

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	28/06/18
Planning Development Manager authorisation:	AN	16/7/18
Admin checks / despatch completed	AN	17/7/18

*en*

**Application:** 18/00706/FUL **Town / Parish:** Great Bromley Parish Council

**Applicant:** Primrose Pork

**Address:** Primrose Farm Hall Road Great Bromley

**Development:** Variation to condition 3 of 17/01810/FUL - To change opening hours of retail shop to 8:00am to 6:00pm on Saturdays and 10:00am to 4:00pm on Sundays.

### 1. Town / Parish Council

Great Bromley Parish Council      Great Bromley Parish Council had no objection to this application.

### 2. Consultation Responses

ECC Highways Dept      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.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

### 3. Planning History

01/01889/FUL	New vehicular access.	Approved	03.12.2001
01/01892/AGRIC	Two general purpose agricultural buildings	Determinati on	03.12.2001
02/00401/AGRIC	One general purpose agricultural building (in lieu of two originally proposed).	Determinati on	28.03.2002
03/01213/OUT	Farm manager's dwelling	Refused	11.08.2003
04/02425/AGRIC	Farm office, mess room and	Determinati	10.03.2005

	washroom.	on	
05/00540/AGRIC	Extension to agricultural barn	Determination	05.05.2005
05/01371/FUL	Agricultural storage change of use to meat cutting plant.	Withdrawn	06.10.2005
05/02008/FUL	Change of use from agricultural store to meat cutting plant.	Approved	01.06.2006
10/00081/FUL	Use of land for the provision of a temporary agricultural workers dwelling.	Approved	05.05.2010
10/00730/AGRIC	Storage barn.	Determination	21.07.2010
12/00569/FUL	Erection of agricultural workers dwelling.	Approved	16.08.2012
13/00867/FUL	Dwelling for an agricultural worker. (Variation to design of dwelling as approved under planning permission 12/00569/FUL)	Approved	20.09.2013
13/01060/FUL	Installation and operation of a ground mounted solar PV system up to 34kw.	Approved	27.11.2013
15/01389/FUL	Change of use of agricultural storage barn to provide a self contained commercial unit to be used as a micro brewery.	Approved	25.01.2016
16/00749/COUNO T	Change of use of agricultural storage barn to 2 dwellings.	Withdrawn	04.07.2016
16/01427/COUNO T	Change of use of agricultural storage barn to 2 dwellings.	Determination	07.11.2016
17/01158/COUNO T	Change of use of an agricultural building to a flexible commercial use.	Determination	31.08.2017
17/01397/FUL	Variation to condition 12 of 05/02008/FUL to allow meat to be imported to the premises.	Approved	09.10.2017
17/01810/FUL	Removal of condition 4 of 17/01397/FUL to allow meat to be imported to the premises.	Approved	15.12.2017

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

ER11 Conversion and Reuse of Rural Buildings

ER32 Town Centre Uses Outside Existing Town Centres

ER38 Farm Shops

EN1 Landscape Character

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

QL11 Environmental Impacts and Compatibility of Uses

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

LP3 Housing Density and Standards

PP13 The Rural Economy

PPL3 The Rural Landscape

SPL3 Sustainable Design

#### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. 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 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. 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

### Site Description

The application site is Primrose Farm, Hall Road, Great Bromley. The site consists of a shop, which is the subject of this application, and a number of agricultural buildings. The surrounding area is typically rural in character, although there are examples of occasional built form further out to the south, east and west. The site falls outside of a recognised Settlement Development Boundary in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

### Description of Proposal

This application seeks planning permission for the amendment to the wording of condition 3 of previous planning permission 17/01810/FUL, which stated the following:

"No machinery shall be operated, no process shall be carried out, no deliveries taken in or dispatched from the site and no retail sales shall take place at the site outside the following hours: Mondays to Fridays from 07h00 to 19h00 and Saturdays from 09h00 to 16h00 and not at any time on Sundays or Public Holidays unless otherwise agreed in writing with the local planning authority."

The application seeks permission to revise the retail opening hours to the following:

Mondays to Fridays: 7.00am to 7.00pm

Saturdays: 8.00am to 6.00pm

Sundays: 10.00am to 4.00pm

### History

Under planning reference 05/02008/FUL, permission was granted for a change of use from an agricultural store to a meat cutting plant.

Under planning reference 17/01397/FUL, a variation of condition application was approved to vary the wording of Condition 12 from planning permission 05/02008/FUL.

Under planning reference 17/01810/FUL, Condition 4 of previous permission 17/01397/FUL was removed, which had previously stated the use permitted shall include only the cutting of meat or meat products produced either on the land or no more than 40% if being imported.

### Principle of Development

Whilst the proposal will result in additional retail use situated outside of a recognised town centre, Policy PP13 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft states that the Council should look to support the rural economy and specifically farm diversification schemes, whilst the impact of the proposal is relatively minor. Therefore, the principle of development is acceptable subject to the detailed consideration below.

### Impact of Changes

The proposed amendments to the condition will see the retail shop open an additional three hours on a Saturday and for six hours on a Sunday. All weekday hours are to remain as before. The initial reasoning for the condition being imposed to the previous permission was in order to protect the existing amenities of neighbouring properties. However, whilst it is accepted there may be some noise increase through additional deliveries and customers coming and going from the site, the existing site will generate noise from the farm, Hall Road itself is a fast road which will naturally generate noise from fast moving vehicles, and the nearest neighbouring properties are approximately 60m from the site. Furthermore, Essex County Council Highways Authority have been consulted and raise no objections.

Therefore, it is not considered there will be significant identified harm to existing residential amenities as a result of the amended wording of the condition.

### Other Considerations

Great Bromley Parish Council has no objection to the proposal.

There have been no other letters of representation received.

### Conclusion

In the absence of any significant harm as a result of the proposed development, this proposal is recommended for approval.

## **6. Recommendation**

Approval

## **7. Conditions**

- 1 The retail component shall be operated ancillary to the principal use of the planning unit as a meat cutting plant and shall occupy no more than 20% of the floor area of the part of the existing building which is the subject of this planning application.

Reason: In the interests of highway safety and to ensure the retail component remains ancillary and at a scale commensurate with its unsustainable rural location.

- 2 No goods or materials or other articles or items shall be stored, stacked or deposited externally of the part of the building included in this application.

Reason: To enable the Local Planning Authority to exercise control over the external storage of goods in the interest of the visual amenities and character of the countryside.

- 3 No machinery shall be operated, no process shall be carried out, no deliveries taken in or dispatched from the site and no retail sales shall take place at the site outside the following hours: Mondays to Fridays from 7am to 7pm, Saturdays from 8am to 6pm and Sundays 10am to 4pm, and not at any time on Public Holidays unless otherwise agreed in writing with the local planning authority.

Reason: In order to protect the amenities of occupiers of neighbouring properties.

## **8. Informatives**

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.