



TENDRING DISTRICT COUNCIL

Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

AGENT: Mr Guy French - Foxes Rural Consultants Limited
Foxes House
Foxes Lane
Eight Ash Green
Colchester
Essex
CO6 3PS

APPLICANT: Mr Fairley - Henry Fairley and Son Limited
C/o Agent

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 20/00682/FUL **DATE REGISTERED:** 1st June 2020

Proposed Development and Location of the Land:

**Proposed change of use of building to B2 general industrial.
Park Farm Hilliards Road Great Bromley Colchester**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY GRANT PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted, subject to the following 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:

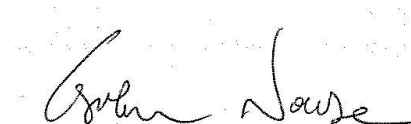
Men's - 2 x toilets 2 x urinals 2 x sinks
Women's - 1 x toilet and 1 sink

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.

DATED: 7th September 2020

SIGNED:



Graham Nourse
Acting Assistant Director
Planning Service

IMPORTANT INFORMATION :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

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 (June 2017)

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

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.

Highways Informatives

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

The applicant is advised to submit a lawful development certificate in order 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.

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
 - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.