

UTT/17/2961/FUL – (CLAVERING)

(Called in by Cllr Oliver due to impact to highway safety and traffic generation)

PROPOSAL: Section 73A application for retrospective planning permission for the change of use of part of building 1 to retail use

LOCATION: Clavering Farm, Mill Lane, Clavering

APPLICANT: Mr Greenall

AGENT: Bourne Rural Planning Consultancy Limited

EXPIRY DATE: 16 March 2018

CASE OFFICER: Chris Tyler

1. NOTATION

1.1 Outside Development Limits, Public Right of Way.

2. DESCRIPTION OF SITE

2.1 The application site is located to the north of Mill Lane, Clavering and accommodates several agricultural buildings which share an access and car park. The farm is approximately 100ha and in arable production. Access to the site is from a single track lane from Mill lane, this track also provides access top Clavering Lakes and Clavering Farmhouse.

3. PROPOSAL

3.1 This Section 73A application is for retrospective planning permission, for the change of use of part of building 1 to retail use.

Building 1 currently includes permission for B8 Use Class (storage and distribution); this application seeks retrospective planning permission to change the use of part of the floor space as shown on the block plan to A1 Use Class (Retail). The retail shop will be associated with fishing equipment.

4. APPLICANT'S CASE

4.1 The applicant has provided a design and access statement in support of the planning application to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way.

5. RELEVANT SITE HISTORY

5.1 UTT/16/3415/FUL – Change of use of agricultural building to a mixed business use including B1 and B8 uses (approved 16/2/2017)

6. ENVIRONMENTAL IMPACT ASSESSMENT

6.1 The development is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is

not required.

7. POLICIES

National Policies

7.1 National Planning Policy Framework (NPPF)

Uttlesford Local Plan (2005)

7.2 Policy S7 – The Countryside
Policy E5 – Re-use of rural buildings
Policy GEN2 – Design
Policy GEN4 – Good Neighbourliness
Policy GEN1 – Access
Policy GEN8 – Vehicle Parking Standards
Policy GEN3 – Flood Protection

Supplementary Planning Documents

7.3 Essex County Council Highways – Parking Standards Design and Good Practice 2009

8. PARISH COUNCIL COMMENTS

8.1 No objections made.

9. CONSULTATIONS

ECC Highways

9.1 From a highway and transportation perspective the Highway Authority has no comments to make on this application.

A recommended informative is included in regards to Public Rights of Way.

ECC Ecology

9.2 No objections received

10. REPRESENTATIONS

10.1 Site notice displayed and advertised – expiry date 29/11/2017. No comments received.

Neighbouring properties consultation – expiry date 10/11/2017.
5 letters of objection received:

10.2 Comments include:

Increase in traffic – impact on neighbouring property amenity.
The barn includes the same postcode as the neighbouring properties often conflicting with delivery drivers.
If approved the use of a planning condition to control the hours of operation should be used.

Impact to the rural character of the site.
Disturbance and noise to neighbouring properties.
Inadequate parking provisions.
The change in use will destroy the peaceful rural environment.
The footfall of the development cannot be predicted.
Neighbouring properties residential gardens are in close proximity to the site.
Light pollution from the retail unit.
The use of the retail unit could not be controlled and could be taken over by a commercial retail group.

10.3 Further comments received from the planning agent on the 5/12/2017 including:

There are no objections made by the Highways Authority.
The current and previous use of the site could be heavily used by farm vehicles that could be equally disruptive; as such the change of use will not have any material increase of disturbance.
There is pressure for the diversification of the use of rural buildings.
The use of the building as retail will be in line with the parameters of the site and will not attract a large commercial retailer.
Concerns of lighting can be addressed with the use of a planning condition.

10.4 Re-consultation following the submission of revised block plans – expiry date 12/2/2018.

3 Letters of objections received, comments include:

The revision does not address the previous objections made.
The development will result in an increase in traffic that will have a harmful impact.
The development will have a harmful impact to neighbouring amenity value, including noise and disturbance.
The amended parking plan does not demonstrate the precise location and number of parking spaces provided.
The parking provision cannot be predicted due to the nature of the use.
Safety concerns for users of the footpath.
The accumulation of the other current approved uses of the site will result in a detrimental impact on the neighbouring property and is not outweighed by the use of the site.

11. COMMENTS ON REPRESENTATIONS

11.1 Conflicts with delivery drivers and post code areas are not a material planning considerations.

In regards to public footpath safety, the existing site is already includes B1 and B8 use and is regularly used

The foot fall of the development use cannot be predicted; however there is no restriction to the current use of the site.

Light pollution can be mitigated with the use of a planning condition.

Times of openings and disturbance can be mitigated with the use of a planning condition.

All other material planning issues will be considered in the following report.

12. APPRAISAL

The issues to consider in the determination of the application are:

- A The principle of the development (ULP Policies S7, E5, NPPF)
- B Impact on neighbouring amenities (ULP Policies GEN2 & GEN4)
- C Access to the site (ULP Policy GEN1);
- D Vehicle Parking Standards (ULP Policy GEN8 and ECC Parking Standards 2009)
- E Nature Conservation (ULP Policy GEN7)
- F Flood Protection (ULP Policy GEN3)

A The principle of the development (ULP Policies S7, E5, NPPF);

- 12.1 Policy E5 indicates that the re-use of rural buildings for business use is acceptable in principle, provided that four criteria are met. This includes:

The buildings are of a permanent and substantial construction,
They are capable of conversion without major reconstruction,
The development would protect or enhance the character of to the countryside,
The development will not place unacceptable pressures on the surrounding road network.

- 12.2 Policy S7 of the Local Plan seeks to protect the countryside for its own sake by restricting development to that of which needs to take place there, or is appropriate to a rural area. There would be no material change to the external appearance of the building, such that the only effect on the character of the area would be from a change in the nature of operations on the site, which would shift from previously approved B8 Use (storage/ distribution) to retail.

- 12.3 When taking into consideration the reuse of the rural building, as a retrospective application this should be considered as the last use of the building was agricultural use. The development is considered to not conflict with ULP Policy E5, further assessment of this will be included in the following paragraphs, including amenity and access.

- 12.4 Taking into account the close relationship between the subject building and the existing use of the surrounding buildings, it is considered that the change of use is compatible with the character of the area. It is therefore considered that the principle of the change of use is therefore acceptable under policies S7 and E5 of the Local Plan.

- 12.5 Paragraph 28 of the NPPF supports the economic growth of rural areas and the support and expansion of all types of business in rural areas through the conversion of existing buildings. As such it is considered the development does not conflict with the core principle of the NPPF.

B Amenity (GEN4 and GEN2)

- 12.6 Policy GEN2 seeks to ensure that development will be of an appropriate design and mitigates any potential harm. The Core Principles of the NPPF confirm that planning should recognise 'the intrinsic character and beauty of the countryside' and the impact of development on the countryside is an accepted and material consideration.

- 12.7 A number of objections have been made in regards to an increase in disturbance

from noise from vehicles and customers. The mixed use has the potential to cause some disturbance, however the site is of a sufficient distance from the neighbouring residential properties.

- 12.8 The previous use of the building as agricultural use did not include any planning conditions or restrictions; the previous planning application UTT/16/3415/FUL did include specific planning conditions in regard to hours of operation and outdoor storage to mitigate the impact of the development, these conditions are also recommended to be imposed on this application. The from the previous unrestricted use of the site and previous planning approved of B8 use it is not considered the development will have a material significant increase in noise, primarily from vehicle movements. This is comparable with the existing use of the building, which itself has the potential to cause disturbance from vehicle movements and the operation of machinery
- 12.9 The application seeks planning permission for the change of use of the buildings and therefore the impact to neighbouring properties due to access and loss of amenity is clearly demonstrated. In close proximity to the site are the dwellings of Moat House, also the properties of Clavering Gate and Mill View are adjacent the site entrance. Comments received from the neighbouring property includes objections due to the loss of amenity, increase in vehicle movement and increase in noise; this could be at any time of the day or night
- 12.10 Due consideration has been made regarding the retrospective use of the building. The fall-back position of the building is that it already lawfully established B8 use. As such it is considered the change of use of the floor space of building 1 as shown on the submitted block plan will not result in a material increase in noise or disturbance that will have a significant level of detrimental harm to neighbouring properties.
- 12.11 The current operating hours of the retail unit will be conditioned to ensure that there would be no significant disturbance to neighbours or impact the character of the surrounding area. The development accords with ULP Policies GEN4 and GEN2 and the NPPF.

C Access to the site (ULP Policy GEN1)

- 12.12 Objections have been received from neighbouring properties in regard to the increase in vehicle movement within the site and the surrounding area, and this will have the potential to impact highway safety. In consideration of this, the fall-back position of the lawful use of the building is B8 of which has the potential to include the use of large haulage and distribution vehicles. The change of use of the building to retail is not considered to result in material increase in vehicle movement that will have detrimental impact to highway safety.
- 12.13 Furthermore and taking into account that no objections or comments have been received from the highways authority, the development will not result in any significant intensification in the use of the site.
- 12.14 The site includes a several public rights of way passing through and around the site. No objections have been received from Essex County Council Public Rights of Way Team; an informative in regard to the accessing of public rights of way shall be included. It is therefore it is considered unlikely that the retrospective development would have a detrimental impact on road safety and accords with ULP Policy GEN1.

D Vehicle Parking Standards (ULP Policy GEN8 and ECC Parking Standards 2009)

- 12.15 The Council's maximum parking standards seek to promote sustainable modes of travel to shops, although it is also necessary to ensure that sufficient car parking provision is made to prevent road safety issues associated with on-street parking.
- 12.16 Essex County Council Parking Standards (2009) advise retail units should include 1 vehicle parking space per 20sqm of floor space, as such this would equate to 22 parking spaces. Although the application site does not provide this number of car park spaces due to the location and small scale use of the unit a sensible and flexible approach should be considered.
- 12.17 Parking areas have been demonstrated on the submitted block plan, due to the nature of the site these areas are constructed of grass-crete and therefore individual parking spaces have not been indicated, however this is not part of the planning application.
- 12.18 Further parking provision is provided to the north and west of the building, as such a condition should be imposed to restrict the parking and unloading of vehicles to the north of building. Due to the unrestricted nature of the site and small scale nature of the development it is considered the car parking areas provide ample space to prevent on-street parking and accords with ULP Policy GEN8.

E Nature Conservation (ULP Policy GEN7)

- 12.19 Policy GEN7 seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. A biodiversity questionnaire has been submitted with the application and assessment of this has been made the case officer during the site visit.
- 12.20 The building is currently in use and as such does not give any significant rise to impact on protected species or biodiversity. Essex County Council Ecologist have been consulted, no objections or recommendation have been made. As such it is considered the development will not have a harmful impact on protected species or biodiversity and is in accordance with Policy GEN7 and the National Planning Policy Framework.

F Flood Protection (ULP Policy GEN3)

- 12.21 Part of the parking area to the south of the building is situated within flood zone 3, ULP Policy GEN3 states within areas of flood risk, within the development limits will normally be permitted where the conclusions of a flood risk assessment demonstrate an adequate standard of flood protection and there is not increased risk of flooding elsewhere.
- 12.22 However the car-parking area is outside of the application site and is in existing use and therefore it would unreasonable to request a flood risk assessment for the retrospective development and therefore it is considered the development accords with ULP Policy GEN3.

13. CONCLUSION

- 13.1 In conclusion, the retrospective development is acceptable and complies with all relevant National and Local Planning Policies.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

- 1 There shall be no outdoor storage of any materials, goods, equipment, plant or machinery of any description in front of the north elevation of the building. This shall not be altered without prior written permission from the Local Planning Authority.

REASON: To prevent harm to the character and amenity of the area and to ensure an appropriate level of parking provisions, in accordance with Policies S7, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005)

- 2 The hours of operation of retail development hereby permitted and as shown on the approved block plan shall be as following:

Building 1 (A1)
07:00 till 17:00 - Monday to Friday
07:30 till 16:00 -Saturday
08:00 till 14:00 - Sunday

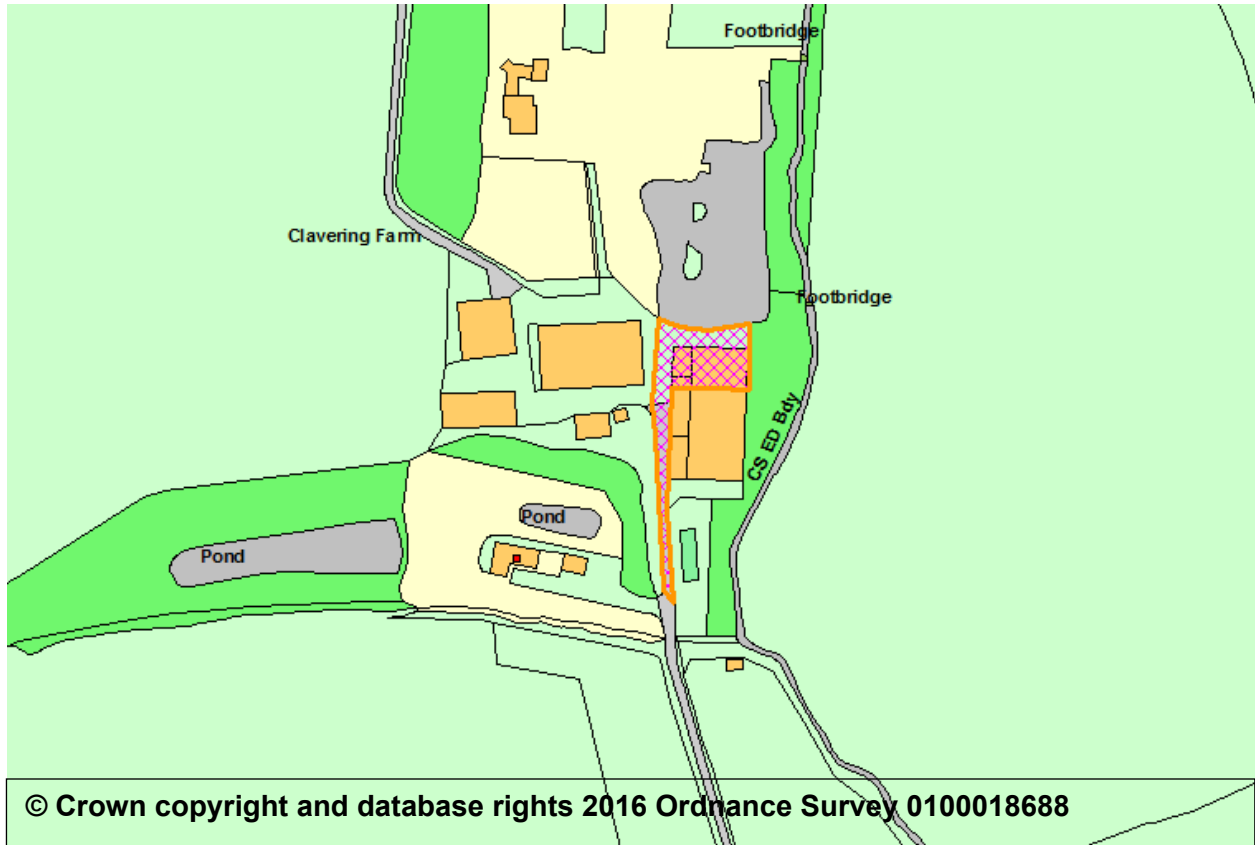
REASON: In the interests of the residential amenity of the neighbouring properties, The use of this site outside these hours would be likely to cause nuisance and disturbance to adjacent residents. In accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 3 No additional fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Uttlesford Planning Authority. The details shall ensure the lighting is designed in such a way to minimise any potential impacts to neighbouring properties Additional lighting shall thereafter be erected, installed and operated in accordance with the approved details.

REASON: To minimise any potential impacts to neighbouring properties in accordance with Policy GEN4 of the Uttlesford Local Plan (adopted 2005).

Application: UTT/17/2961/FUL

Address: Clavering Farm, Mill Lane, Clavering



Organisation: Uttlesford District Council

Department: Planning

Date: 2 March 2018