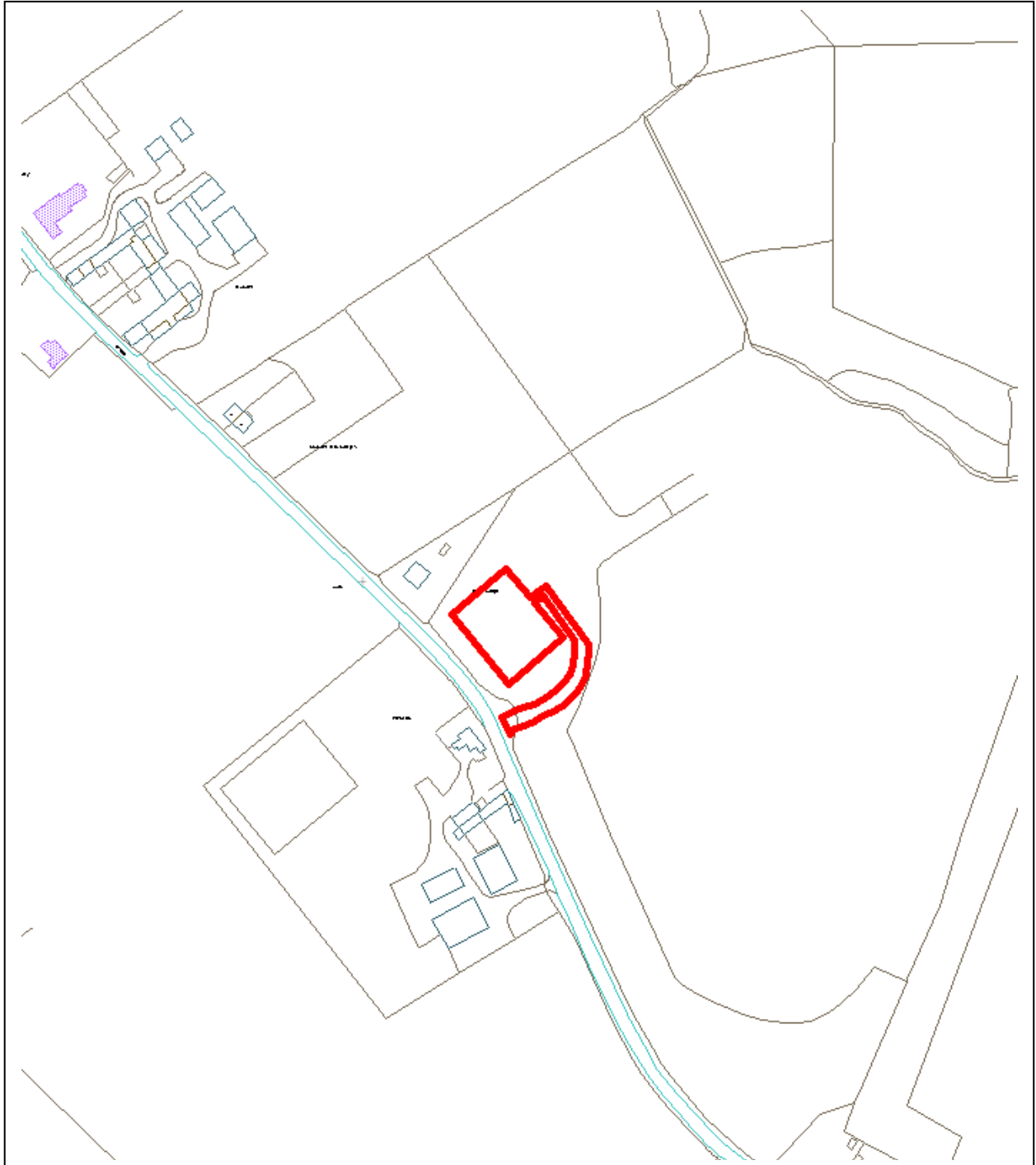


PLANNING COMMITTEE

4 FEBRUARY 2014

REPORT OF THE HEAD OF PLANNING

**A.3 PLANNING APPLICATION - 13/01452/FUL - LAND EAST OF HALL ROAD,
GREAT BROMLEY, CO7 7TR**



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Application:	13/01452/FUL	Town / Parish: Great Bromley Parish Council
Applicant:	Mr S Brazier - Toad Hall Free Range Eggs	
Address:	Land East of Hall Road Great Bromley CO7 7TR	
Development:	Erection of an agricultural dwelling to replace temporary mobile home approved under 10/00585/FUL.(Re-submission of 13/00980/FUL)	

1. Executive Summary

- 1.1 The application has been referred to Planning Committee by Councillor F. Nicholls.
- 1.2 The application proposes a four bedroom dwelling for an agricultural manager to replace the temporary (3 years) mobile home which was approved to supervise Unit 1 of the two poultry units on the site.
- 1.3 The proposal is considered to comply with national and local planning policy demonstrating a functional need for a full time worker to be resident on site, financial viability, and a dwelling proposed which would be commensurate with the needs of the enterprise, and would not result in any material harm to the character and appearance of the surrounding countryside. The proposal is also acceptable in terms of highway safety and residential amenity and is therefore recommended for approval.

Recommendation: That the Head of Planning be authorised to grant planning permission for the development subject to:-

(a) Prior to the application determination date of 10th February 2014, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters:

- Public open space

(b) Planning conditions in accordance with those set out below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning in their discretion considers appropriate

Conditions:

1. Standard 3 year time limit for commencement.
2. Development in accordance with submitted plans.
3. Occupancy restricted to agricultural manager at the poultry unit.
4. Samples of construction materials.
5. Construction Method Statement
6. Onsite vehicular turning facility.
7. Details of boundary treatments.
8. Use of permeable surfacing.

(c) The Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed prior to the application determination date of 10th February 2014, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation, contrary to saved policy COM6 of the Tendring District Local Plan (2007) and draft policy PEO22 of the

2. **Planning Policy**

National Policy:

National Planning Policy Framework (2012)

- 2.1 Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.
- 2.2 Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Local Plan Policy:

Tendring District Local Plan 2007

QL9	Design of New Development
QL11	Environmental Impacts and Compatibility of Uses
HG9	Private Amenity Space
HG18	Permanent Dwellings for Agricultural Workers
COM6	Provision of Recreational Open Space for New Residential Development
EN1	Landscape Character
TR1a	Development Affecting Highways
TR7	Vehicle Parking at New Development

Tendring District Local Plan - Proposed Submission Draft (2012)

SD1	Presumption in Favour of Sustainable Development
SD9	Design of New Development
PEO4	Standards for New Housing
PEO8	Aspirational Housing
PEO22	Green Infrastructure in New Residential Development
PLA5	The Countryside Landscape
COU5	Agricultural and Essential Workers Dwellings

3. **Planning History: Application site**

08/01012/FUL	Erection of agricultural free range poultry building to accommodate 3000 chickens with packing and collecting facility.	Refused Appeal allowed	30.10.2008 13.05.2009
08/01013/FUL	Erection of 23.5m x 18.3m free range egg unit to accommodate 3500 laying hens.	Refused Appeal allowed	30.10.2008 13.05.2009
08/01014/FUL	Erection of 23.5m x 18.3m free range egg unit to accommodate 3500 laying hens.	Refused Appeal allowed	30.10.2008 13.05.2009
09/00721/FUL	Proposed free range poultry unit and required storage areas including extension of track - Phase 1.	Approved	16.10.2009
09/00724/FUL	Proposed free range poultry unit - Phase 3.	Approved	16.10.2009
09/00725/FUL	Proposed free range poultry unit - Phase 2.	Approved	16.10.2009
09/00804/AGRIC	Proposed new access track.	Determination	07.09.2009
09/01042/FUL	Erection of 29.5m x 18.3m free range egg unit to accommodate additional laying hens (phase 5).	Approved	28.01.2010
09/01043/FUL	Erection of 29.5m x 18.3m free range egg unit to accommodate additional laying hens (phase 4).	Approved	28.01.2010
10/00196/FUL	Erection of a 29.5m x 18.3m free range egg unit to accommodate additional laying hens (Phase 4).	Refused	18.05.2010
10/00197/FUL	Erection of a 29.5m x 18.3m free range egg unit to accommodate additional laying hens (Phase 5).	Approved	17.05.2010
10/00585/FUL	Proposed change of use of land for the stationing of a mobile home to supervise the development of free range poultry enterprise.	Approved	15.09.2010
10/01290/FUL	Erection of a 29.5m x 18.3m free range egg unit to accommodate additional laying hens (phase 5) - resiting of building granted permission under 10/00197/FUL.	Approved	21.01.2011
10/01291/FUL	Proposed free range poultry unit and required storage areas	Approved	21.01.2011

including extension of track - phase 1 - (resiting of building granted permission under 09/00721/FUL).

10/01292/FUL	Proposed free range poultry unit - phase 2 - (resiting of building granted permission under 09/00725/FUL).	Approved	21.01.2011
10/01293/FUL	Erection of a 29.5 m x 18.3m free range egg unit to accommodate additional laying hens (phase 4) - resubmission of 10/00196/FUL.	Approved	21.01.2011
12/01450/FUL	Proposed change of use of land for the siting of a mobile home to supervise a Free Range poultry unit.	Approved	07.06.2013
13/00980/FUL	Erection of four bedroom agricultural dwelling to replace temporary mobile home approved under 10/00585/FUL.	Withdrawn	01.11.2013

Planning History: Bush Farm opposite

04/02189/FUL	Erection of a domestic stable block	Withdrawn	20.10.2005
06/01463/FUL	Erection of a domestic stable block (resubmission of 04/02189/FUL)	Withdrawn	21.05.2007
07/01206/FUL	Erection of detached dwelling. Alterations to vehicular access. Demolition of existing dwelling.	Refused	25.09.2007
08/00072/AGRIC	The erection of a machinery and general storage building.	Determination	13.02.2008
08/00631/FUL	Erection of detached dwelling (following demolition of existing dwelling). Alterations to existing vehicular access.	Approved	18.07.2008
09/00097/AGRIC	Erection of machinery / general storage building.	Determination	06.03.2009
09/00099/FUL	Demolition of existing agricultural/domestic building(s) and erection of a replacement building.	Approved	13.05.2009
09/00644/FUL	Erection of four bay stable block with shelter, store and tack room and change of use of agricultural land to horse paddocks.	Approved	02.09.2009

09/00645/FUL	Erection of hay store/barn (following demolition of existing building) and cattle shed with associated yard.	Approved	02.09.2009
09/00646/AGRIC	Erection of machinery / general storage building.	Determination	05.08.2009
09/00647/FUL	Erection of a general purpose agricultural building.	Approved	02.09.2009
09/01340/FUL	Erection of a general purpose agricultural building.	Approved	12.04.2010
10/00355/FUL	Erection of replacement detached dwelling (following demolition of existing dwelling) and alterations to existing vehicular access. Demolition of existing agricultural / domestic buildings and erection of replacement agricultural / domestic buildings.	Approved	09.07.2010
11/00390/FUL	Extensions and alterations to existing barn.	Approved	28.06.2011
13/00509/FUL	Erection of replacement detached dwelling (following demolition of existing dwelling) and alterations to existing vehicular access. Demolition of existing agricultural / domestic buildings & erection of replacement agricultural / domestic buildings. (Extension of time on previously approved 10/00355/FUL).	Approved	25.07.2013
13/00981/FUL	Erection of a general purpose agricultural building (addition to building approved under 09/01340/FUL currently under construction).	Approved	23.10.2013

4. **Consultations**

- 4.1 Great Bromley Parish Council – Object. Proposed structure is oversized for an agricultural dwelling and is too intrusive on the landscape overall.

In response to the Parish Council's concerns these matters are discussed in detail in the report below.

- 4.2 ECC Highways – No objection subject to 5 conditions relating to: vehicular visibility splays; Construction Method Statement; onsite turning facility; minimum parking space sizes; and use of the dwelling to be incidental to the poultry business.

- 4.3 Environment Agency – Consider application to be low environmental impact and have no comments to make.

5. **Representations**

- 5.1 Councillor Fred Nicholls has called the application in for determination at Planning Committee because of the following (*comments where not addressed in report below*):

- it is considered contrary to Draft Policy COU5.
- negative impact on the street scene.
- poor layout and density issues.
- negative impact on neighbours.
- previous application was withdrawn as excessively bulky.
- application form states no employment. (*As the application is for a dwelling not a new employment use it would not be expected to show the employment figures on the application form. The written justification confirms that the unit employs one full time manager and occupation would be restricted as such by the recommended condition*).
- very similar to applicant's replacement dwelling approved at Bush Farm opposite. (*The two dwellings are very similar. However that was designed by the same agent and there would be no resultant material harm to visual amenity from two similar dwellings*).
- contrary to PPS7 Annex A.
- mass would have detrimental effect on local countryside and nearby dwellings.
- previous Independent Agricultural Assessment stated each shed requires a resident manager so should be pair of semi-detached houses/bungalows.
- is enterprise economically viable independent financial test should be carried out.

- 5.2 One letter of objection has been received and is summarised as follows:

- Anything larger than a mobile home would not be commensurate with functional need.
- This is only one of the two managers caravans on site so will set a precedent for the second dwelling.
- Should be two semi-detached two bedroom bungalows sited between the two sheds.

6. **Assessment**

- 6.1 The main planning considerations are:

- Policy;
- Design;
- Landscape impact;
- Highway safety;
- Residential amenity; and,
- Financial contributions.

Proposal

- 6.2 The application proposes a four bedroom dwelling for an agricultural manager to replace the temporary mobile home approved under 10/00585/FUL (expired 15/09/2013) which was approved to supervise Unit 1 of the two poultry units on the site.

- 6.3 The two storey bulk of the proposed dwelling measures 12.2m wide by 10.6m deep and is 7.4m high to the main ridge and 7.9m high to the gable.

Site location

- 6.4 The site lies outside any defined settlement boundary on the north side of Hall Road. The site currently comprises two 20,000 bird poultry units, two agricultural managers caravans and an agricultural building which is currently under construction.

Policy

- 6.5 As a proposal for an agricultural managers dwelling the proposal falls to be considered against saved Policy HG18 (permanent dwellings for agricultural workers) and draft Policy COU5 (agricultural and essential workers' dwellings). Draft Policy COU5 is more reflective of the provisions of the National Planning Policy Framework and received one representation which was in support, this policy is therefore being afforded similar weight to a fully adopted policy. The proposal is assessed against the criteria of this policy below:
- 6.6 **New dwellings in the countryside, related to and located in the immediate vicinity of a rural enterprise, will only be permitted where: a) evidence has been submitted to the satisfaction of the Council that there is an existing agricultural, forestry or other rural business-related functional need for a full time worker in that location;**
- 6.7 The functional need was accepted in granting the three year temporary permission for the mobile home as this was a new business which needed to prove its predicted financial viability. The business has now operated successfully for over three years.
- 6.8 12/01450/FUL approved a second mobile home for a temporary period of three years to supervise poultry unit 2. The Council instructed an independent agricultural assessment of that application due to concerns regarding the need for two mobile homes on the site to accommodate two separate managers. Although not produced for this application that independent assessment is relevant in relation to the functional and financial viability of the business. The assessment confirmed the functional need was satisfied. This is a particularly large egg laying unit and to manage it satisfactorily there is an essential need for a responsible manager to live close by. Each unit should have a full time manager due to the scale of the enterprise. Criteria COU5a) is therefore met.
- 6.9 **b) there are no suitable alternative existing dwellings (or existing rural buildings available suitable for re-use or conversion to residential use) available or which could be made available, in the locality to serve the identified functional need;**
- 6.10 The independent agricultural assessment confirmed each manager should live within sight, sound and easy walking distance of their unit and added that the existing mobile home for unit 1 was unsatisfactorily related for the manager of unit 2 being over 250 metres away. The business requires employment and retention of a well qualified and experienced person who may have a family thus needing their own home. Relief is provided by the applicant or his family from Bush Farm opposite the access to the site. There are therefore no existing dwellings or rural buildings available or suitable to fulfil the identified functional need. Criteria COU5b) is therefore met.
- 6.11 **c) it can be demonstrated that the enterprise is, or will be in the case of new businesses, a viable business with secure future prospects;**
- 6.12 The independent agricultural assessment accepted the business had been planned on a sound financial basis. It operates to Freedom Foods Standards producing eggs with a woodland premium and has reported higher than average egg yields demonstrating that the applicant has proved a firm intention and ability to develop the enterprise. The business has now been established for over three years and showed approximately £38,000 profit for 2012/2013. The estimated cost of the dwelling is £150,000 which at 4% over 40 years is £7,650. It is therefore shown that the business can sustain the cost of the proposed dwelling while remaining financially viable. Criteria COU5c) is therefore met.

- 6.13 **d) the size and nature of the proposed dwelling is commensurate with the needs of the enterprise concerned; and**
- 6.14 The previous application was withdrawn due to concerns raised regarding the size of the dwelling proposed being excessive in relation to the needs of the enterprise. The overall bulk of the dwelling has been reduced with the change in design however the floor area has only been marginally reduced. The current proposal provides kitchen, breakfast room, dining room, living room, office, wc, boot room and utility room at ground floor with four bedrooms and two bathrooms at first floor. A recent appeal decision (December 2013) for a dwelling for a farm livery worker accepted a four bedroom dwelling measuring 12m x 11m x 8.6m high as being of modest proportions. In that case the profitability of the business was low and in only one of the previous five years did it exceed the basic salary for a livery worker. It is therefore considered that although the accommodation proposed is generous, it can be satisfactorily funded by the business and its size is not so excessive as to be considered to not be commensurate with the needs of the business. Criteria COU5d) is therefore met.
- 6.15 **e) the development is not intrusive in the countryside, is designed to have a satisfactory impact upon the character and appearance of the area, and is acceptable when considered against other planning requirements.**
- 6.16 The site benefits from a large amount of existing landscaping which is only a few years old so over time this will grow to provide significant screening of the proposed dwelling. The amended design is a twin gabled, two storey dwelling which would not be out of character with the design or scale of surrounding dwellings. There is therefore considered to be no material harm to the character of the surrounding countryside and other material considerations are addressed in the paragraphs below. Criteria COU5e) is therefore met.
- 6.17 The proposed dwelling complies with the standards for minimum internal space and private amenity space as detailed in saved policies PEO4 (Standards for New Housing) and PEO8 (Aspirational Housing).
- 6.18 Annex A of Planning Policy Statement 7 has been superseded by the NPPF, however it is still considered as good practice guidance for proposals for agricultural workers' dwellings. Draft policy COU5 (discussed in full above) reflects the guidance in Annex A of PPS7 and there is considered to be no conflict.

Design

- 6.19 The amended design is a traditional twin gabled, two storey dwelling constructed of a brick plinth with render above and clay plain tiles to the roof. The single storey side element is constructed of weatherboarding with natural slate to the roof.
- 6.20 The proposed dwelling would not be out of character with the design or scale of surrounding dwellings and there is no objection to its detailed design.

Landscape impact

- 6.21 The site benefits from planting installed as part of the landscaping for the poultry sheds which is retained by condition under those planning permissions. This provides significant screening to soften the appearance of the development in the landscape resulting in no material harm to the character of the surrounding countryside. It is not considered that additional landscaping is therefore necessary, however a condition is recommended to control the boundary treatments proposed in the interests of preserving the rural character of the surrounding area.

Highway safety

- 6.22 The proposed dwelling utilises the existing access serving the poultry units. Two off street parking spaces are shown in accordance with the adopted parking standards, however there is ample room for additional off street parking.
- 6.23 The Highway Authority has no objection subject to five conditions as detailed in the report above. However condition 1 is unnecessary as the vehicular access is complete and the visibility splays are controlled by conditions on the planning permissions for the poultry buildings. Condition 2 requires submission of a Construction Method Statement to ensure the development is safe during construction. Condition 3 requires details of an onsite turning facility as the plans do not show this to current standards. Condition 4 relates to parking space sizes however the submitted plans comply so this condition is unnecessary. Condition 5 requires that the dwelling will be incidental to the poultry business, this matter is satisfactorily addressed by the recommended agricultural occupancy condition.
- 6.24 Subject to the conditions contained within the recommendation there is no objection on highway safety grounds.

Residential amenity

- 6.25 The proposed dwelling is 24 metres from the boundary with the neighbour at Poplar Hall Bungalow (1.5 storeys) and 45 metres from Bush Farm which is on the opposite side of the highway. There is only an en suite window at first floor level on the flank facing Poplar Hall Bungalow. Given the significant distance separating the dwellings and the existing landscaping there would be no material harm to residential amenity.
- 6.26 Private amenity space is provided in excess of that required by both saved policy HG9 and draft policy PEO4.

Financial contributions

- 6.27 Saved Policy COM6 and draft Policy PEO22 state that residential development below 1.5 hectares in size, where existing public open space facilities are inadequate, shall provide a financial contribution towards the provision of new or improved off-site facilities to meet the projected needs of the future occupiers of the development. There is an identified deficit in both equipped play and formal open space in the Parish and a contribution is therefore justified. A unilateral undertaking has been requested and is currently being progressed. The recommendation allows for submission up to the determination date of the application otherwise the application should be refused in accordance with saved Policy COM6 and draft Policy PEO22. An update will be provided at the meeting.

Background Papers

None.