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**Item No:** 7.7

**Application:** 211411

**Applicant:** Mr Will Reber

**Agent:** Mr Robert Pomery

**Proposal:** Change of use of Agricultural Storage Building to General Storage and distribution (B8) and Modular Office Block Ancillary to Store. (Revised Site Plan) (Revised Description).

**Location:** Newpots, 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 owner of the site is Councillor Davidson.

## **2.0 Synopsis**

2.1 The key issues for consideration are The impact on the surrounding area through the change of use and regarding vehicle movements and frequency and also any potential impacts on the landscape character of the area.

2.2 The application is subsequently recommended for Approval.

## **3.0 Site Description and Context**

3.1 The site some distance south of the Peldon settlement boundary due to the significant length of the access driveway as seen in the above plan.

3.2 Given the distance from the main Peldon village and residential area, the site is located within an essentially rural context and contains agricultural buildings associated with machinery and crop storage and hard standing.

3.3 The site is accessed from Lower Road via Newpotts Lane and the nearest dwelling is “Englesbatch” some 600 metres to the north.

## **4.0 Description of the Proposal**

4.1 This application seeks consent for the change of use of an existing Agricultural Storage Building to General Storage and Distribution Use (B8) as well as a new modular office block ancillary to the operation.

4.2 The agricultural building is existing and currently used for the storage and distribution of grain whereas the proposed change of use seeks general storage & distribution use.

## **5.0 Land Use Allocation**

5.1 Unallocated

## **6.0 Relevant Planning History**

6.1 160605 granted consent for a new grain store. This building is the subject of this current proposal.

## **7.0 Principal Policies**

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations  
UR2 - Built Design and Character  
ENV1 - Environment  
ENV2 - Rural Communities

7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity  
DP8 Agricultural Development and Diversification  
DP9 Employment Uses in the Countryside  
DP19 Parking Standards

7.4 Submission Colchester Borough Local Plan 2017-2033:

The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination process is ongoing for Part 2 of the plan.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan submitted in October 2017 is at an advanced stage, with Section 1 now adopted and Section 2 was examined in April with the Inspector's report awaited. Section 1 of the plan is therefore considered to carry full weight.

Section 2 will be afforded some weight due to its advanced stage. However, as the Inspector's report is awaited, the exact level of weight to be afforded will be considered on a site-by-site basis reflecting the considerations set out in

paragraph 48 of the NPPF. Proposals will also be considered in relation to the adopted Local Plan and the NPPF as a whole.

7.5 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide  
External Materials in New Developments  
EPOA Vehicle Parking Standards  
Winstree Hundred Community Plan

## 8.0 Consultations

8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

### 8.2 Landscape Officer

The landscape content/aspect of the strategic proposals lodged on 26/05/2021 would appear satisfactory for the most part, this provided the proposed modular office is proposed as to be finished in a colour to match the existing farm buildings. This in order to avoid harm to the farms wider landscape setting by ensuring the proposed unit blends in with and forms an indistinct part of the existing farmstead, this is particularly important with reference to safeguarding long-views into the site from the south.

Conclusion:

In conclusion; there are no objections to this application on landscape grounds, subject to the above being confirmed (no necessity to reconsult).

### 8.3 Environmental Protection

Should planning permission be granted Environmental Protection wish to make the following comments:-

#### **General**

The developer is referred to the note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

#### **ZPD - Limits to Hours of Work**

No demolition or construction work shall take outside of the following times;

Weekdays: **08:00-18:00**

Saturdays: **08:00-13:00**

Sundays and Bank Holidays: **No working**

**Reason:** To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

**ZGA - \*Restriction of Hours of Operation\***

The use hereby permitted shall not OPERATE/BE OPEN TO CUSTOMERS outside of the following times:

Weekdays: **08:00-18:00**

Saturdays: **08:00-13:00**

Sundays and Public Holidays: **No working**

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from people entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

**ZGB - \*Restricted Hours of Delivery\***

No deliveries shall be received at, or despatched from, the site outside of the following times:

Weekdays: **08:00-17:00**

Saturdays: **08:00-13:00**

Sundays and Public Holidays: **No deliveries**

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from delivery vehicles entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

8.4 Highways – after revised site plan

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

Informative1: 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.

**9.0 Parish Council Response**

9.1 The Parish Council have not objected to the proposal.

**10.0 Representations from Notified Parties**

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

10.2 Several objections have been received in response to this proposal. Concerns raised include:

- Hours of use should be considerate to neighbours.
- Potential increase in smaller vehicle movements despite reduction in HGV movements.
- Potential increase of the use of the lane which is not suitable for such traffic.
- Too many vehicle movements.

### **11.0 Parking Provision**

11.1 The application site is of generous size and set back a significant distance from the public highway. Parking provision has been provided on site with set out spaces as illustrated in the submitted site plan.

### **12.0 Accessibility**

12.1 N/A

### **13.0 Open Space Provisions**

13.1 N/A

### **14.0 Air Quality**

14.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

### **15.0 Planning Obligations**

15.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

### **16.0 Report**

16.1 The main issues in this case are:

- The Principle of Development
- Design and Layout
- Scale, Height and Massing
- Impact on the Surrounding Area
- Impacts on Neighbouring Properties
- Highway Safety and Parking Provisions (including Cycling)
- Parking Provision

16.2 Development Policy DP9 Employment Uses in the Countryside states that such development should be of small scale that does not harm the rural character of the area either by the nature and level of activity (including the amount of

additional traffic generation on rural roads) or, any other detrimental effects such as noise and pollution.

- 16.3 Taking the above into consideration, it should be noted that the current use of the building as storage and distribution of agricultural materials (grain) is not constrained by conditions that regulate vehicle movements and/or times of operation.
- 16.4 While this proposal will remove the agricultural storage usage to general storage, the proposed vehicle movements will be reduced from the existing and can also be controlled via conditions. This is considered a benefit to the amenity of the local area as fewer vehicle movements, in particular large bulk HGV's will reduce the current impact on the area.
- 16.5 The other large agricultural building on site will remain as machinery and crop storage. Development Policy DP8 Agricultural Development and Diversification states that appropriate farm diversification proposals will be encouraged where they are compatible with the rural environment and to help sustain the existing agricultural enterprise. Given that the existing grain storage and distribution contract will shortly expire as stated in the planning statement), and also that the proposed use will reduce heavy vehicle movement within the site and surrounding hinterland areas in connection to this site, the proposal is considered acceptable in principle on these terms.
- 16.6 There will be no visual change to the agricultural building, merely the change of use. The new proposed office module will be low key and given the distance from the highway will result in very limited views or visual impact to wider countryside or from the public highway. That being said, in the interests of retaining the landscape character of the area and reducing impact through the addition of any incongruous building, a condition shall be included to ensure the office module will be of similar colour to the existing agricultural buildings on site.
- 16.7 As stated above, the current use is unrestricted in terms of vehicle movements or hours of operation and representations suggest that these are currently significant. The proposed change of use here will result in fewer HGV movements which are considered to cause the majority of the impact to the immediate area and neighbouring properties through noise, vibration and general use of the road and approach lane.
- 16.8 With the hours of delivery and dispatch to and from the site now being proposed as conditions of any approval, it is considered that the impact on the surrounding area will be reduced. With regards to the office use, the site is set at such a distance from the nearest residential dwelling as to result in minimal or negligible harm. The vehicle movements of employees, while not currently a consideration under the existing use, will result in minimal harm to the surrounding area as the vehicles will likely be private cars only.
- 16.9 Further to the above, it is noted that Environmental protection have also suggested a restrictive condition controlling hours of operation for the site which will mainly cover the office use times. With the site being located at such

a significant distance from the nearest dwelling, the use of the office for administrative functions will result in little to no harm to the surrounding area and as stated above, the office staff's vehicles will result in minimal harm through movements, it is considered that this condition is not required.

16.10 Adequate parking provision and lorry turning area has been provided on site and the Highway authority has not objected following the revisions. The site is well contained and a significant distance from the highway. In light of these points, there will be no pressure for on street parking resulting from this change of use.

## **17.0 Conclusion**

17.1 To summarise, the proposal will result in a potential reduction of HGV movement to and from the site and will be controlled by conditions. The impact on the surrounding area is therefore considered to be reduced. The change of use of the site is not considered to harm the surrounding area or the landscape setting of the site.

## **18.0 Recommendation to the Committee**

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

### **1. ZAA - Time Limit for Full Permissions**

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. ZAM - \*Development to Accord With Approved Plans\***

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing labelled Proposed Modular Office received 26<sup>th</sup> May 2021 and drawing number 001 dated 6<sup>th</sup> May 2021.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

### **3. ZBB - Materials As Stated in Application**

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that materials are of an acceptable quality appropriate to the area



#### **4. ZPD - Limits to Hours of Work**

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

#### **5. ZGB - \*Restricted Hours of Delivery\***

No deliveries shall be received at, or despatched from, the site outside of the following times:

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Public Holidays: No deliveries

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from delivery vehicles entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

#### **6. ZEA - \*Removal of PD - Part 3 of Article 3, Schedule 2 Changes of Use\***

Notwithstanding the provisions of Article 3, Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the \*development hereby approved shall be used for the purposes stated in the application within use class B8 General Storage and Distribution and for no other purpose including any other purpose in Class B or E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument and re-enacting that Order with or without modification).

Reason: This is the basis on which the application was submitted and subsequently considered and the Local Planning Authority would need to give further consideration to the impacts of a different use at this site at such a time as any future change of use were to be proposed.

#### **7. Non Standard Condition - Materials**

The modular office block hereby approved shall be finished in a colour to match the existing farm buildings prior to its first use.

Reason: To avoid harm to the farms wider landscape setting by ensuring the proposed unit blends in with and forms an indistinct part of the existing farmstead, this is particularly important with reference to safeguarding long-views into the site from the south.

#### **8. Non Standard Condition – Ancillary office space**

The modular office block hereby approved shall remain as ancillary office space to the B8 General Storage and Distribution use of the adjacent building unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is the basis on which the application was submitted and subsequently considered and the Local Planning Authority would need to give further

consideration to the impacts of a different use at this site at such a time as any future change of use were to be proposed.

## **19.1 Informatives**

19.1 The following informatives are also recommended:

### **(1) Non Standard Informative**

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.

### **(2) ZT0 – Advisory Note on Construction & Demolition**

The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.