

DELEGATED DECISION OFFICER REPORT

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File completed and officer recommendation:	NW	07/09/2020
Planning Development Manager authorisation:	TF	07/09/2020
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Application: 20/00682/FUL **Town / Parish:** Great Bromley Parish Council

Applicant: Mr Fairley

Address: Park Farm, Hilliards Road, Great Bromley, Colchester

Development: Proposed change of use of building to B2 general industrial

Town / Parish Council

Great Bromley Parish
Council

Council has no objection to this application

Consultation Responses

- TDC Environmental Protection –

Environmental Protection accept the point made by the applicant in relation to the type of works that the applicant proposes should limit the noise and contain this to building in question, however, the planning permission for type B2 use is broad and it has been identified that there is a residential property on the other side of Hilliards Road. A noise risk assessment would look at worst case scenario in relation to noise from the proposed use and therefore Environmental Protection would recommend the following:

Environmental Protection will require a Noise Impact Assessment to be carried out by a relevantly qualified, competent person. This will need to focus activities that may have an impact on any neighbouring/noise sensitive properties from the proposed change use to B2 (general industrial) such as noise from workshop. This assessment will need to also consider any potential noise from any extraction systems or any other external plant or machinery that is linked to the premises.

Reason: The use of any unit is not causing loss of amenity to nearby residential properties.

- TDC Regeneration -

TDC Regeneration support for this application which will (if successful) see the relocation of an existing business from outside of the District in to converted premises at Park Farm, Tendring. The business is known to TDC Regeneration and has a strong ambition to grow its market share and its turnover as a consequence of its relocation to the Tendring district. The business has indicated that it intends to grow its existing workforce by up to six new members of staff over the next three years, and to provide apprenticeship opportunities for people wishing to establish a career in engineering.

The proposed change of use is clearly a planning consideration, although they would say that increasingly farm diversification is an important means through which this type of work space is being provided in Tendring as there is a critical shortage of incubation space and move on space in the district.

- ECC Highways –

No Objection

- External / Public Comments – None

Relevant Planning History

04/00343/FUL	Proposed re-build of former agricultural building to form production centre (B1 Use)	Approved	15.04.2004
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
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

1. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11	Environmental Impacts and Compatibility of Uses
EN1	Landscape Character
ER7	Business, Industrial and Warehouse Proposals
EN23	Development Within the Proximity of a Listed Building
COM21	Light Pollution
COM22	Noise Pollution
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development

Tendring District Local Plan 2013 -2033 and Beyond Publication Draft

SP1	Presumption in Favour of Sustainable Development
SP4	Providing for Employment & Retail
SP5	Infrastructure & Connectivity
PP13	The Rural Economy
PPL9	Listed Buildings
CP1	Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards – Design and Good Practice

Officer Appraisal

Site Context

The application site is located some 500 metres north of the A120 and forms part of the main 'Park Farm' holding. The farmstead is located immediately east of Hiliards Road near the junction with Park Road. The area contains approximately 8 large agricultural barns and 5 smaller agricultural buildings. The farm's website indicates the buildings are likely used in relation to the '*storage, transport and logistics*' business that runs from the farm. Two of the buildings on site are used by a metal fabrication company and landscape contractors, this is evidenced by some of the recent planning history on the site, they both have B2 use class approvals.

The farmstead is set within a rectangular plot measuring approximately 100 metres in width and 300 metres in length, in the most part enclosed by a 4 metre high mature trees and hedging. 'Park Farm' is outside the Settlement Development Boundaries as established in the saved and draft local plans. The nearest defined settlement is Great Bromley some 1.5 miles west of the site.

The host building, the subject of this application, is an agricultural storage building measuring 30 metres in length and 17.8 metres in depth. The ridge of the building is 8.2 metres and the eaves 5.5 metres. The building has a red brick base, timber cladding with an insulated composite roof. The building is located in the south of the site immediately adjacent to Park Road and one of three entrances to 'Park Farm'. Ultimately, the building is in an exposed position next to the public highway with two elevations having no tree cover from the road.

With regards to neighbouring properties outside the curtilage of 'Park Farm', on the western side of Hilliards Road, there is a private dwelling known as "White House" some 140 metres from the host building. While at the junction with Park Road and Chase Road East, approximately 100 metres from the host building, there are a pair of detached residential bungalows.

Finally, within 'Park Farm' itself, there is a residential farmhouse building that is Grade II Listed. The owners of the farmhouse are also the owners of 'Park Farm'.

With regards to planning zones, a District wide Article 4 direction ensures all dwellings houses cannot convert to HMO's, while the area is also within the catchment area of Gwvmonir Water Reservoir 3031. Overall the area is classified as 'Countryside'.

Proposal

Proposed change of use of an existing building to B2 general industrial.

The company wishing to operate within the building are known as Amobox Limited. They specialise in making portable retail units in either towable containers, van conversions or bespoke freestanding kiosk vehicles. The firm employs 9 people and they plan to grow to 15 in future years.

Assessment

The main considerations for this application are:

1. Principle of development
2. Policy ER7 - Business, Industrial and Warehouse Proposals
3. Policy ER11 – Conversion and Re-Use of Rural Buildings
4. Landscape
5. Highway Implications
6. Impact on the setting of a Listed Building
7. Other Matters

1. Principle of development

Paragraph 83 of the National Planning Policy Framework (2019) states that planning policies and decision should enable the sustainable growth of all types of business in rural areas both through the conversion of existing buildings and well-designed new buildings.

With regards to the adopted Local Plan, two policies chiefly dictate the decision making on this application. Policy ER7 (Business, Industrial and Warehouse Proposals) and Policy (ER11 – Conversion and Re – use of Rural Buildings)

The preamble of saved Policy ER7 of the adopted Tendring District Local Plan 2007 explains how the Council wishes to support the growth of existing firms and will grant permission for extensions to establish business premises in rural locations providing they have an acceptable impact on visual amenity. Saved Policy ER7 also itself states that in rural locations permission may exceptionally be granted for extensions to existing business where new employment opportunities would be generated providing the proposal can be accommodated without an adverse impact on the landscape character of the countryside and satisfactory vehicular access and adequate car parking is provided.

The proposal as stated could also be assessed under saved Policy ER11 that is concerned with the conversion and re use of rural buildings. The pre-text states, there is an acceptance of farm diversification on declining farms and agricultural land holdings via the appropriate re-use or conversion of rural buildings for employment purposes. Such conversions are subject to acceptable levels of traffic generation, appropriate scale of the development, having a minor visual impact on the immediate setting and there being no significant effect on local residential amenity.

Emerging Policy PP13 is concerned with supporting the rural economy and states that, to support growth in the rural economy the Council may grant planning permission for buildings that are essential to support agricultural and farm diversification schemes. This is subject to details consideration against other policy requirements in the Local Plan. These considerations are addressed below.

In this instance, it is considered that the proposal is in accordance with the aims and aspirations of the policies mentioned above, in so far that it concerns the proposed expansion of an established rural business that would support rural economic growth. The detailed design aspects of the proposal are considered below.

2. Policy ER7 - Business, Industrial and Warehouse Proposals

In considering proposals for the establishment, expansion or change of use to business, industrial or warehousing sites the Council will need to be satisfied that (a – h):

a) the scale and nature of the proposal is appropriate to the locality, including its relationship with adjacent uses;

The site forms part of a large agricultural farmstead with a number of large barns. There are no changes proposed to the existing building on site, only the 'use' internally. Given that 'Park Farm' already has three other buildings operating as B2 uses on the site granted in 2013 (Ref:13/00329/FUL), 2015 (Ref:15/00741/FUL) and 2016 (Ref:16/00425/FUL). There is no objection to the principle of the use.

TDC Environmental Protection have been consulted on this application, they have stated, there have been no complaints from members of the public with regards to noise or general disturbance at this site. However, they have suggested a Noise Assessment is submitted to the Local Authority to assess the best ways to mitigate against noise disturbance due to the cumulative impact of this development could have with other similar developments on site.

Officers disagree with this request for a Noise Assessment in this instance due to the distance to the neighbouring properties and the nature of the materials used on the building. The building is constructed of a red brick base, timber cladding with an insulated composite roof. This should ensure the relatively modest levels of noise generated from the proposed use would be trapped within the building. Furthermore, the applicant has submitted a Noise Management Plan outlining the details of the onsite working practices proposed. These

include a restriction on outdoor working practices, noisy working practices and ensuring openings (doors / shutters) remain shut and only opened for essential use.

Officers are of the view that, subject to the Noise Management Plan being followed, the building shall adequately regulate noise levels emitted, thus ensuring adequate levels of residential amenity locally shall be retained.

The nearest residential dwelling is the on-site farmhouse some 50 metres away from the host building. The owners of that farmhouse have not objected to the proposal. There is also vegetation shielding, in the form of a mature tree / hedge boundary between the two buildings. Given the nature of the use proposed and active farm as is, there is not considered to be any significant loss of residential amenity to the onsite farmhouse, especially given the details outlined in the Noise Management Plan being followed.

Outside the curtilage of the main farm the nearest other residential dwellings are approximately 100 metres away from the host building to the west, off Chase Road East. Given the distances involved, the fact that the building is already in place and ample tree and hedge screening between the two buildings, no objection is raised with regards to impact on residential amenity.

b) there is no unacceptable impact on amenity in terms of appearance, noise, smell, dirt or other pollution;

As the host building is already in place, there will be no impact in terms of appearance, subject to conditions restricting additional signage and lighting. No proposed changes to the building are suggested. With regards to noise, smell, dirt or any other pollution; it is stated that all the working practices will take place indoors only. This eventuality can be secured by condition also, as a result levels of pollution emitted from the building are considered to be minimal. Officers consider a limited hours of operation condition from 8am to 6pm Monday to Friday and 8am to 1pm Saturday, to help to avoid noise during the evening and early morning, which are more sensitive times of day for nearby residential properties.

c) satisfactory vehicular access and adequate car parking is provided. Major new industrial or warehousing sites including transport storage operations must have direct access onto the primary route network;

As part of this criterion it is necessary to consider whether the proposal would occupy a sustainable location. The site is in a remote location in the countryside, although the A120 is only 500 metres to the south and thereby quite accessible by private car.

There is adequate parking on site, 2 disabled spaces, 10 car parking spaces, 2 powered two wheel spaces and 3 cycle spaces. There are no Planning Conditions suggested by the Highways Officer. However, Officers believe that having the parking spaces on site laid out and ensuring they are used only for staff parking purposes should ensure suitable management of traffic into and out of the site, while avoiding any unnecessary off-site parking.

Access by sustainable modes of transport is very limited as the nearest bus stop is approximately 1.5 miles away, requiring a crossing of the A120 on foot. There are few footpaths nearby, access is mostly via unlit rural roads. The Design and Access Statement says 5 of the existing staff live in the District and could therefore access the site via bike.

Whilst there are some differences between the 2013, 2015 and 2016 approvals and this latest application, these are relatively minor. Accordingly, the use proposed is deemed compatible with the surrounding uses on the farmstead, while having limited impact on residential amenity.

The provision of 9 jobs boosting the local rural economy close to the A120 has been strongly supported by the Council's Regeneration Team. Such job creation is a strong economic positive of the proposal.

d) mains water together with mains sewerage and/or adequate wastewater and trade effluent treatment facilities can be made available;

The applicant has indicated within the submission that a portable W.C facility will be provided on site. Furthermore, mains water is available on site. Therefore, this criterion is met.

e) the site has acceptable storage facilities. The open storage of goods, containers, waste materials or finished products will not be allowed where such activity is considered to be visually intrusive;

This internal floor plan clearly shows the existing building is of an adequate size to store products within the main building. Furthermore, due to the angle of the front door any proposed temporary outside storage would not be visible from the public realm. A condition is suggested that all works take place within the building itself. Therefore, this criterion is met.

f) in relation to a change of use, that the existing premises are suitable for the purpose;

For the reasons described above, the existing premises are suitable for the proposed use. Therefore, this criterion is met.

g) in relation to new sites, the need for a comprehensive Design Brief, including a landscaping scheme has been considered and where necessary prepared;

The proposal is not a new site and as such a Design Brief is not necessary. Therefore, this criterion is met.

h) opportunities for promoting the movement of freight

The application site is not far from the A120, which is a Trunk Road through the district and adequate to distribute freight. Therefore, this criterion is met.

3. Policy ER11 – Conversion and Re-Use of Rural Buildings

The proposal could also be assessed under Policy ER11 – Conversion and Re-Use of Rural Buildings. Ultimately this policy has similar characteristics to Policy ER7 mentioned above. Where there is repetition, a brief comment is given.

Policy ER11 allows for the re-use or conversion of rural buildings for business purposes subject to the acceptability of (a- h):-

a. the type and scale of activity proposed and its compatibility with the character of the surrounding area;

The building is already in situ, located close to the entrance / exit points of the site. Furthermore, one can visit the host building without requiring to pass the local residential properties if accessing the site from the A120 to the south. Only 9 full time employees are employed at present and they work on projects over the long term ie 9 months per project (pg 6 planning Statement). Traffic levels to and from the site including deliveries are considered to be very limited. Noise pollution is considered to be regulated via the Noise Management Plan, while conditions on lighting and signage ensure visual amenity is maintained. Overall no objection to the use in this location are raised.

b. the suitability of the building for the use proposed;

The building is well positioned within the site for the proposed use. Subject to planning conditions regarding noise mitigation and strictly only a B2 use class, no objection is raised.

c. the level of traffic generated;

This has been discussed above, no objection is raised.

d. the effect on the external appearance of the building;

There is no alteration to the external appearance of the building. No objection is raised subject to planning conditions such as a restriction on additional signage and lighting.

e. the scale and visual impact of any open storage areas associated with the proposed use;

There are no external storage areas applied for with this application. This shall be controlled and restricted by planning condition. The building's waste matter will be emptied by a licenced waste contractor. No objection is raised.

f. the location of the building in relation to other buildings, the landscape and the highway network;

As established the building is part of a wider farmstead. Also, the building is located in an ideal position for fast and efficient access to Park Road and then the A120 to the south. No objection is raised.

g. the impact on local amenity; and

The building is in situ at present, therefore no additional harm to visual amenity is expected subject to planning conditions regarding additional signage and lighting. While due to the distances to the immediate nearby residential properties and the mature soft vegetation between the differing building types again no objection, subject to condition is raised.

h. the impact on the historical value of the building.

The proposal is not of any historical value. No objection is raised.

4. Landscape

Paragraph 127 of the National Planning Policy Framework 2019 states that development should respond to local character and history, and reflect the identity of local surroundings.

Saved Policies QL7, QL9, QL11 and EN1 of the Tendring District Local Plan (2007) and Policies SPL3, PPL3 and PP13 of the emerging Tendring District Local Plan 2013 -2033 and Beyond Publication Draft (June 2017) seeks to ensure that development makes a positive contribution to the quality of the local environment and does not harm the appearance of the landscape. Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake.

Emerging Policy PPL3 of the Publication Draft states that the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance.

The proposed change of use of the host building will not involve any external changes to the building, therefore there shall be no change in the setting of the Countryside in this instance. The building is already well screened. Ownership issues in close proximity to Park Road result in difficulties in requesting any additional planting requirements to help soften the appearance of the host building. In any event the building is established and no harm on the visual appearance of the Countryside is expected as a consequence of the proposed development.

No lighting is proposed with the application, a condition shall be attached to the approval stating that permission is required for any additional lighting extra to what exists at present. This is to conserve the 'nocturnal character' of areas of landscape and settlement character.

Therefore, subject to conditions the proposal complies with Policy QL7, QL11 and COM21 together with paragraph 180(c) of the NPPF which is concerned with the impact of light pollution on dark landscape and nature conservation.

5. Highway Implications

Essex County Highways have been consulted on this application and do not object to the application. They have not suggested any conditions. However, Officers consider the following as necessary in this instance; the vehicle parking area shall be provided and marked out and the loading/unloading reception and storage of materials and manoeuvring shall be within the host building only and clear of the highway at all times.

The proposal would use an existing means of access onto the Highway, subject to condition, the proposal is not likely to cause any material harm to highway safety. The development is therefore considered in accordance with local policies TRA1a, TRA7 and emerging policy CP1, together with paragraph 108 and 109 of the NPPF which is concerned with highway sustainability and safety.

6. Impact on the setting of a Listed Building

The host building is not located near to a Conservation Area, however, there is a Grade Two Listed Building, 'Park Farm Farmhouse' located approximately 50 metres to the north east of the site.

When a proposal affects a Listed Building, Officers are required by Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay 'special attention' to the 'desirability of preserving' the setting of Listed Buildings. This sentiment is also reflected in NPPF chapter 16 and local policies, EN23 and emerging policy PPL9.

The proposed development is not deemed to cause any substantive harm to this heritage asset, either directly or in terms of affecting its setting. The nature of the proposal and the separation distance between the two are the main determinants in reaching this opinion. The parking area proposed is likely to detract slightly from the setting of the Listed Building. However, the any impacts would be 'less than substantial' and in terms of paragraph 196 of the NPPF. The proposal would provide 9 additional jobs which is a significant economic benefit which would outweigh the minor level of harm caused.

7. Other Matters

Drainage, as the site is located within Flood Zone 1 and not identified as an area with critical drainage problems, a flood risk assessment is not required.

With respect to WC facilities, the applicant is proposing to use to a porta cabin inside the building. This would comprise of:

Men's - 2x toilets 2x urinals 2x sinks various soap and wash dispensers.
Women's - 1x toilet and 1 sink and wash dispenser

This is considered acceptable in this instance.

There is a separate electrical business operating in porta cabins immediate adjacent to the host building. The applicant shall be advised to submit a lawful development certificate to formalise these works as they are claimed to have been in existence for over 10 years. The works are within the red line boundary of this application and the applicant (the owner of Park Farm) is also effectively the 'landlord' of this separate business activity.

Conclusion

An expansion of the rural economy is welcomed with 9 new jobs being created, involving the re use of an existing agricultural building. The proposals, subject to conditions are considered to be in accordance with the aims of the NPPF paragraphs 80, 83 and 84; and similarly local policies QL7, ER7 and ER11 of the adopted Local Plan and Policy PP13 of the emerging Local Plan.

In the absence of any significant material harm resulting from the development, the application is recommended for approval subject to the conditions outlined below.

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

200526-179 Location plan received 01/06/2020
200527-179 Site plan received 01/06/2020
200507-179 Block plan received 01/06/2020
200527-179 Car park and access plan received 01/06/2020
200518-179 North and south elevations received 03/09/2020
200518-179 East and west elevations received 03/09/2020
200518-179 Floor plan received 03/09/2020
Email from Agent, indicating the level of W.C facilities proposed on site received 04/09/2020
Noise Management Plan received 04/09/2020

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The working hours in connection with the uses hereby permitted, shall only be between 07:00 and 19:00 (Monday - Friday) and 07:00 and 13:00 (Saturdays) and no work shall be carried out outside the specified hours. No machinery processes should take place before 7.30am or after 6pm.

Reason: In order to control the development in the interest of residential amenity.

4. No processes shall be carried out or power tools, equipment, machinery or plant of any kind shall be used at any time anywhere on the site except within the buildings hereby permitted.

Reason: In order to control the development in the interest of residential amenity.

5. Notwithstanding the details indicated on the submitted drawings, within 2 months of the date of this decision, the vehicle/powered two wheeler parking and disabled parking space, as shown on approved 200527-179 Car park and access plan, shall be laid out and made available for use. These areas shall be retained for parking purposes as approved thereafter.

Reason: In the interests of Highway Safety

6. The agricultural building the subject of the change of use shall be used for Class B2 (General Industry) and for no other purpose including any other purpose in Class B1 (Light Industry) or Class B8 (Storage and Distribution) 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 revoking and re-enacting that Order with or without modification).

Reason: In the interests of amenity for neighbouring dwellings and in the interests of visual amenity.

7. There shall be no installation of any additional external lighting, unless the details have first been submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed and operated only in accordance with the approved details, and shall be removed at the same time as the cessation of the use hereby permitted. All external lighting shall be switched off no later than 7.30pm.

Reason: Due to the exposed position of the host building, in the interests of the visual amenities and residential amenities of the area and in the interests of highway safety, also to avoid light pollution in the Countryside.

8. Other than the details specifically approved as part of this application, there shall be no installation of any additional ventilation, air conditioning, refrigeration or mechanical extractor system within the development hereby approved, until the details of the scheme have first been submitted to and approved in writing by the Local Planning Authority.

The submitted details shall specify measures to control noise, dust and odour from the equipment. The equipment shall only be installed and maintained thereafter in full accordance with the approved details.

Reason: To control the noise, dust or odour emitted from the site facility buildings in the interests of residential amenity.

9. No advertisements or signage whatsoever shall be displayed at the site or in connection with the development hereby approved without first gaining the express written consent of the Local Planning Authority.

Reason: Due in part to the exposed position of the host building, to protect the quality of the landscape and visual amenity, and also to protect the settings of the adjoining listed building.

10. The details and good practice outlined in the Noise Management Plan received by the Local Planning Authority on the 04/09/2020 shall be strictly adhered to at all times during opening hours on site.

Reason: The use of any unit is not causing loss of amenity to nearby residential properties.

11. The maximum number of staff permitted to work at the building at any one time must not exceed 15.

Reason: In the interests of Highway safety and visual amenity.

12. The W.C facilities as outlined in the Floor plan, received 03/09/2020; and also within an email from Agent, received 04/09/2020, that confirmed the following within the W.C block:

Men's - 2 x toilets 2 x urinals 2 x sinks

Women's - 1 x toilet and 1 sink

Must be retained on site for the life time of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of staff and visitor amenity and also in the interests of proper planning.

Informatives

1. 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.

2. Highways 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.

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

3. The applicant is advised to submit a lawful development certificate to formalise the existing business operating immediately adjacent to the host site. At present this separate commercial enterprise is operating without any formal planning permissions in place.