

PLANNING COMMITTEE

17th February 2021

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

**A.1 PLANNING APPLICATION – 20/01551/DISCON – REDHOUSE FARM OAKLEY ROAD
WIX MANNINGTREE CO11 2SF**



Site Plan taken from 20/00194/FUL.

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Application: 20/01551/DISCON

Town / Parish: Wix Parish Council

Applicant: Mr Adam Brown

Address: Redhouse Farm Oakley Road Wix Manningtree Essex CO11 2SF

Development: Discharge of condition 11 (Traffic Management Plan) of previously approved planning application 20/00194/FUL.

1. **Executive Summary**

- 1.1 Full planning permission (ref: 20/00194/FUL) was granted at Planning Committee on October 2020 for, 'Proposed erection of 2 No. agricultural buildings for poultry production together with associated infrastructure and a new highway access to Oakley Road'. This permission was made subject to 20 conditions. Condition 11 was agreed and amended by the Planning Committee and related specifically to the Traffic Management of all HGV movements and construction vehicles associated with the development, providing certainty of routing through key local junctions.
- 1.2 In accordance with Members' request, the application to discharge condition 11 has been brought to Planning Committee for consideration. Importantly, for all HGV and construction traffic associated with the development, there is to 'right hand turn' off the A120 proposed. Also, a system of management is also in place to ensure this is enforced.
- 1.3 The principle of the development has been accepted by the granting of the original full planning permission, which also established the position of the access. The details subject of this application has been scrutinised by Highways England and ECC Highways, both of whom offered no objections.
- 1.4 The detailed plans comply with the requirements of Condition 11 and are considered acceptable with no significant material harm to visual or residential amenity, or highway safety.

Recommendation:

That the Head of Planning be authorised to discharge of condition 11 (Traffic Management Plan) of previously approved planning application 20/00194/FUL.

2. **Planning Policy**

NPPF National Planning Policy Framework February 2019
National Planning Practice Guidance

Tendring District Local Plan 2007

QL3 Minimising and Managing Flood Risk
QL9 Design of New Development
QL11 Environmental Impacts and Compatibility of Uses

EN1	Landscape Character
EN6	Biodiversity
EN16	Agricultural and Related Development
EN23	Development within the Proximity of a Listed Building
TR1A	Development Affecting Highways

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
SPL3 Sustainable Design

PP13	The Rural Economy
PPL3	The Rural Landscape
PPL5	Water Conservation, Drainage and Sewerage
PPL9	Listed Buildings
CP1	Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Tendring Landscape Character Assessment

Essex Farm Buildings (1994)

Status of the Local Plan

- 2.1 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.
- 2.2 Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.
- 2.3 The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.
- 2.4 The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section

2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

- 2.5 Where emerging policies are particularly relevant to a planning application and can be given 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.

3. **Relevant Planning History**

18/30245/PREAPP	Proposed poultry farm comprising no.2 poultry buildings with associated feed bins, hardstandings, access road and a new highway access to Oakley Road.		29.01.2019
20/00194/FUL	Proposed erection of 2 No. agricultural buildings for poultry production together with associated infrastructure and a new highway access to Oakley Road.	Approved	27.10.2020
20/01498/FUL	Erection of an agricultural building to house a straw burning biomass boiler to provide a renewable heating system for the approved poultry farm.	Current	
20/01551/DISCON	Discharge of condition 11 (Traffic Management Plan) of previously approved planning application 20/00194/FUL.	Current	

4. **Consultations**

Highways England
11.01.2021

Offered no objection to the application.

Highways England
04.02.2021

Highways England have reviewed the material, it supports their view that it would be safer for HGV traffic to u-turn at the [Ramsey] roundabout and turn left into the Harwich Road.

However, an objection to the increase in right turns at the junction would be unsustainable as the risk would be very small. HGV traffic visiting the site should be advised to left turn into and out of the A120 junction; albeit it is acknowledged that this would be difficult to enforce.

Given this has permission and they have offered to route all their HGV traffic right turning into the junction up to the roundabout to make u turns, nothing in this material would cause Highways England to change their advice.

ECC Highways Dept
04.02.2021

The Highway Authority confirms that the amended document and supporting information is sufficient to enable the Discharge of Condition 11 (Traffic Management Plan) only.

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 or by post to:

SMO1 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

5. Representations

5.1 None

6. Assessment

Site Context

- 6.1 The site is set in the Countryside between Wix, to the west, and Great Oakley, to the east. The site is formed from the southern part of an agricultural field and a means of vehicular access across another field to the south. The vehicular access would be on the northern side of the road some 170m northwest of Redhouse Farm itself.
- 6.2 Access to the A120 from the site would be along Oakley Road to the junction with Harwich Road and then onto the A120.

Planning History

- 6.3 The host site benefits from Full planning permission (ref: 20/00194/FUL), granted at Planning Committee in October 2020, for the '*Proposed erection of 2 No. agricultural buildings for poultry production together with associated infrastructure and a new highway access to Oakley Road*'. The permission was subject to 20 Planning

Conditions. Condition 11 was agreed and amended by the Planning Committee and related specifically to the Traffic Management of all HGV movements and construction vehicles connected to the construction and daily operations of the development. The objective was to provide certainty of routing through key junctions in the interests of Highway Safety.

Condition 11 reads as follows:

No development shall take place, including any grounds works or demolition, until an appropriate Traffic Management Plan and Route Card, to include inbound and outbound routings at the junctions of the A120/Harwich Road and Harwich Road/Oakley Road, and which shall outline a designated route to and from the development for all HGV movements and construction vehicles, has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The Traffic Management Plan and Route Card shall subsequently be implemented as approved, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To control the location and direction of HGV and construction vehicle movements to and from the site in the interests of highway safety.

Proposal

- 6.4 Within the original application 20/00194/FUL, a Transport Statement report (DTA Report 21314-01) was submitted in support of the planning application. The report stated that the development proposals would generate 22 two-way HGV movements (11 in, 11 out) during the busiest day of the flock cycle, that being day 38. There will be some days where the site would not generate any vehicle movements. However, on average the site would generate 2 two-way movements per day. Officers assume that the peak demand would be circa 22 HGV movements during the day when fully operational.
- 6.5 However, this application also deals with construction vehicle movements; this was not addressed as part of the original application. In response to this aspect of the project, the applicant has produced the following specific document:
- Construction Traffic Schedule
- 6.6 This document details that the construction process shall take approximately 30 weeks. During this time, the busiest or peak construction vehicle movements occur on two distinct phases. Firstly, during Weeks 4 – 8 when there shall be the importation of stone. During this time, a total of 130 loads are expected. The applicant states ‘not more than 20 deliveries per day’ will arrive, the vehicles themselves will be ‘6 wheel rigid quarry lorries’. The second peak period is during Week 16 – 18, when the concreting of the floors occurs. At this time a total of 40 deliveries per day are expected over two weeks via ‘6 wheel concrete lorries’. These are the peak traffic movements during the Construction stage. During the remaining 24 week construction time frame the construction vehicle movements are relatively modest.
- 6.7 The applicant has stated during these peak times of expected construction traffic, they shall erect site notices in the locality to inform nearby residents of the expected short term increase in construction traffic in the area.

- 6.8 The applicant has also produced the following documents to discharge all HGV movements and construction vehicles to and from the host site.
- Traffic Routing Plan
 - Safety Risk Assessment
 - Traffic Management Plan
 - Traffic Routing Management
- 6.9 These details demonstrate that for all HGV movements and construction vehicles, inbound movements from the east (Ramsey roundabout, A120) would route via the A120 and turn off left at the Harwich Road junction. The vehicles would progress to Wix War Memorial and take the first left onto the Oakley Road.
- 6.10 For all inbound HGV movements and construction vehicles originating from the west (Horsley Cross roundabout, A120) will proceed past the Harwich Road junction via the A120 and U-turn at the Ramsey roundabout. These vehicles shall then double back on the A120 and enter the Harwich Road junction turning left off the A120. Once more, when on the Harwich Road, as they enter Wix, they take the first left at War Memorial onto Oakley Road, and proceed for 0.6 miles to the farm site on the left.
- 6.11 Essentially, there is no right hand turn proposed off the A120 to the Harwich Road for all the HGV movements and construction vehicles associated with the host development.
- 6.12 This provision is in line with the request of Planning Committee when the original planning application, 20/00194/FUL, was approved at Planning Committee in October 2020.
- 6.13 All outbound HGV movements and construction vehicles shall depart the host site by turning right onto Oakley Road. At the War Memorial junction with Harwich Rd, they shall take the second right, before joining the west bound traffic on the A120. No right hand turn is permitted towards the Ramsey roundabout.
- 6.14 Site management principles have been introduced including a route card being given to all drivers, employees and contract staff showing the agreed route. Suppliers who have won the contract to operate shall use sat nav and telephones to ensure two vehicles do not pass along the Oakley Road. This shall work along with scheduled timeframes for arrivals and departures. There is also a 'Mechanism for non-conformance with the Traffic Management Plan' operating a 'three strikes (using the incorrect route) and you're out policy'.

Principle of Development

- 6.15 The principle of the development has been established via the approval of application 20/00194/FUL.
- 6.16 It has been demonstrated that the proposed development is reasonably necessary for the purpose of the agriculture activity to be carried out on what would become its own self-contained holding. As such the proposal accords with the relevant part of Policy EN16.

- 6.17 The National Planning Policy Framework (NPPF) states at paragraph 83 that planning decisions should enable the development of agricultural and other land-based rural businesses.

Highway safety

- 6.18 Paragraph 108 of the NPPF states, when assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 6.19 Paragraph 109 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.20 Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. Policy TR1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic including the capacity of the road network. Policy CP2 in the emerging Local Plan states proposals which would have any adverse transport impacts will not be granted unless these are resolved, and the development made acceptable by specific mitigation measures.
- 6.21 The application has included a Safety Risk Assessment of the route chosen. This in particular assesses the proposed U-turn at the Ramsey roundabout for west bound traffic on the A120. The Safety Assessment highlights the A120 carries 14,500 vehicles per day with around 1,595 HGVs per day. The development will generate on average 2 HGV movements per day on the A120 when operational, this represents a 0.13% increase. The peak output would be 22 HGV movements per day, a 1.4% increase in HGV movements. This would not have a material impact on the A120 in considering the baseline traffic movements along this road.
- 6.22 The construction traffic shall increase these follows to a maximum of 40 HGV movements a day during a two week window. Using the above calculations this shall result in a short term 5% increase in HGV movements. However, of the potential highway hazards identified on the choose route for all HGV's and construction traffic, it is considered that the overall impact is low risk, with a 'low accident history rate'. The Safety Risk Assessment therefore concludes there are no significant material objections to the routing of HGVs via the Ramsey roundabout, indeed that has been considered the most suitable and safest option.
- 6.23 The Safety Risk Assessment also, concludes that the access junction both off the A120 and onto the host site, has no safety concerns to warrant any additional mitigation measures being provided.

- 6.24 These findings have been assessed by both ECC Highways and Highways England, both Departments have offered no objections to the proposal. Highways England explain that the evidence submitted, supports their view that it would be safer for HGV traffic to U turn at the Ramsey roundabout and turn left into the Harwich Road. This is what is proposed and therefore there are no objections to the proposal.
- 6.25 Given that the route is finalised and in officers view adequately managed via the Transport Management Plan and the 'Mechanism for non-conformance with the Traffic Management Plan', focus should be on the construction phase of the development.
- 6.26 Officers welcome the 'Construction Traffic Schedule' and the details therein. The applicant has been forthcoming with the levels of expected traffic during the construction phase. The peak periods are:
- Weeks 4 – 8 (4 weeks in total)
- Importation of stone – 130 loads using 6 wheel rigid quarry lorries (max 20 per day).
- Weeks 16 – 18 (2 weeks in total).
- Concreting of the floors and aprons – 160 No. 6 wheel concrete lorries (max 40 per day).
- 6.27 Ultimately, for a set of buildings of this size to get built, such trip rates to the facility are inevitable. It should be noted that during the remaining 30 week cycle to get the development completed, the traffic movements are relatively light.
- 6.28 To inform locals that there could be several weeks of additional construction traffic on the roads during these two specific busy time frames, the applicant shall, via site notices displayed, inform local residents of the commencement of the pending activity, giving 7 days notice. Officers commend the idea of the site notices informing residents of the short term spike in construction traffic when necessary.
- 6.29 In conclusion, given the accepted route into and out of the site, there are no grounds to object to the application on highways safety grounds since the impact is not "severe" as stated in paragraph 109 of the NPPF or TR1a of the Local Plan. These findings have been accepted by ECC Highways and Highways England.

Impact on Residential Amenity

- 6.30 Officers accept that during the construction phase especially there shall be some impact on residential amenity through noise, dust and the general disturbance of construction and HGV traffic in the area. However, the principle of the development was approved via the original application. Furthermore, when operational the details of the traffic movements were fully known and assessed when the original decision was made.
- 6.31 Overall therefore, Officers consider that there shall be no undue level of impact on residential amenity from traffic noise, dust and fumes etc. Furthermore, that the two 'spikes' in construction traffic activity, over weeks 4 - 8 and weeks 16 -18, during the 30 week build, is considered inevitable and necessary for a development of this nature.

7. Conclusion

- 7.1 The application has no impact on the, appearance, layout, landscaping or scale of the approved development. Matters relating to access, namely the Transport Management Plan including construction traffic and HGV movements associated with the development. Have been assessed by Officers with regards to amenity impacts and by ECC Highways and Highways England with regards to Highways capacity / safety. Overall, the details provide to discharge Condition 11 have been found to be acceptable.
- 7.2 Any increased impact on residential amenity during the construction phase shall be temporary in nature and advertised locally. Overall, the proposals are considered non-objectional from a highway safety and capacity perspective. Therefore, the discharge of Condition 11 of application 20/00194/FUL, is considered acceptable.

8. Recommendation

- 8.1 The Planning Committee is recommended to discharge Condition 11.

8.2 Conditions and Reasons

None

8.3 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 Applicant, 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.

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:

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CO7 7LT

9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.

10. Background Papers

10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.