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**Item No:** 7.2

**Application:** 242155

**Applicant:** Mr J Faulkner

**Agent:** Mrs Melanie Bingham-Wallis

**Proposal:** Application for a lawful development certificate for proposed development of extension to existing commercial building and associated external work including formation of hard standing landings

**Location:** Newpots Farm, Newpots Lane, Peldon, Colchester

**Ward:** Mersea & Pyefleet

**Officer:** Mr Daniel Cooper

**Recommendation:** Approval

## **1.0 Reason for Referral to the Planning Committee**

1.1 This application is referred to the Planning Committee because the application property is owned by Councillor Robert Davidson.

## **2.0 Synopsis**

2.1 The application is for a determination as to whether the proposed development is considered Permitted Development under Schedule 2 Part 7 Classes H (extension) and J (hard standing for access) of the General Permitted Development order (as amended) 2015.

2.2 The application is subsequently recommended for Approval

## **3.0 Site Description and Context**

3.1 The site is located on Newpots Farm within the parish of Peldon and takes access from Lower Road. The farm encompasses an area that is predominantly agricultural in character, featuring open arable fields.

## **4.0 Description of the Proposal**

4.1 Proposed extension to existing warehouse unit. Extension floor space is proposed to be 620m.sq. The addition will extend to the South of the existing unit.

## **5.0 Land Use Allocation**

5.1 Agricultural/Storage and Distribution (B8)

## **6.0 Relevant Planning History**

6.1 211411 – Granted change of use of agricultural storage building to general storage and distribution (B8) as well as a modular office block ancillary to the store.

## **7.0 Principal Policies**

7.1 There are no principal policies or any local plan policies to consider. This application has been determined in assessing the proposal against the permitted development criteria set out within Schedule 2 Part 7 Classes H (extension) and J (hard standing for access) of the General Permitted Development order (as amended) 2015.

## **8.0 Consultations**

8.1 As the development is proposed and not existing, no consultations have been sought. This is purely an assessment against the relevant criteria of the GPDO 2015 (as amended).

## **9.0 Parish Council Response**

9.1 No consulted. See 8.1 above.

## **10.0 Representations from Notified Parties**

10.1 None. See above.

## 11.0 Parking Provision

11.1 None required and none affected.

## 12.0 Report

12.1 The main issues in this case are:

The assessment of the proposal against the relevant criteria of the GPDO.

12.2 The assessment is set out below:

### Permitted development

#### H. The erection, extension or alteration of an industrial building or a warehouse.

Development Not Permitted

Development is not permitted by Class H if—

(a) the gross floor space of any new building erected would exceed—

(i) for a building on article 2(3) land or on a site of special scientific interest, 100 square metres;

(ii) in any other case, would exceed 200 square metres;

**N/A – Proposal is an extension, not a new building so (b) below is relevant.**

(b) the gross floor space of the original building would be exceeded by more than—

(i) in respect of an original building or a development on article 2(3) land, 10% or 500 square metres (whichever is lesser); - **N/A**

(ii) in respect of an original building or a development on a site of special scientific interest, 25% or 1,000 square metres (whichever is the lesser); - **N/A**

(iii) in any other case, 50% or 1,000 square metres (whichever is the lesser); - **Proposal will be 620m.sq. The existing building is 1280m.sq therefore, the extension is no more than 50%**

(c) the height of any part of the new building erected would exceed—

(i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres; - **The proposal is beyond 10m from the boundary**

(ii) in all other cases, the height of the highest building within the curtilage of the premises or 15 metres, whichever is lower; - **Proposed extension is 10.2m in height therefore, lower than 15m.**

(d) the height of the building as extended or altered would exceed—

(i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres; - **As above, the extension is not within 10m of a boundary.**

(ii) in all other cases, the height of the building being extended or altered; - **The proposed extension does not exceed the height of the existing building.**

(e) any part of the development would be within 5 metres of any boundary of the curtilage of the premises; - **The proposed building is not within 5m of any boundary of the curtilage of the premises**

(f) the development would lead to a reduction in the space available for the parking or turning of vehicles; or – **Ample space for the parking and turning of vehicles will be retained.**

(g) the development would be within the curtilage of a listed building. – **The development will not be within the curtilage of a Listed Building.**

## CONDITIONS

H.2 Development is permitted by Class H subject to the following conditions—

(a) the development is within the curtilage of an existing industrial building or warehouse; - **Complies. The extension is within the curtilage of an industrial building or warehouse.**

(b) any building as erected, extended or altered is only to be used—

(i) in the case of an industrial building, for the carrying out of an industrial process for the purposes of the undertaking, for research and development of products or processes, or the provision of employee facilities ancillary to the undertaking; - **The proposed extension is to be used as additional area for the occupiers to undertake expansion of their existing storage operations.**

(ii) in the case of a warehouse, for storage or distribution for the purposes of the undertaking or the provision of employee facilities ancillary to the undertaking; - **Facilities were approved in the form of an office under application number 211411 and these facilities remain appropriate. No additional facilities are proposed to support this extension.**

(c) no building as erected, extended or altered is used to provide employee facilities—

(i) between 7.00pm and 6.30am, for employees other than those present at the premises of the undertaking for the purpose of their employment; or – **The proposed extension will not be used for employee facilities at any time.**

(ii) at all, if a quantity of a dangerous substance is present at the premises of the undertaking in a quantity equal to or exceeding the quantity listed in the entry for that substance in Parts 2 or 3 of Schedule 1 to the Control of Major Accident Hazards Regulations 199991; - **No dangerous substances will be present at the premises.**

(d) any new building erected is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the existing industrial building or warehouse; and – **N/A, not within article 2(3) land.**

(e) any extension or alteration is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended or altered. - **N/A, not within article 2(3) land.**

## **Class J – hard surfaces for industrial and warehouse premises**

### **Permitted development**

#### **J. Development consisting of—**

(a) the provision of a hard surface within the curtilage of an industrial building or warehouse to be used for the purpose of the undertaking concerned; or

(b) the replacement in whole or in part of such a surface.

Development not permitted

J.1 Development is not permitted by Class J if the development would be within the curtilage of a listed building. – **N/A not within curtilage of Listed Building**

### **Conditions**

J.2 Development is permitted by Class J subject to the following conditions—

(a) where there is a risk of groundwater contamination the hard surface must not be made of porous materials; and – **Complies**

(b) in all other cases, either—

(i) the hard surface is made of porous materials, or

(ii) provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the industrial building or warehouse. – **Complies. The surface and extension is surrounded by porous surface.**

## **13.0 Planning Balance and Conclusion**

13.1 As noted above, the proposal meets the relevant criteria set out above of the GPDO under classes H and J or Part 7, Schedule 2 of the Order. Therefore, the proposal is considered lawful as permitted development and this LDC must be approved.

## **14.0 Recommendation to the Committee**

14.1 The Officer recommendation to the Committee is for:

Approval of this LDC application.