

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	SCE	20/04/2021
Planning Development Manager authorisation:	JJ	23/04/2021
Admin checks / despatch completed	DB	23.04.2021
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Application: 20/00704/FUL **Town / Parish:** Ardleigh Parish Council

Applicant: Harris

Address: Badley Hall Little Bromley Road Ardleigh

Development: Change of use of and alterations to agricultural storage buildings to B1(a), B1(c) and B8 uses with associated parking and installation of package treatment plant.

1. Town / Parish Council

Ardleigh Parish Council
20.07.2020

The Council objects to this application due to concerns about access and increased traffic, especially of large vehicles using weight restricted lanes.

2. Consultation Responses

ECC Highways Dept
13.07.2020

The Highway Authority observes that the submitted Transport Statement fails to include any conventional speed check data to demonstrate that recorded traffic speeds are below that required for a standard dimensioned visibility splay and therefore the "observed" traffic speeds are not accepted by the Highway Authority, in any case, the Highway Authority has not recently accepted this type of data or traffic volume data due to the Covid situation and will continue not to accept it until the Covid situation eases or returns to where road traffic flows were previously. Without the necessary speed check data the proposed 70m x 2.4m x 70m visibility splay is insufficient to mitigate a reduction in the "Y" dimensions for the visibility splays for a derestricted road.

The Highway Authority raises an objection to the above application for the following reasons:

1 As far as can be determined from the submitted plans the proposal would lead to the intensification of use of a substandard access by reason of insufficient vehicular visibility splays contrary to the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2 Having regard to the existing traffic use and the additional traffic which this proposal is likely to generate or attract, the road which connects the proposed access to the nearest traffic distributor is considered to be inadequate to cater for the proposal while providing reasonable safety and efficiency for all road users owing to its unsatisfactory width, alignment and geometry and construction. This proposal would therefore be contrary to the interests of highway

safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3 The proposal would lead to intensification of use of the site without adequate turning facilities for the largest vehicle that could be attracted to or generated by the site proposed activities. The proposal would therefore give rise to vehicles reversing into the highway to the detriment of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

ECC Highways Dept
03.09.2020

The Highway Authority has reviewed the additional information regarding traffic and access to the site and makes the following comments and observations:

Speed survey.

The Highway Authority considers that there is a definite need to undertake a speed survey to determine whether a relaxation in visibility splays on the derestricted road is acceptable and to what degree if any. The Highway Authority would argue that a 7 day speed survey is necessary to support the possible relaxation in the dimensions for the visibility splays, which will also need to extrapolate the free flowing conditions by excluding the 85th percentile speed data for the hours between 8am-10am and 4pm-7pm on a daily basis; reference to Design Manual for Roads and Bridges CA185 Vehicle Speed Measurement (formerly TA 22/81). Looking at the Transport Statement it would appear that there is just an observation of the vehicle speeds. In respect to the comments it is estimated that vehicle movements are back to 85% - 90% pre-lockdown figures, so no reason not to do a speed survey now.

Additional traffic.

The Highway Authority contends that the previous uses by agricultural vehicles engaged in grain or produce movements would be limited to a seasonal use and at an acceptable level for those conditions. The current application seeks for B8 (Storage and distribution) uses without indicating who or what would be the end user and the volume of traffic the proposed use could bring. It is noted that B8 use cannot be regulated nor controlled which is likely to lead to high volumes of HGV traffic on the rural network where intervisibility is likely to be poor and where the road network does not provide adequate forward visibility, a carriageway of sufficient width to enable vehicles to pass unopposed.

HGV Tracking manoeuvres.

The tracking diagram does show that a large HGV could manoeuvre within the site but doesn't show ingress or egress manoeuvres from or into the highway. They also show that manoeuvring between the structures is unlikely to be efficient or convenient leading to excessively long and hazardous reversing distances. This drawing also fails to show how large HGV's will be loaded or unloaded within the site. It is also noted that the drawings format is now changed.

Summary.

The submitted details do not overcome the Highway Authority's concerns.

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, additional information provided and google earth image dated July 2009. The established vehicular access is to form the main access into the site and in terms of HGV movements, the proposal could generate around 2 HGV trips a day. It is noted, that articulated vehicles currently access the site in connection with the grain storage use and also that the farm has a current HGV operator's licence given the size of the proposed B8 element, the use of large articulated HGVs will be very low, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Based on the speed data results provided and prior to occupation of the development, the road junction / access (with Little Bromley Road) at its centre line shall be provided with a clear to ground visibility splay with minimum dimensions of 2.4 metres by 70 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

2. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

3. No unbound materials shall be used in the surface treatment of the proposed Private access within 10 metres of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM1.

4. The existing vehicular access shall be altered and constructed at right angles to the highway boundary and to the existing carriageway and shall be provided in principal with the details contained on drawing no. DR3, but not be limited to, the following aspects;

o Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 16.5 metres from the back edge of the verge.

o Any other reasonable items to ensure the access is in accordance with current policy standards.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner and to enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed

and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety in accordance with policy DM1.

5. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

6. Prior to occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be provided clear of the highway and retained thereafter for that sole purpose.

Reason: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety in accordance with policy DM1

7. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

8. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

9. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1.

10. Prior to occupation of the development an appropriate Traffic Management Plan shall be provided outlining a designated route to and from the development for all HGV movements to be agreed in advance with the Local Planning Authority.

Reason: To control the location and direction of HGV vehicle movements to and from the site in the interests of highway safety and Policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Essex County Council
Ecology
08.09.2020

No objection subject to securing ecological mitigation and biodiversity enhancements

We have reviewed the documents supplied by the applicant particularly the Preliminary Ecological Appraisal (PEA) (Robson Ecology, March 2020) and Bat survey (Robson Ecology, August 2020), relating to the likely impacts of development on protected & Priority habitats and species, identification of proportionate mitigation.

We note that the further bat surveys recommended in the PEA report for buildings B7 and B3 have been completed and bats were confirmed roosting in B7 but not recorded in B3. We also note that small day-roosts were recorded for Common Pipistrelle, Brown long-eared bat and the rare Annex II Barbastelle bat and Natterer's bats may use the interior of the barn for foraging. A European Protected Species Mitigation Licence (EPSML) will be needed to authorise the conversion of B7. We support compensatory roosts and the specification for use of Standard F1-type bitumen felt as bats could enter crevice between tiles and felt-lining (gaps of >1cm). Breathable roofing membranes must NOT be used in any areas accessible to bats.

This provides the LPA with certainty of likely impacts protected and Priority species prior to determination. We are therefore satisfied that there is sufficient ecological information available for determination of this application.

We recommend that the mitigation and compensation measures for bats (timing constraints, precautions during conversion, compensatory

roost provision and sensitive lighting) are appropriate and can be secured by an EPS mitigation licence from Natural England. We recommend that a copy of the EPS bat mitigation licence is provided to the LPA and secured by a condition of any consent. Other measures for nesting birds and storage of materials should also be secured by a condition of any consent.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent for discharge prior to slab level.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in section 5.2 of the Preliminary Ecological Appraisal (PEA) (Robson Ecology, March 2020) and Bat survey (Robson Ecology, August 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

2. PRIOR TO COMMENCEMENT: SUBMISSION OF A COPY OF THE EPS LICENCE FOR BATS

"The following works to convert/restore Building B7 shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead;
- or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence."

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

3. PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

"A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (PEA) (Robson Ecology, March 2020) and Bat survey (Robson Ecology, August 2020), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter."

Reason: To enhance protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

4. PRIOR TO BENEFICIAL USE: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity as recommended in section 5.2.3 of the Preliminary Ecological Appraisal (PEA) (Robson Ecology, March 2020) shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

3. Planning History

00/01664/FUL	To build a tennis court in the garden for private use	Withdrawn	13.03.2001
01/00450/FUL	Erection of 2.75 metre high fence to enclose tennis court	Approved	27.04.2001
02/01087/FUL	Change of use of redundant agricultural buildings to B1 business/light industrial and storage use.	Approved	21.08.2002
82/01249/FUL	Alterations and extn to redundant	Approved	02.03.1983

	stable block to form ancillary residential accommodation		
82/01333/FUL	Alterations and additions	Approved	28.01.1983
84/01410/FUL	Alterations and extns	Approved	16.10.1984
12/01425/FUL	Installation of two micro scale wind turbines (14.97m to hub, 5.6m diameter blades).	Approved	04.02.2013

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1	Spatial Strategy
QL2	Promoting Transport Choice
QL4	Supply of Land for Employment Development
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
ER2	Principal Business and Industrial Areas
ER7	Business, Industrial and Warehouse Proposals
ER11	Conversion and Reuse of Rural Buildings
COM1	Access for All
COM21	Light Pollution
COM23	General Pollution
EN1	Landscape Character
EN6	Biodiversity
EN6A	Protected Species
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL3 Sustainable Design

- PP4 Local Impact Threshold
- PP6 Employment Sites
- PP13 The Rural Economy
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

Status of the Local Plan

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.

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.

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.

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.

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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The site is located to the south east of Ardleigh and the west of Little Bromley. Badley Hall is a large two storey, red brick dwelling situated facing Little Bromley Road. The area subject to this application is a complex of farm buildings to the rear of the Badley Hall.

The north, east and south boundaries of the site are demarcated by mature vegetation with agricultural land beyond. To the west of the site is the residential curtilage of Badley Hall Farm House which also contains vegetation at the boundary. A dense are of mature trees is also located to the north-east of the site.

Proposal

This application seeks planning permission for the change of use and conversion of agricultural storage buildings to B1(a), B1 (c) and B8 Uses. It seeks change of use of 8 no. buildings of footprints varying from 47 sqm to 284 sqm. For reference the buildings are identified as A through to H as indicated on the 'Proposed Block Plan' submitted with the application. These buildings are currently vacant and no longer required for the purposes of agriculture.

It is proposed that buildings B, C, D and F be converted to B1(a) Office Use, Building A be converted to B1(c) Light Industrial Use and Buildings E, G and H be converted to B8 Storage Use.

Physical changes are only proposed to buildings B, C, D and F, and include the replacement of doors and windows.

The proposal also involves the installation of a package treatment plant.

Planning History

Planning permission was granted under application 02/01087/FUL for the change of use of redundant agricultural buildings to B1 business/light industrial and storage use. This consent related to buildings A, B, C, D and F but was never implemented and therefore given changes in National and Local Policies since the time of the decision has very limited weight on the determination of this current application.

Principle of Development

Paragraph 83 of the NPPF states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

Policy ER11 of the Saved Plan states that the re-use or conversion of rural buildings for business purposes will be permitted subject to the acceptability of:

- a) The type and scale of activity proposed and its compatibility with the character of the surrounding area;
- b) The suitability of the building for the use proposed
- c) The level of traffic generated
- d) The effect on the external appearance of the building
- e) The scale and visual impact of any open storage areas associated with the proposed use
- f) The location of the building in relation to other buildings, the landscape and the highway network
- g) The impact on local amenity; and
- h) The impact on the historical value of the building

Policy PP6 of the Emerging Plan states that proposals for the re-use or redevelopment of rural buildings for employment purposes will be considered against the following criteria unless the economic benefits outweigh these criteria:

- a) The building is structurally sound and capable of accommodating the proposed use without the need for significant extension or alteration or reconstruction
- b) The proposed use (including any proposed alteration or extensions to the building), its associated operational area, the provision of any services, and/or any amenity space or outbuildings, would not harm its appearance as a rural building or adversely affect the rural setting of the building in the locality
- c) The proposed use would not create significant levels of traffic, particularly lorries, on rural roads (proposals for employment uses will be required to provide a sustainability assessment which may include a Travel Plan designed to maximise the opportunities to reduce the need to travel by private car)
- d) Proposals which would create a significant number of jobs should be readily accessible by public transport
- e) It will not lead to unacceptable levels or types of traffic or problems of road safety or amenity and will not require highway improvements which will harm the character of rural roads in the area; and
- f) Early years and childcare provision

Each of the criteria will be assessed below.

Impact on Surrounding Area/Appearance

To meet the criteria a) of Policy ER11 Saved Plan and criteria b) of PP6 of the Emerging Plan the proposal must not have any adverse harm on the locality and the type and scale of activity must be compatible with the character of the surrounding area.

The proposed use is relatively small scale (as the size of the proposed units are limited), it is therefore considered that subject to a condition to restrict external storage that the proposed use can take place without adversely affecting the character of the surrounding area.

Criteria d) of the Policy ER11 and criteria b) of Policy PP6 states that any proposals should not harm the external appearance of the buildings or affect the appearance as rural buildings.

The alterations to the proposed buildings are minimal and do not affect their character and appearance, in fact some of the proposed buildings are in a poor state of repair and the alterations would be an improvement.

Suitability of Buildings

Criteria b) of Policy ER11 of the Saved Plan states that a consideration is the suitability of the building for the proposed use, meanwhile criteria a) of Policy PP6 of the Emerging Plan states that the building must be structurally sound and capable of accommodating the proposed use without the need for significant extension or alteration or reconstruction

The application has been submitted by a Structural Statement which states that 'the buildings generally remain in a sound structural condition and appear well maintained. Buildings A, E, G and H could be utilised for B8 storage with little or no alteration. Buildings B, C, D and F are suitable for conversion to B1 Office Use without substantial re-building but with appropriate infill walls being provided where open fronted and limited sub-division to provide the required facilities'. It is therefore considered that the proposal meets the above criteria.

Highways/Parking

Criteria c) of Policy ER11 of the Saved Plan states that the level of traffic generated must be acceptable and criteria c) of Policy PP6 of the Emerging Plan states that the proposed use would not create significant levels of traffic, particularly lorries, on rural roads. Criteria e) states that the proposal will only be acceptable if it will not lead to unacceptable levels or types of traffic or problems of road safety and will not require highway improvements which will harm the character of rural roads in the area.

The application has been supported by the submission of a Transport Statement which states that the proposals would likely result in 25 trips in total during AM and PM peak hours (resulting in 50 trips per day), including approximately 2 HGV trips per day. It also concludes that the level of traffic generated from the proposals are not significant in terms of traffic capacity or highway safety. Furthermore, the Transport Addendum includes a speed survey which shows that although Little Bromley Road has a 60mph speed limit, the speed vehicles travel is significantly lower at around 30mph.

The Transport Assessment has been assessed by Essex County Council Highways who state that the established vehicular access is to form the main access into the site and in terms of HGV movements, the proposal could generate around 2 HGV trips a day. It is noted, that articulated vehicles currently access the site in connection with the grain storage use and also that the farm has a current HGV operator's licence given the size of the proposed B8 element, the use of large articulated HGVs will be very low. On this basis from a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to conditions to cover the following: visibility splays; vehicle turning facilities; surface materials; provision of vehicular access; provision of gates; no surface water discharge onto the Highway; provision of loading/unloading areas; size of parking spaces; provision of cycle parking; a Construction Management Plan and a Traffic Management Plan. All these conditions are considered to meet the relevant tests and are therefore imposed. It is therefore considered that the proposal would not generate significant traffic and that the traffic generated can be accommodated without adverse impact on highway safety.

Essex Parking Standards require a max of 1 car parking space per 30 sqm for buildings in B1 use and a maximum of 1 space per 150 sqm for buildings in B8 Use. The proposal provides 914 sqm of B1 use floor space and 346 sqm of B8 use floor space which requires a total of 34 parking spaces. The proposal is policy requirement providing a total of 34 parking spaces, whilst these are maximum standards given the rural location of the site this is considered acceptable.

Criteria d) of Policy PP6 of the Emerging Plan states that 'proposals which would create a significant number of jobs should be readily accessible by public transport'. The site is in a rural location where it is not readily accessible by public transport. However, given the scale of the proposal it is not considered that the proposal would create a significant number of jobs and the development is below the threshold for provision for Travel Plan.

Residential Amenity

Criteria g) of ER11 states that requires that the proposed does not adversely affect the local amenity.

The only nearby property in Badley Hall which is in the same ownership as the buildings subject to this application. Nevertheless, whilst the proposal will have some effect on the residential amenity of the occupiers of Badley Hall the types of use would be less than the impact that an intensive agricultural use may have.

No working hours have been specified within the application, however, it is considered that some control over the working hours is required to stop 24 hour working. It is therefore considered necessary to impose a condition to ensure work does not commence before 7am and finishes by 7pm Monday to Fridays and not before 8am on Saturday and finishes by 5pm with no work on Sundays or Bank Holidays.

Protected Species/Biodiversity

The application is supported by an Extended Phase 1 Habitat Survey, which makes a number of recommendations suggested as precautionary measures to ensure the proposal avoid any negative impact to any protected species or habitats. As recommended by the Phase 1 Habitat Survey a Bat Survey has been carried out which confirmed bats were roosting in Building 7, but no roosting in Building 3. Small day-roosts were recorded for common pipistrelle, brown long-eared and barbastelle bats

The Bat Survey recommends the proposed mitigation measures:

- Precautions during conversion/restoration and compensatory roost provision. All work to be carried out under an EPS Licence.
- Timing restrictions will apply for implementing the licence to avoid times when bats are in torpor. Optimal time for works is spring and autumn, however, as the roosts are not maternity roosts, works can start between April and October.
- Replacement and re-instated roost features will be included within the renovated Barn (B7) and two bat boxes in a boundary tree as part of the mitigation strategy and to off-set loss of roosts.
- Avoid light directed towards roost entry points (mitigation boxes/ventilation bricks), or the northern tree-lined boundary.

Essex County Council Ecology have been consulted on the application and raise no objections to the proposal subject to conditions covering the following:

- Mitigation and enhancement measures as details in the Preliminary Ecological Appraisal and the Bat Survey to be carried out.
- The submission of the relevant Natural England License
- The submission of a Biodiversity Enhancement Layout
- Agreement of a Wildlife Sensitive Lighting Design Scheme

These condition have been imposed and on this basis it is considered that the proposal would not result in any adverse impact on protected species.

Other Issues

Neither the agricultural buildings or the surrounding buildings are of historic value, therefore the criteria g) of Policy ER11 of the Saved Plan is met.

The proposal would not generate the need for any additional early years and childcare provision and therefore criteria g) of PP6 of the Emerging Local Plan is meet.

The Parish Council objects to this application due to concerns about access and increased traffic, especially of large vehicles using weight restricted lanes. This is noted and a condition is imposed to ensure that prior to occupation of the development an appropriate Traffic Management Plan shall be provided outlining a designated route to and from the development for all HGV movements is agreed in advance with the Local Planning Authority.

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 The development hereby permitted shall be carried out in accordance with the following approved Drawing Nos: EH/1, EH/2, EH/3, EH/4, EH/5, EH/6, EH/7, EH/8, EH/9, EH/10, EH/11, EH/12, EH/13, EH/14, EH/15, EH/16, EH/17, EH/18, EH/19, DR2 and DR3.

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

- 3 Based on the speed data results provided and prior to occupation of the development, the road junction / access (with Little Bromley Road) at its centre line shall be provided with a clear to ground visibility splay with minimum dimensions of 2.4 metres by 70 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained in perpetuity, and retained free of any obstruction at all times.

Reason: - To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety.

- 4 No unbound materials shall be used in the surface treatment of the proposed Private access within 10 metres of the highway boundary.

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

- 5 Prior to first occupation of the development hereby permitted, the existing vehicular access shall be altered and constructed at right angles to the highway boundary and to the existing carriageway and shall be provided in principal with the details contained on drawing no. DR3, unless otherwise agreed in writing by the Local Planning Authority.

Reason: - To ensure that vehicles can enter and leave the highway in a controlled manner in the interests of highway safety.

- 6 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 16.5 metres from the back edge of the verge.

Reason - To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety.

- 7 There shall be no discharge of surface water onto the Highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 8 Prior to first occupation of the development hereby permitted the areas within the site identified for the purpose of loading/unloading/parking and manoeuvring shall be provided clear of the highway and retained thereafter for that sole purpose.

Reason - To ensure that appropriate facilities are available on site in the interest of highway safety.

- 9 Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety.

- 10 Prior to the first occupation of each building hereby permitted details of the cycle parking shall be submitted to and agreed in writing by the Local Planning Authority. The approved facility shall be provided prior to occupation and retained at all times.

Reason - To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity.

- 11 The parking of vehicles of site operatives and visitors, loading and unloading of plant and materials and storage of plant and materials used in connection with the conversion the buildings for the purposes granted by this planning permission shall take place solely within the application site and suitable wheel and underbody washing facilities shall be made available to prevent tracking of any loose material on the highway

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

- 12 Prior to first occupation of the development hereby permitted an appropriate Traffic Management Plan shall be provided outlining a designated route to and from the development for all HGV movements shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be adhered to at all times.

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

- 13 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in section 5.2 of the Preliminary Ecological Appraisal (PEA) (Robson Ecology, March 2020) and Bat survey (Robson Ecology, August 2020). This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason - To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 14 Prior to commencement of work on Building B7 either:
a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.
Shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

- 15 Prior to first occupation of the development hereby permitted the Biodiversity Enhancement measures contained within the Preliminary Ecological Appraisal (PEA) (Robson Ecology, March 2020) and Bat survey (Robson Ecology, August 2020), shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 16 All additional external lighting shall be installed in accordance with the section 5.2.3 of the Preliminary Ecological Appraisal (PEA) (Robson Ecology, March 2020) and maintained thereafter in accordance with the scheme.

Reason - To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 17 The working hours in connection with the use/building(s) hereby permitted, shall only be between 7am and 7pm Monday to Saturday; and no work shall be carried out on Sundays, or Public Holidays, or outside the specified hours.

Reasons - In the interests of residential amenities.

- 18 No construction works shall commence on site before 08:00 on Monday to Saturdays and work will cease by 18:00 on Monday to Friday and 13:00 on Saturdays. No work at all to

take place on Sundays, Bank Holidays or Public Holidays. No vehicle connected with the works shall arrive on site before 07:30 or leave after 19:00 (except in the case of an emergency).

Reason - In the interests of residential amenities.

19 No external storage of goods or materials shall be occur on the site.

Reason - In the interests of visual amenity and to retain control over the development.

20 The proposed development shall be used for uses falling within Classes B1(a), B1(c) and B8 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) only.

Reason – To protect the amenities of the occupiers of adjoining property and the character and appearance of the rural area.

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.

Highway Informatives

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Are there any letters to be sent to applicant / agent with the decision?		NO
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If so please specify:		
Are there any third parties to be informed of the decision? If so, please specify:		NO