

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	24/06/2021
Planning Development Manager authorisation:	TF	24/06/2021
Admin checks / despatch completed	DB	24.06.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	24.06.2021

**Application:** 21/00582/FUL **Town / Parish:** Great Bromley Parish Council

**Applicant:** Mr Thomas Frary

**Address:** Pond Barns Hall Road Great Bromley

**Development:** Proposed construction of a building for B8 commercial use at Pond Barns.

### **1. Town / Parish Council**

Great Bromley Parish  
Council  
20.05.2021

Great Bromley Parish Council objected to the application for the following reasons:

- Area is residential and a village setting and therefore the environment is not suitable for a B8 site;
- There is an access issue which is on a bend, and unsuitability of local roads with weight restrictions, also through the village where there is a school and subsequent traffic;
- PC understand the building are under separate ownership to the houses on the site;
- Not in keeping with the street scene; and
- Other sites in the district/A120 have been designated in the Local Plan which may be more suitable.

### **2. Consultation Responses**

TDC Tree & Landscape  
Officer  
04.05.2021

The application site is set to grass and appears to be in agricultural use. There are no trees or other significant vegetation on the application site so no vegetation will be adversely affected by the development proposal.

The proposed structure would be relatively well associated with existing buildings situated on the adjacent land.

Although set in the countryside the site is not overlooked and there appears to be little need to provide screening by way of new soft landscaping.

ECC Highways Dept  
21.06.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. The information submitted with the application and additional information provided has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material and google earth image dated July 2009. The access to the

proposed building will be from the established vehicular access off Hall Road that serves Pond Barns; the width of the access is in excess of 6 metres in width for the first 6 metres. It is noted that the existing access does already accommodate larger vehicles such as articulated and rigid lorries into and out of the site for existing commercial uses in the existing commercial units and TND Drilling are already operating from the site. In relation to traffic movements pre-existing workforce access the site Monday to Friday between 7am - 6pm with the workforce off site during the day returning around 4pm - 5pm. It is also noted that on occasions during the day when a return to site to swap over plant or equipment will be necessary. The proposed and existing parking provision is adequate for the additional staff members (from 4 to 8 employees) that will be based on the site, 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. 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 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. Prior to occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials/ plant 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.

4. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been provided in accordance with the EPOA Parking Standards. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining

streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

5. 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.

6. 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.

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: 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](mailto:development.management@essexhighways.org) or by post to:

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

2: It is noted that the vegetation across the entire site frontage in the control of the applicant is well maintained and this should continue to be maintained on a regular basis up to the highway boundary to ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

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.

### **3. Planning History**

00/00560/FUL	Proposed change of use of 3 x agricultural buildings at Pond Farm for use as storage and distribution of Christmas decorations and garden furniture	Approved	13.06.2000
01/00565/FUL	Change of use of former riding school to showroom for the sale of garden furniture and ancillary horticultural products	Refused	06.06.2001
01/02011/FUL	Use of 3 agricultural buildings for use as storage and distribution of general furniture, household artefacts and garden furniture.	Approved	30.01.2002
02/00049/FUL	Change of use of former riding school to trade showroom for the sale of garden furniture, general furniture and household artefacts	Refused	21.02.2002
02/00388/FUL	Construction of new vehicular access from Hall Road (B1029)	Approved	10.07.2002
97/00351/FUL	Demolition of existing buildings, alterations to existing building, erection of new stables and use of adjoining land as an associated paddock and menage	Approved	25.04.1997
97/00522/FUL	Conversion of coach house (first floor) to groom's flat, open cart shed, external staircase and garden wall	Refused	24.06.1997
97/00781/FUL	(Pond Farm, Goose Green, Tendring) Continued use of building for housing one Heavy Goods Vehicle (Renewal/permanent of TEN/95/0864)	Approved	01.08.1997
97/01470/FUL	Conversion of first floor of Coach House to Groom's flat. Provision of associated external staircase	Refused	13.01.1998
02/01715/FUL	Change of use from riding school to trade display area.	Approved	23.10.2002
03/00860/FUL	Vary Condition 8 of planning permission reference 02/01715/FUL relating to colour of joinery.	Refused	23.07.2003
03/00876/ADV	Illuminated signage	Refused	23.07.2003
03/01213/OUT	Farm manager's dwelling	Refused	11.08.2003

06/00312/HRN	Removal of section of hedgerow for the laying of sewage pipes		23.03.2006
14/30230/PREAPP	Conversion of existing barn and attached stables to residential.		07.08.2014
15/01600/FUL	Proposed new four bedroom house and detached garage.	Withdrawn	07.12.2015
16/01199/FUL	Proposed new four bedroom house dwelling and detached garage.	Refused	26.09.2016
17/00545/OUT	Community facility led development of shops, offices, restaurant and houses including parking, new footpath and open space.	Refused	28.09.2017
18/02020/FUL	Proposed construction of single dwelling and garage.	Refused	07.05.2020
21/00582/FUL	Proposed construction of a building for B8 commercial use at Pond Barns.	Current	

#### **4. Relevant Policies / Government Guidance**

*NPPF National Planning Policy Framework February 2019*

*National Planning Practice Guidance*

*Adopted Tendring District Local Plan 2007 (part superseded)*

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL7 Rural Regeneration

PP6 Employment Sites

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

*Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)*

SP2 Spatial Strategy for North Essex

SP4 Providing for Employment & Retail

PPL3 The Rural Landscape

#### **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 26<sup>th</sup> 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 10<sup>th</sup> 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 26<sup>th</sup> 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 application site refers to Pond Barns, Hall Road, Great Bromley. The application site is located outside of the settlement development boundary.

### Proposal

This application seeks planning permission for the erection of a building for B8 commercial use at Pond Barns. The building will measure 10 metres by 40 metres with a height of 5 metres. The building will provide storage on site for the occupation by TND Drilling and their associated drilling and piling equipment.

### 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.

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 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.

Emerging Policy PP13 concerns 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 obviously 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.

### Design and Landscape Impact

QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.

Paragraph 127 of the National Planning Policy Framework 2019 states that development should respond to local character and history, and reflect the identify of local surroundings Saved Policies QL9 and EN1 of the Tendring District Local Plan (2007) and Policies SPL3 and PPL3 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 SPL3 of the Publication Draft states that new buildings should be well designed and should relate well to its site and surroundings and minimise any adverse environmental impacts. 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 building will be located to the southern side of the application site and located behind an existing hedgerow. Although there may be glimpses of the building from Hall Road, due to the significant set back from the highway as well as the existing vegetation and the use of rural materials, it is considered that the proposed building is in keeping with the character of the area. The proposed building will be seen in context with the existing buildings on site.

The statement submitted with this application states that due the nature of the business a lot of drilling work is undertaken early in the morning or into the evening when construction sites are quieter or following the completion of other construction works on site. The use would be restricted from 7 am to 7pm Monday to Friday and 7am to 2 pm on Saturdays. The proposed building will be used for storage purposes only. Due to the building being located in close proximity to the existing buildings as well as the use of materials, it is considered that the nature of the proposal in this locality is considered acceptable.

The application site is set to grass and appears to be in agricultural use. There are no trees or other significant vegetation on the application site so no vegetation will be adversely affected by the development proposal. The proposed structure would be relatively well associated with existing buildings situated on the adjacent land. Although set in the countryside the site is not overlooked and there appears to be little need to provide screening by way of new soft landscaping.

### Impact upon neighbours

The intensification in the use of the site has the potential to impact upon local residential, although it is noted that the nearest dwelling 'Pump Farm Cottage' is in the applicants ownership. 'Lemon

Cottage' to the south of the south west of the application site. The proposed storage building and office are sited away from the neighbouring property and will be screened by existing agricultural buildings on site. A condition will be imposed to secure the operational hours of the site. It is, therefore considered that due to the distance to the neighbouring dwellings, the proposal will not cause any significant impact upon neighbouring amenities.

### Highway Safety and Parking Provision

Essex County Council have been consulted on this application and have stated that the information submitted with the application and additional information provided has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material and google earth image dated July 2009. The access to the proposed building will be from the established vehicular access off Hall Road that serves Pond Barns; the width of the access is in excess of 6 metres in width for the first 6 metres. It is noted that the existing access does already accommodate larger vehicles such as articulated and rigid lorries into and out of the site for existing commercial uses in the existing commercial units and TND Drilling are already operating from the site. In relation to traffic movements pre-existing workforce access the site Monday to Friday between 7am -6pm with the workforce off site during the day returning around 4pm -5pm. It is also noted that on occasions during the day when a return to site to swap over plant or equipment will be necessary. The proposed and existing parking provision is adequate for the additional staff members (from 4 to 8 employees) that will be based on the site. The Highway Authority therefore have no objections subject to conditions relating to construction method statement, vehicular turning facility, parking area, storage of building materials, parking space measurements and cycle parking. The storage of building materials will be imposed as an informative only and there is sufficient space on site to accommodate bike storage.

As stated within the Essex Parking Standards Guidance, a B8 use requires 1 parking space per 150 square metres. The proposed location plan demonstrates that the proposed workshop will measure approximately 400 metres. Therefore, the proposal should provide 3 parking spaces. The parking plan provided demonstrates that six parking spaces are provided along with two disabled spaces. It is, therefore considered that the proposal is acceptable in terms of highway safety and parking provision.

### Other Considerations

Great Bromley Parish Council object to this application for the following reasons

-Area is residential and a village setting and therefore the environment is not suitable for a B8 site;

*The concern above has been addressed within the report.*

- There is an access issue which is on a bend, and unsuitability of local roads with weight restrictions, also through the village where there is a school and subsequent traffic.

*Essex Highway Authority have been consulted on this application and have no objections subject to a number of conditions.*

- PC understand the building are under separate ownership to the houses on the site;

*The site plan demonstrates that the Pond Farm house is the same ownership.*

- Not in keeping with the street scene; and

*This concern has been addressed within the report.*

- Other sites in the district/A120 have been designated in the Local Plan which may be more suitable.

*The applicant has considered other sites as addressed within the planning statement.*



Five letters of complaint have been received raising the following concerns:

- Concerns of noise dust and smell associated with the works.

*TDC Environmental Protection team have been consulted on this application and have no objections.*

- Concerns in regards to the access of the road.

*Essex Highway Authority have been consulted on this application and have no objections.*

- Concerns that the new building will not be in keeping

*The concern above has been addressed in the report.*

- Concerns that the operating hours are out of character with the rural location

*The concern above has been addressed within the report as well as comments from the Councils Environmental Protection team who have no objections.*

- Concerns over the safety of storage of materials

*A condition has been imposed to ensure that a construction method statement will be submitted prior to commencement and this will address this concern.*

- Concerns why the need for the number of parking spaces

*The number of parking spaces provided is up to the applicant, Essex Highways Authority have been consulted and have no objection.*

- Concerns that security lighting will impact residents

*No lighting has been proposed. However, a condition will be imposed to ensure that any new lighting will be submitted to and approved in writing by the local planning authority.*

- Concerns that surface water flooding is a concern in the area

*A condition will be imposed to ensure that the porous materials are used in any new hardstanding.*

## **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 drawings:

- Block Plan - Scanned 22 March 2021
- Parking Plan - Scanned 22 March 2021
- Site Layout Plan - Scanned 22 March 2021
- Floor Plan and Elevations - Scanned 22 March 2021
- Swept Path Analysis Exit - Scanned 08 Jun 2021

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

- 3 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

- 4 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

- 5 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been provided in accordance with the EPOA Parking Standards. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety

- 6 The working hours in connection with the use/building hereby permitted, shall only be between 7am and 7pm Monday to Friday. 7am and 2pm on a 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.

- 7 The proposed development shall be used for uses falling within Class 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 No floodlighting or other means of external lighting shall be installed at the site except in accordance with details (to include position, height, aiming points, lighting levels and a polar luminous diagram) which shall have previously been submitted to and agreed in writing by the Local Planning Authority.

Reason - To secure an orderly and well designed development sympathetic to the character of the area and in the interests of residential amenity.

- 9 All new parking areas shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

## 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.

### Highways

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.

### Highways

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

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

It is noted that the vegetation across the entire site frontage in the control of the applicant is well maintained and this should continue to be maintained on a regular basis up to the highway boundary to ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

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.

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