road and through the village high street.
- All maintenance for the buses is completed on site by a dedicated engineer. Again this is an improvement on the previous site, where buses were driven off site to be maintained elsewhere.
- On average, there is one delivery van (bringing parts) per day.
- In total there are 14 Full Time Employees in the business (About 10 drivers, 1 Engineer, 3 Office staff)

### Appraisal

#### Planning History/Background

The bus depot operator Tendring Travel operated from its previous site at 80 Landermere Rd, Thorpe le Soken for a total of 10 years (starting in 2007).

In terms of the new site a prior notification was submitted earlier this year solely for the use of the barn, under reference 17/0778/COUNOT and approved. That approval conveyed consent for the use of the former agricultural building for storage and distribution purposes falling within Use Class B8. The proposal for a bus depot falls under a 'sui generis' use.

#### Principle of Use

Saved Policy ER5 (Transport Depots) of the Tendring District Local Plan (2007) advises that transport depots and lorry parks may be allowed in rural areas where it is demonstrated that there is no adverse impact on rural and residential amenity and/or highway safety.

Saved Policy ER11 (Conversion and Re-Use of Rural Buildings) suggests that the re-use or conversion of rural buildings for business purposes will be permitted subject to the acceptability of:-



- the type and scale of activity proposed and its compatibility with the character of the surrounding area;
- the suitability of the building for the use proposed;
- the level of traffic generated;
- the effect on the external appearance of the building;
- the scale and visual impact of any open storage areas associated with the proposed use;
- the location of the building in relation to other buildings, the landscape and the highway network;
- the impact on local amenity; and
- the impact on the historical value of the building

Paragraph 28 of the NPPF is relevant, in advising that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It further states that to promote a strong rural economy, local and neighbourhood plans should, amongst other things:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings; and
- promote the development and diversification of agricultural and other land-based rural businesses.

The above local and national planning policies therefore support the principle of rural businesses providing that they do not adversely impact upon local amenity and highway safety. These matters are assessed further below.

### Visual Impact

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 17 is to always seek to secure high quality design. The NPPF at paragraph 17 also states that the planning system should take account of the different roles and character of different areas and recognise the intrinsic character and beauty of the countryside.

Saved policies QL9 and EN1 of the Tendring District Local Plan 2007 and emerging policy PPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seek to ensure that development is appropriate in its locality and does not harm the character and appearance of the rural landscape.

In this instance the application involves the retention of significant areas of hardstanding utilised for the parking of staff vehicles and the company's fleet of buses/coaches. The parking areas comprises of large areas of concrete hardstanding and plainings. These areas have been constructed recently within open agricultural fields to the north of the existing barn.

The presence of the hard surfacing along with the parking of large vehicles in this rural location represents an encroachment into open countryside and the urbanisation of a rural area to the significant detriment of its character. Whilst it is acknowledged that bunding and vegetation has been installed along the western boundary which limits view from the adjacent public footpath, it is evident that long distance views of the development from the east on the B1414 (Landermere Road/Thorpe Road) are present which appear at odds with the undulating rural appearance of the landscape in this location.

Consequently, the development and particularly the presence of the parking areas to the north of the existing barn which extend out into open countryside, is considered to have a detrimental impact upon the rural character of the area. Furthermore, the absence of a landscape visual appraisal reinforces the view that the development and its impact upon the rural character of the area has not been fully justified.



### Residential Amenity

The nearest residential property is located approximately 70m to the south of the existing barn. On the shared boundary to the north is mature vegetation in the form of large trees and bushes. As such the dwelling is well screened from the operations that take place on site. Furthermore, it is acknowledged that the bus movements take place predominantly during two intervals rather than being staggered throughout the day, thus reducing any potential noise and disturbance.

Further conditions restricting operating times and the location of bus maintenance/repair work would further limit the potential impact upon existing residents to acceptable tolerances.

The Council's Environmental Protection Dept has confirmed that they have no comments to make upon the proposals.

### Highway Safety

Following a detailed breakdown from the applicant's agent outlining the level and type of daily movements to and from the site, Essex County Council Highways object to the planning application for the following reasons;

The proposal involves 70 daily movements potentially 40 of which are buses. Golden Lane is a narrow, single track rural route. Between the site and Colchester Road/Landermere Road there are no passing places. This will mean vehicles attempting to pass each other will either damage the highway verges, or will use private vehicle accesses thus increasing the damage to private property which this Authority cannot be seen to be promoting.

The introduction of this dramatic increase in potentially heavy vehicular traffic along the lane will increase the level of conflict with local residents and existing highway users. The large vehicles will also increase the risk of damage to the highway, and collisions between vehicles in the highway.

Taking all of the above into account this Authority retains the current objection on the grounds of safety and efficiency.

### Other Considerations

Thorpe-le-Soken Parish Council has not commented upon the application. 2 letters of objection have been received covering the following points;

- adverse impact of development upon the condition of Golden Lane;
- Golden Lane is not suitable to cater for the level and type of traffic caused by the development;
- the earlier COUNOT application did not stipulate that the land was to be used as a bus depot and did not cover the now erected bunding, parking areas etc;
- detrimental visual impact upon rural landscape
- drainage concerns over water discharge into water course (discharge to water course would require consent from Environment Agency)
- light pollution affecting countryside and wildlife (this could be controlled via condition)
- noise and disturbance as could operate on 24hr basis (operating hours condition could control this matter)
- adverse impact upon Golden Lane which is a narrow lane and vehicles cause damage to its verges and surface repairs;
- large number of movements proposed along Golden Lane on a 24hr/365 day basis.

## **6. Recommendation**

Refusal



## 7. Reasons for Refusal

- 1 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 17 is to always seek to secure high quality design. The NPPF at paragraph 17 also states that the planning system should take account of the different roles and character of different areas and recognise the intrinsic character and beauty of the countryside.

Saved policies QL9 and EN1 of the Tendring District Local Plan 2007 and emerging policy PPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seek to ensure that development is appropriate in its locality and does not harm the character and appearance of the rural landscape.

In this instance the application involves the retention of significant areas of hardstanding utilised for the parking of staff vehicles and the company's fleet of buses/coaches. The parking area comprises of large areas of concrete hardstanding and plainings. These areas have been constructed recently within open agricultural fields to the north of the existing barn.

The presence of the hard surfacing along with the parking of large vehicles in this rural location represents an encroachment into open countryside and the urbanisation of a rural area to the significant detriment of its character. Whilst it is acknowledged that bunding and vegetation has been installed along the western boundary which limits views from the adjacent public footpath, it is evident that long distance views of the development from the east on the B1414 (Landermere Road/Thorpe Road) are present which appear at odds with the undulating rural appearance of the landscape in this location.

Consequently, the development and particularly the presence of the parking areas to the north of the existing barn which extend out into open countryside, is considered to have a significant detrimental impact upon the rural character of the area. Furthermore, the absence of a landscape visual impact appraisal reinforces the view that the development and its impact upon the rural character of the area has not been fully justified.

- 2 Paragraph 32 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all people. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 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. Furthermore, saved Policy TR1a requires new development to be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic.

The proposal involves 70 daily movements potentially 40 of which are buses. Golden Lane is a narrow, single track rural route. Between the site and either end of Golden Lane there are limited passing places resulting in damage to highway verges and other roadside land.

The introduction of the dramatic increase in potentially heavy vehicular traffic along the lane will increase the level of conflict with local residents and existing highway users. The large vehicles will also increase the risk of damage to the highway, and collisions between vehicles in the highway.

Taking all of the above into account it is considered that the development has a detriment impact upon highway safety on the grounds of safety and efficiency and is contrary to the aforementioned local and national planning policies.



**8. Informatives**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

<b>Are there any letters to be sent to applicant / agent with the decision?</b> If so please specify:	YES	NO
<b>Are there any third parties to be informed of the decision?</b> If so, please specify:	YES	NO <input checked="" type="radio"/>