

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	16/09/2021
Planning Development Manager authorisation:	SCE	17.09.2021
Admin checks / despatch completed	DB	17.09.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	17/09/2021

Application: 21/01277/FUL **Town / Parish:** Great Bromley Parish Council

Applicant: Mr T Frary

Address: Pond Farm Hall Road Great Bromley

Development: Proposed erection of an agricultural hay and machinery storage building.

1. Town / Parish Council

Great Bromley Parish
Council
09.09.2021

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

- The Planning statement is inaccurate as the applicant has sold two sizeable parcels of land reducing the area on which hay can be made down to 3.2ha approx.
- Original claimed area included existing buildings, tracks and yard, where you can't make hay.
- The claimed area required is worked out by laying the bales out singularly on the floor and not stacking them which is traditional practice.
- Hay should be stored in a dry and well-ventilated building to stop it going mouldy, the proposed building is industrial clad and insulated.
- The equipment specified to be stored in the building is not viable to purchase on the 60 bales claimed, but in reality will be less.
- The Planning statement has confused bale yield of acres and hectares.
- The adjoining industrial building, approved on 24/6/2021, is not in existence yet, which this one mirrors coincidentally even down to its industrial build specification.

It was also agreed that Cllr Scott would call-in the application to TDC's Planning Committee.

2. Consultation Responses

ECC Highways Dept
10.09.2021

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, google earth image dated March 2021. It is noted that the proposal does not involve a new or altered vehicular access being required to or from the public highway; the building is set well back from the highway and the site provides adequate turning and parking, 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. Prior to occupation of the building 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.

2. Prior to occupation of the building 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.

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 or by post to:

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

2: 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
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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
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.	Approved	24.06.2021
21/01277/FUL	Proposed erection of an agricultural hay and machinery storage building.	Current	
21/01568/DISCON	Discharge of conditions 3 (Construction Management Plan) and 4 (Vehicles Turning Facility) of application 21/00582/FUL.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

PP6 Employment Sites

EN16 Agricultural and Related Development

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)

Relevant Adopted Policy

SP4 Meeting Housing Needs

Relevant Emerging Policies

PPL3 The Rural Landscape

SPL3 Sustainable Design

Status of the Local Plan

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to the emerging Section 2 of the 2013-33 Local Plan, which contains more specific policies and proposals for Tendring, has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29th June 2021. The Council held a six-week public consultation on the Main Modifications and associated documents which began on 16th July 2021. The consultation closed at 5pm on 31st August 2021 and adoption is expected later this year. Section 2 will then join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

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 an agricultural hay and machinery storage building.

Principle

The site is part of an existing much larger agricultural holding and for this reason the principle of an agricultural-orientated development on an agricultural site is considered acceptable, subject to the detailed consideration below.

Design & Appearance

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Emerging Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout, create a unique sense of place - avoiding the use of ubiquitous standard house types. Paragraph 130 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

The building proposed is of a standard design for agricultural buildings. The colour and cladding has been selected to complement the existing buildings located on site. The building will measure 10 metres by 40 metres and will have a height of 6.62 metres. The building will be constructed from clad in juniper green insulate composite cladding with the south elevation open. The roof will be constructed from insulated composite roof panels. The proposed building is acceptable in terms of design and appearance.

Agricultural Development

The Council recognises that agriculture is a vital part of the local economy, it is also acknowledged that the District's rural areas and countryside are used for certain activities that need to take place in these areas, some of which can bring about positive outcomes for the rural economy. The Council will support proposals for appropriate development in the countryside that would help strengthen the rural economy, provided detailed concerns about size, siting and design can be resolved. New buildings and associated development that is permitted on farm holdings must be of an appropriate design and scale and should not conflict with safeguarding the landscape and countryside character of the locality.

Policy EN16 states that permission will only be granted for agricultural buildings if the applicant demonstrates that the proposed development is reasonably necessary for the purposes of agriculture being carried, the design, siting, size and materials of construction, including hard surfacing, ensure that the development would not have an adverse visual impact on the local countryside, landscape character or to nature conservation interests.

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 planning statement provided demonstrates that the proposal supports the sustainable growth of a local agricultural business in a rural area, by allowing for an increase in operational space to ensure storage and safe keeping of hay produce. It also supports the profitability and viability of the business. The secure dry storage will allow the sale of the hay to be sold at the most economically advantageous times, when demand is high, and availability is lower. This is usually during the colder winter months, when livestock is wintered inside, as opposed directly during or after harvest when livestock are grazing in fields and there is plenty of availability. As result, maximum prices can be obtained during these months, which supports farm profitability. A profitable business is more able to invest back into or expand the business through the purchase of high value equipment or employment. In both situations, the rural economy and employment would be maintained and is supported by NPPF, para 83a.

The selling of hay into market or to hay merchants represents a diversification of the business. The NPPF supports the development of well-designed buildings. The design reflects that of a standard modern agricultural building found across the district. The materials used are that of a steel portal frame, with steel box profile cladding and a fibre cement roof.

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.

The store will be situated close to existing agricultural buildings and will be relatively well associated with the existing structures.

Impact to Neighbouring Amenities

The NPPF, at paragraph 130 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Adopted Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

The proposed building is located away from neighbouring amenities and screened by the existing agricultural buildings and vegetation. 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

Essex Highways Authority have been consulted on this application and have stated that 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, google earth image dated March 2021. It is noted that the proposal does not involve a new or altered vehicular access being required to or from the public highway; the building is set well back from the highway and the site provides adequate turning and parking. The Highway Authority therefore have no objections subject to conditions relating to vehicular turning facility and storage of building materials. The storage of building materials will be imposed as a condition only.

Other Considerations

Great Bromley Parish Council have commented on this application and have stated that that the Planning statement is inaccurate as the applicant has sold two sizeable parcels of land reducing the area on which hay can be made down to 3.2ha approx. Original claimed area included existing buildings, tracks and yard, where you can't make hay. The claimed area required is worked out by laying the bales out singularly on the floor and not stacking them which is traditional practice. Hay should be stored in a dry and well-ventilated building to stop it going mouldy, the proposed building is industrial clad and insulated. The equipment specified to be stored in the building is not viable to purchase on the 60 bales claimed, but in reality will be less. The Planning statement has confused bale yield of acres and hectares. The adjoining industrial building, approved on 24/6/2021, is not in existence yet, which this one mirrors coincidentally even down to its industrial build specification. It was also agreed that Cllr Scott would call-in the application to TDC's Planning Committee.

In response to the Parish's concerns, the comments are noted however the proposed development complies with National and Local Plan policies. There has been no call in for this application.

No letters of representation have been received.

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 plans:

- Block Plan - Scanned 19 July 2021
- Proposed Floor Plans and Elevations - Scanned 19 July 2021

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

- 3 Prior to occupation of the building 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

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

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.

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2: 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? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO