

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	14/05/2019
Planning Development Manager authorisation:	AN	14/05/2019
Admin checks / despatch completed	SB	14/05/19

Application: 19/00230/FUL **Town / Parish:** Great Bromley Parish Council

Applicant: Mr Fairley - Henry Fairley and Son Limited

Address: Wood Barns North of A120 Harwich Road

Development: Proposed new agricultural access road to wood barns further to Highways England roundabout scheme on Harwich Road.

1. Town / Parish Council

Great Bromley Parish Council has no comment on the application.

2. Consultation Responses

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal is to replace the existing field access that will become redundant due to the Highways England A120 roundabout scheme on Harwich Road. The new field access point will connect to the new roundabout and the details highlighted on Drawing no. HE561853-JAC-LAW-A120_PEL-DR-CH-0004 Rev. P3. are a suitable arrangement and therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority as it is not contrary to the following Development Management policies:

A) Safety: Policy DM 1 of the Highway Authority's Development Management Policies February 2011

B) Accessibility: Policy DM 9 of the Highway Authority's Development Management Policies February 2011

C) Efficiency/Capacity: Policy DM 1 of the Highway Authority's Development Management Policies February 2011

D) Parking Standards: Policy DM 8 of the Highway Authority's Development Management Policies February

Informative 1: o The proposed gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 15 metres from the back edge of the footway / cycleway or where no provision of footway/cycleway is present, the carriageway to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety.

Informative 2: 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 or by post to:

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

Highways England

Referring to the planning application referenced above, dated 20 February 2019, application for the formation of a new agricultural access road to wood barns A120 Harwich Road Great Bromley Essex notice is hereby given that Highways England's formal recommendation is that we:

recommend that planning permission not be granted for a specified period (see Annex A - further assessment required);

Highways Act Section 175B is not relevant to this application

This represents Highways England formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Annex A Highways England recommended further assessment required

HIGHWAYS ENGLAND has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regards to 19/00230/FUL and has been prepared by Mark Norman.

We wrote to you on the 1 March 2019 requesting clarification about the width of the proposed track being different on the plan to the descriptions in other documentation submitted with the application.

The Planning statement describes the proposed track width as 9m and the site plan shows it exactly aligns with the new roundabout access we are preparing to construct. However, you will see from the applicant's, Indicative Plan that the track width is approximately 5 m wide (see section A-A). The track will be 5.5m at the highway boundary.

We are currently in dialogue with the applicant regarding the width of track we are proposing to construct. We are only prepared to design and construct the access onto the roundabout 5.5m wide and suitable for maximum 10m rigid HGV's as we believe this is an appropriate 'like for like' replacement for the existing access.

If the applicant wishes this to be wider he would need to fund the extra over work if it could be demonstrated that it was safe to provide, and this may require either an amendment to this permission or a new application. In this case the gate will need to be set back far enough for the longest vehicle, likely to use the access, to park up clear of the highway whilst the gate is opened or closed.

We therefore recommend that planning permission is not granted before 10 May 2019 to allow sufficient time for the above matters to be addressed. If all matters can be agreed sooner than this we can then withdraw this recommendation and issue a definitive response.

Highways England

Referring to the planning application referenced above, dated 19 February 2019, application for Proposed new agricultural access to wood barns, north of the A120, Harwich Road, Great Bromley Essex.

notice is hereby given that Highways England's formal recommendation is that we recommend that conditions should be attached to any planning permission that may be granted (see Annex A - Highways England recommended Planning Conditions);

Annex A

This application is for an access track as the existing track used to access Wood barns will be severed by the improvement to convert the existing junction to a roundabout. Highways England will provide the access to the roundabout

The proposed track will need to be surfaced in a bound material so that debris does not get carried out on to the trunk road

Any gate must be mounted so that it does not open towards the A120, it should also be set back to accommodate one vehicle in the access, clear of the main running lane and preferably clear of the footway.

The vehicle to be accommodated should be of the largest type to use the access on a regular basis, (which in the case of farm vehicles may include a trailer ie approx. 17m).

3. Planning History

00/00122/FUL	Steel frame portal building to be used for the replacement of an existing agricultural building	Approved	15.03.2000
93/00247/FUL	(Park Farm, Great Bromley) Erection of an agricultural building for storage of straw	Approved	08.04.1993
94/01111/FUL	(Park Farm, Great Bromley) To retain works carried out on existing building and complete with the continued use for pig husbandry	Withdrawn	01.11.1994
95/00302/FUL	(Park Farm, Great Bromley) To retain works (infilling of open front by block and metal cladding with roller screen over door) to existing agricultural building	Approved	23.05.1995
97/00644/FUL	Improvements to pig unit	Refused	13.01.1998
98/01086/FUL	Improvements to pig unit	Refused	03.11.1998
99/01873/AGRIC	Replacement of an existing agricultural building	Determination	13.01.2000
03/01247/FUL	To amend eaves height, close access and new planting. (Variation to design of building as approved under reference TEN/97/0644)	Approved	11.08.2003
04/00343/FUL	Proposed re-build of former agricultural building to form production centre (B1 Use)	Approved	15.04.2004

05/01415/AGRIC	Construction of agricultural reservoir.	Determination	16.09.2005
07/01247/FUL	Extension to existing building and change of use to B2	Withdrawn	22.10.2007
07/02002/AGRIC	Extension to an existing building.		18.12.2007
07/02035/AGRIC	Erection of replacement agricultural building.	Determination	17.01.2008
09/00274/AGRIC	Construction of agricultural reservoir.	Determination	27.04.2009
13/00329/FUL	Change of use of redundant farm buildings for B2 and B8 purposes and the retention of container to be used as an office.	Approved	20.05.2013
15/00186/FUL	General purpose farm storage building.	Approved	25.03.2015
15/00741/FUL	Change of use of part redundant farm building for B2 purposes for a light metal fabrication company.	Approved	10.07.2015
15/01592/AGRIC	Steel framed agricultural barn building.	Determination	18.11.2015
16/00425/FUL	Change of use of farm building for B2 purposes for a metal fabrication company. Erection of ancillary office building.	Approved	09.05.2016
18/00277/AGRIC	Erection of an agricultural store building in place of existing dilapidated building.	Determination	22.03.2018
18/01028/AGRIC	Erection of an agricultural building replacing existing dilapidated building following demolition.	Determination	17.07.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

TR1A Development Affecting Highways

QL10 Designing New Development to Meet Functional Needs

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

SPL3 Sustainable Design

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) 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 48 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 48 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 (including Site Description and Proposal)

Site Description

The application site is located on the northern side of the A120 and forms part of the wider Park Farm holding. The application site itself is located away from the main focus of buildings associated with Park Farm but lies directly adjacent to the area of land subject to agricultural prior notification applications. Permission exists under application no. 18/01028/AGRIC for a modern steel portal framed agricultural building extending to 774 sq.m. The site itself lies to the north-east of the existing track from the A120.

Description of Proposal

The application seeks full planning permission for a new agricultural access road to Wood Barns as the existing track used to access Wood barns will be severed by the improvement works being carried out by Highways England to convert the existing junction to a roundabout.

Assessment

The main consideration in this instance is highway safety and accessibility.

A Highways England road scheme relating to reconfiguration of the road layout to include a roundabout is in progress on the A120 Harwich Road. As part of the road scheme, Highways England are working with the applicants to provide a new access onto the new roundabout in a new position approximately 20 metres to the north-east of the existing. This application therefore seeks to connect the access with a continuation of the adjacent track.

The road will be constructed from conventional materials which are commonplace for that of agricultural surfaced tracks.

Essex County Council Highway Authority raise no objection to the development.

Highways England originally highlighted concerns with the width of the access referenced within the supporting statement as 9m and the plans showing 6m. This has been corrected and amended plans received. Additional information was received from the Agent on 21st March 2019 clarifying the proposal and the requirements of Highways England to relate to the access to the roundabout only and the new lane extension, surfacing etc is to be carried out by the applicant.

Revised comments confirm that Highways England no longer raise an objection to the development subject to conditions relating to no unbound materials, position of gates and size of vehicles using the access. Precise wording for the required conditions has not been provided and their recommendations will therefore be adjusted and precise conditions imposed as necessary.

Conclusion

For the reasons set out above, the application is considered acceptable and is therefore recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

- 1 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 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 10m of the highway boundary.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 3 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 17 metres from the highway.

Reason - To enable farm vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.