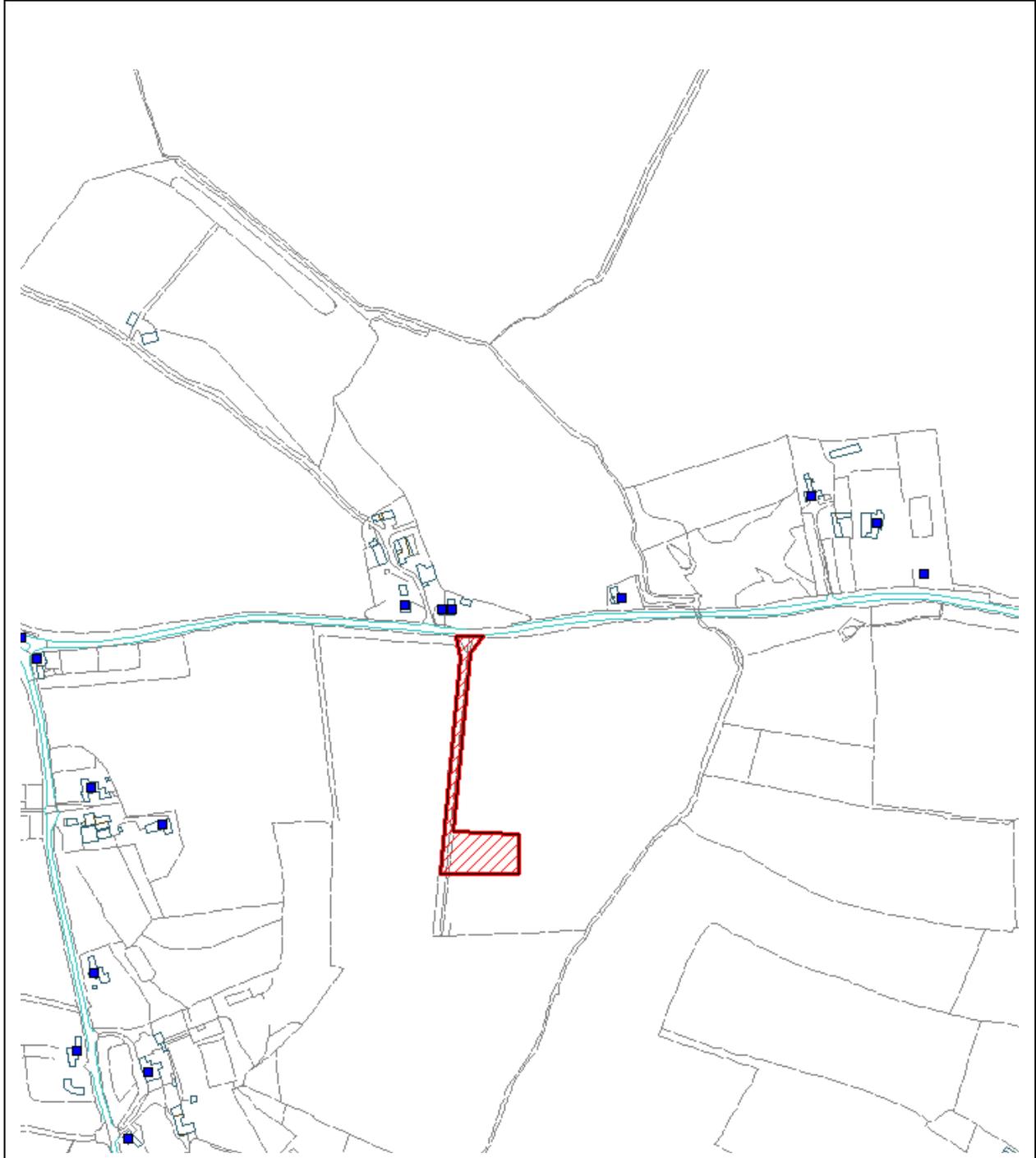


PLANNING COMMITTEE

18TH JANUARY 2022

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.2 PLANNING APPLICATION – 21/00202/FUL – MANOR FIELD THORPE ROAD TENDRING



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Application: 21/00202/FUL

Town / Parish: Tendring Parish Council

Applicant: Empire Tuning

Address: Manor Field Thorpe Road Tendring

Development: Proposed change of use of part of agricultural barn (sheep shelter approved under 19/00078/FUL) to agricultural vehicle repair workshop (B2 Use Class).

1. **Executive Summary**

- 1.1 The application has been called in by Councillor Peter Harris
- 1.2 The proposal is for the change of use of part of an existing agricultural building into an agricultural vehicle repair workshop for agricultural vehicles, machinery and limited models of Landrover. The site is located within a larger site which is used for agricultural purposes for sheep farming.
- 1.3 The proposal is in a rural location and would serve the surrounding agricultural community. Objections from Highways regarding the access from Thorpe Road and Environmental Protection regarding noise and ventilation have been overcome and subject to conditions is considered to be acceptable.

Recommendation:

That the Head of Planning be authorised to grant planning permission for the development subject to:-

- a) Subject to the conditions stated in section 8.2

2. **Planning Policy**

- 2.1 The following Local and National Planning Policies are relevant to this planning application.

National Planning Policy Framework July 2021

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

- QL11 Environmental Impacts and Compatibility of Uses (part superseded)
- ER7 Business, Industrial and Warehouse Proposals
- ER11 Conversion and Reuse of Rural Buildings
- EN1 Landscape Character
- EN6 Biodiversity
- EN16 Agricultural and Related Development
- TR1A Development Affecting Highways

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

Relevant Section 1 Policies (adopted)

SP1	Presumption in Favour of Sustainable Development
SP7	Place Shaping Principles

Relevant Section 2 Policies (emerging)

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
PP13	The Rural Economy
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
CP1	Sustainable Transport and Accessibility

Supplementary Planning Guidance

Essex County Council Development Management Policies 2011 (the Highways SPD)
Essex County Council Parking Standards Design/Good Practice Guide 2009 (the Parking SPD)
Tendring Landscape Character Assessment 2001 (TLCA)

Status of the Local Plan

- 2.2 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).
- 2.3 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.
- 2.4 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. On 24th November 2021, the Council received the Planning Inspectors' final report on the legal compliance and soundness of Section 2 of the emerging Local Plan. The report has confirmed, that with the inclusion of a number of 'Main Modifications' (which have already been the subject of formal public consultation), the Plan is legally compliant and sound and can now proceed to adoption. The report is due to be considered by the Planning Policy and Local Plan Committee on 11th January 2022 which is likely to recommend adoption of the Section 2 Local Plan to Full Council on 25th January 2022. On adoption, the new Section 2 Local Plan will join the new Section 1 Local Plan to form the 'development plan' for Tendring and the old 2007 Local Plan will be superseded in full.
- 2.5 Now that the Inspectors' final report is received, the Section 2 Local Plan has virtually reached the final stage of preparation, all objections have been resolved and the Inspector has confirmed that the Plan is sound and therefore in conformity with the Framework. For these reasons, Officers now advise that the emerging Plan should now carry 'almost full weight' in decision making.

2.6 Until the new Local Plan is adopted in January 2022, the 2007 adopted Local Plan, legally, will still form part of the 'development plan' and there will still be a requirement to refer to the 2007 Local Plan in decision making. However, the level of weight to be afforded to the policies in the 2007 Plan is reduced to very limited weight given that a more up to date Plan has progressed to such an advanced stage of the plan making process.

3. Relevant Planning History

18/01503/AGRIC	Proposed lambing & sheep shelter.	Prior Approval not required	05.10.2018
19/00078/FUL	Proposed barn and sheep shelter including track from existing vehicular access and associated bunds and planting.	Approved	18.04.2019
21/01112/DISCON	Discharge of conditions 2 (Landscaping) and 5 (Bridging of Piped Bridge) of approved application 19/00078/FUL.	Approved	27.07.2021

4. Consultations

Tendring Parish Council	This location is not suitable for a performance tuning workshop (based on the equipment that is planned to be there). It will create significant noise nuisance (the sound insulation will not mask the roar of the engines on the dynamometer), there are no water, drainage or power facilities on site and only two years ago approval of the building's construction was allowed for agricultural use.
TDC Tree & Landscape Officer 08.04.2021	<p>The proposed change of use of the existing building will not result in the removal of or cause harm to any existing trees or other vegetation.</p> <p>Nonetheless, the proposed change of use would change the character of the area by way of the introduction of an engineering operation in a rural setting.</p> <p>It is unlikely that machinery used on the application site would justify the creation of the workshop, in itself, so additional vehicular movements would be likely to occur when machinery was brought to the site. This would diminish the agricultural character of the area</p>
TDC Environmental Protection (EP) 24.05.2021 (2 nd Consultation)	After reviewing the requested Noise Impact Assessment it can be confirmed that EP are satisfied with its findings and recommendations in relation to the noise emission from the site. Providing the additional, proposed ventilation system is compliant with the recommendations - as outlined on pages 28 and 29 of the above mentioned document, there is no reason to object to the proposal. The following recommendations have been highlighted in the report and should be attached to any approval of this proposal.

Ventilation System: Any new ventilation installation must not exceed a sound emission of 23dB(A) at the nearest residential property - identified as Hillside Cottage on page 12 of the NIA.

The internal passage velocities of the system should not exceed 8-10m/s and appropriate dampening techniques are employed, where necessary, to achieve this level and ensure compliance.

TDC Environmental Protection
(EP)
08.03.2021 (1st Consultation)

Requested further information regarding Noise mitigation measures, proposed sound proofing and the proposed materials to be utilised, their dampening ability and the potential level of reduction that will be achieved. Details of the mechanical ventilation are also required.

It is also noted the proposed use may require a permit from the Local Authority in respect of solvents being used the application does not give specific information as to whether the site will also be used to spray vehicles; therefore EP suggest initial contact be made to discuss the need, or not, for a permit for a permitted process.

ECC Highways 09.12.2021

The site is situated on a stretch of Thorpe Road that is subject to a de-restricted speed limit and is classed as a Secondary Distributor in the County Council's Route Hierarchy. The current vehicular access serving the site is purely for agricultural purposes serving the barn. The width of Thorpe Road at this point is approximately 5.8 metres in width. In conjunction with approved application 19/00078/FUL the applicant was required to substantially improve the access to the site. The supporting information confirms that the width of the access is wider than a single track and is 4.6 metres in width and that the access was improved in accordance with planning application reference: 19/00078/FUL.

The applicant has advised that repairs would fall into three broad categories:

1. on-site repair of large agricultural vehicles.
2. on-site repair of smaller vehicles such as those of car size.
3. as a base to service agricultural machinery at client's farms.

It is noted that the development would be staffed by one person, but with a view that in time this may increase to two people. Therefore, the site would generate relatively low trips at no more than 2-3 vehicles a day. It is noted that at present a John Deere 4-wheel drive tractor is stored on site and regularly uses the site access road and its junction with Thorpe Road.

Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to

Highway Authority subject to mitigation and conditions in regard to visibility splay at access, vehicular turning facility, no unbound material to be used near highway, no discharge of water onto Highway and new signage on Highway.

5. Representations

5.1 A number of representations, including one of support, have been received; which have followed a public consultation, including the posting of a site notice at the site and neighbouring consultation letters sent out to the adjacent properties.

Summary of Matters Raised

- Negative and damaging impacts on neighbouring businesses due to noise and odour from the workshop;
- Application is misleading – A dynamometer is used for remapping car engines and is not for agricultural vehicles, which are normally fixed on their farm due to logistics of getting large machinery to a workshop, which may be some distance away;
- No noise survey submitted with the application;
- No transport plan submitted with the application;
- Applicants business in Colchester deals with all makes of Land Rovers not agricultural vehicles;
- Remapping of engines and the use of a dynamometer is an unpleasantly noisy occupation;
- Impact on neighbouring residents due to noise and increased vehicle movements;
- No benefit to local community either as a customer base or for employment;
- Sets a precedent for others to build agricultural buildings and then change their use;
- Negative visual impact on the landscape;
- Unsuitable access and impact on Highway Safety with larger vehicles entering and leaving the site;
- Visibility Splays are not compliant with type of road;
- Unsuitable location for this type of business, no evidence submitted to demonstrate that there is no suitable alternative premises;
- Pollution and contamination from vehicle workshop use onto land and nearby watercourses;
- Light Pollution;
- Impact on wildlife (Deer and Otters);
- No mains electricity at the site;
- Industrial units would spoil the rural outlook of the area;
- Hours of operation are contrary to a residential and rural setting;
- Is there a genuine need for this business in the area, as a similar business operates in Beaumont;
- Commitment to plant several hundred trees outlined in the 2019 planning application has not been undertaken;
- Objection to recently constructed agricultural building already being repurposed to a B2 use. If building is no longer required then it should be demolished;
- Could result in an industrial estate being formed in this rural location; and
- Pre-commencement conditions (from application19/00078/FUL) not adhered to.

5.2 The application is the subject of a call-in request from the Ward Councillor for Weeley and Tendring Ward, Peter Harris, in the event that approval were recommended. The grounds for the call-in request are:

- Use of the building for vehicles other than agricultural;
- No demand for the service offered;
- Impact on neighbours (noise and disturbance/light pollution); and
- Effect on the character and appearance of the area including the wildlife.

5.3 The material considerations raised are dealt with in the following assessment.

6. Assessment

Site Description

- 6.1 The application site is located on the southern side of Thorpe Road to the east of the village of Tendring and is considered to be within a rural location, outside of the defined settlement development boundary of Tendring in both the adopted and emerging Local Plans. The site comprises of an access track, an existing agricultural building (permission granted under 19/00078/FUL as a sheep shelter) and an area of hardstanding around the building of some 0.24 hectares, which is gated and bordered by a post and rail fence.
- 6.2 The site is part of a wider parcel of agricultural land equating to approx. 13 hectares in size and containing an agricultural barn located further to the south of the site. The land is used for sheep rearing/grazing. There is an existing gated accessway from Thorpe Road, which is bordered by a post and rail fence as granted under planning permission 19/00078/FUL.
- 6.3 The wider site slopes down towards the south and west where the eastern boundary is terminated by a brook. The majority of the site is bordered by areas of woodland on its southern, eastern and western boundaries. There are residential dwellings opposite the entrance of the site on Thorpe Road and a restaurant business to the west. Other dwellings and farms are sited around the site, however given the rural nature of the area and the extent of the agricultural land, these are some distance away.

Proposal

- 6.4 The application seeks planning permission to convert part of the existing agricultural building/sheep shelter to an agricultural vehicle repair workshop (Use Class B2). A partition is to be constructed to divide the building into two. The remaining part of the building will continue to be used as a sheep shelter and as part of the agricultural use of the wider site.
- 6.5 The area of the building to be used measures 13.5m x 12.5m and 5m to ridge and is set 190m back from the access on Thorpe Road. There is a small bund to its northern side. The building has a low pitched roof with shutter doors to the north and south elevations and is clad in black timber which is typically seen on agricultural buildings. No external alterations are proposed.
- 6.6 The application is supported by:

Noise Impact Assessment – Pace consult PC-21-0007-RP1 dated 12th April 2021
 Intermodal Transport report on Highway Matters dated August 2021
 Supporting Statement - Additional Information
 Supporting Statement - Applicant

Principle of Development

- 6.7 The principle of the building on the site, the access and its agricultural use has been established in the planning consent granted under application 19/00078/FUL, therefore it is the principle of the change of use that needs to be considered.

- 6.8 Tendring is classified as a smaller rural settlement and is therefore likely to have a lower provision of services available in terms of job opportunities, local services, facilities and other infrastructure. However, it is recognised that some small scale development is necessary to support the growth of the rural economy, therefore any development should be sympathetic to the rural character of the area. Due to the very advanced stage of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), great weight can be given to Policy PP13 which seeks to support the Rural Economy, by granting planning permission for specific types of development outside of defined settlement development boundaries, such as the conversion or re-use of rural buildings in the countryside to employment, leisure or tourism use and/or buildings that are essential to support agricultural, aquaculture, horticulture and forestry and farm diversification schemes. Saved Policy ER11 supports these considerations.
- 6.9 The Council seeks to support the growth of new and existing businesses in the District and is minded to grant permission for any such proposals, providing they have an acceptable impact on visual and residential amenity, rural amenity, and transportation considerations.
- 6.10 Therefore, the principle of the conversion of part of the existing agricultural building to an employment use, namely an agricultural vehicle repair workshop has policy support and is considered to be the type of business suitable for a rural location in that it would directly support the existing agricultural and rural communities of the area.
- 6.11 The proposal is therefore acceptable in principle subject to the detailed considerations outlined below.

Proposed Operation of Workshop Business

- 6.12 The application provides information regarding the operation of the business and it is intended to be used for work on agricultural vehicles, including Land Rover Defenders and related machinery. This will include the tuning of Land Rovers, owned by many farmers, and the installation of a dynamometer to facilitate this. Empire Tuning who will operate the workshop have an established site in Colchester (which will remain) and have clients who are farmers in the local area. The workshop would provide them with diagnostic work, breakdown support, electrical fault finding and performance remapping, thus enabling them to service new and existing clients in this location. It is also noted that the existing agricultural workshop in Beaumont does not provide the same services as Empire Tuning would provide.
- 6.13 The operating hours are proposed as 8.30am – 5.30pm Mondays to Fridays and 8.30am – 3.30pm on Saturdays and would be run by the applicant initially with the intention to employ an additional member of staff if the level of work permits. It is not considered that the site will be occupied at all times due to the operation of the two sites, Colchester and Tendring as well as making off-site visits to customers.
- 6.14 The electric and water infrastructure is all in place and will be connected to the mains. Regarding waste water, it is proposed to use a waste management system such as the Ensign system from Marsh industries, this exceeds all current legislation in terms of water outlet, environmental disposal and waste storage, details of which have been submitted with the application.
- 6.15 Given the rural/agricultural nature of the site, it is considered reasonable to limit the use of the site to the purpose of servicing agricultural vehicles (as applied for), the specification of which can be controlled by condition, with a log book to be kept of all vehicles serviced. As this is a specific business use, albeit within Class B2, it would also be prudent to restrict any alternative use of the building within Class B2, other than that proposed by the applicant, Empire Tuning. These elements can also be secured by condition to any grant of planning permission. This would help to alleviate the concerns raised by neighbouring occupiers as to its future use.

Character and Appearance

- 6.16 With regard to design and appearance, Para 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.17 Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Emerging Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials and should respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Saved Policy QL11 supports these considerations.
- 6.18 Saved Policy EN1 is also relevant to this application and seeks to maintain the quality of the District's landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted.
- 6.19 There are no external alterations to the building as approved under application 19/00078/FUL. The shutter doors are not currently in place, however these form part of the original consent and are not required to be considered as part of this application.
- 6.20 Therefore, there would be very little alteration to the external appearance of the building and it is not proposed to be extended in anyway, maintaining its overall appearance as an agricultural building and thus mitigating any harm to the surrounding landscape character. It is noted that under the previous approval, significant landscaping works have been undertaken to improve the overall appearance of the site and to screen the development from views along Thorpe Road. Some external lighting to the building is proposed and the details of this can be submitted and agreed by way of a condition to any grant of planning permission.
- 6.21 Internal works include the construction of a partition wall and the fitting out of the workshop.
- 6.22 The proposed change of use is considered to be a low key operation intended to serve the agricultural community in and around Tendring, with limited vehicle movements. Those vehicles visiting the site would be of an agricultural nature and therefore the proposed change of use to an agricultural workshop is not considered to unduly impact on the character of this rural site over and above that which already exists currently.

Impact on Residential Amenity

- 6.23 Paragraph 130 of The Framework maintains that policies and decisions should result in new development that creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users
- 6.24 Adopted Policy SP7 and emerging Policy SPL3 seek to avoid land use conflict and protect the amenity of neighbours. Saved Policy ER7, amongst other things, requires that the scale and nature of a proposal is appropriate to the locality, including its relationship with adjacent uses, and that there is no unacceptable impact on amenity in terms of appearance, noise, smell, dirt or other pollution.

- 6.25 Further to the initial consultation with the Council's Environment Protection (EP) officers, a Noise Impact Assessment was conducted and submitted to overcome the initial concerns raised by EP. The assessment deals comprehensively with the sound reduction techniques to be employed. The report explains the proposed materials to be utilised and the level of noise reduction that will be achieved. The noise assessment shows evidence that the noise from the proposed dynamometer cell if constructed in the manner proposed will be significantly below the pre-existing background noise surrounding the site. Therefore, subject to relevant conditions to ensure the works are carried out as detailed in the submitted NIA, which includes sound proofing the building, EP are satisfied with its findings and recommendations in relation to the noise emission from the site.
- 6.26 The proposed additional ventilation system must be compliant with the recommendations, outlined in the NIA on pages 28 and 29, details of which are to be submitted to and approved by the Local Planning Authority, to which there is no objection raised by EP. No solvents, apart from brake cleaner are to be used on site nor is paint spraying proposed within the building. A suitably designed and approved ventilation system is considered able to appropriately deal with any fumes associated with the workshop use of the building.
- 6.27 It is noted in the application submission that any waste oil would be stored in an appropriate sealed container and taken away from the site by a licensed company. Any other waste would be minimal and would be recycled as and where available. It is considered appropriate to require details of the waste disposal methods, including storage of, to be submitted and agreed with the Local Planning Authority prior to the commencement of the use of the workshop.
- 6.28 Therefore, it can be concluded that any noise and pollution impacts arising from the proposed use of the site can be adequately mitigated to ensure that there is no harm to residential amenity resulting from the use of the building as a vehicle repair workshop.
- 6.29 Given the existence of the building and its distance from any neighbouring residential occupiers no overlooking or loss of privacy concerns are raised. There is likely to be some increase in vehicle movements in and out of the site, opposite the residents on Thorpe Road, however given that this is a main B-road with a de-restricted speed limit it is not considered that these movements would be materially more harmful than the general use and noise associated with traffic using this section of the main highway, particularly given the proposed hours of operation, which again can be controlled by condition and would also prevent any operation of the business outside of these hours or on Sundays or Public/Bank Holidays.
- 6.30 Whilst no details have been submitted with the application, details of any proposed external lighting must be first submitted to and agreed by the Local Planning Authority in order to protect residential amenity and the rural character of the area, including any impacts on wildlife.
- 6.31 In conclusion, it is not considered that the proposal would have an unacceptable harmful effect on the living conditions of the occupants of neighbouring dwellings or businesses.

Highway Safety and Parking

- 6.32 Saved Policies TR1a, TR3a and TR7, together and amongst other things, require: transport assessments for proposals which are likely to have transportation implications and compliance with adopted parking standards. For B2 uses, saved Policy ER7 (c) requires satisfactory vehicular access and adequate car parking to be provided, Emerging Policy SPL3 Part B (a) requires that access is practicable and be able to safely accommodate additional traffic generated.
- 6.33 Paragraph 111 of the Framework states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 6.34 The site is accessed via a track situated on a stretch of Thorpe Road that is subject to a de-restricted speed limit and is classed as a Secondary Distributor in the County Council's Route Hierarchy. The current vehicular access was approved to serve the wider site, being for purely agricultural purposes in respect to the use of the buildings approved on site. The width of Thorpe Road at the access point is approximately 5.8 metres in width. In conjunction with approved application 19/00078/FUL the applicant has substantially improved the access to the site. The supporting information confirms that the width of the access is wider than a single track and is 4.6 metres in width and that the access was improved in accordance with planning application reference: 19/00078/FUL – Condition 4.
- 6.35 The applicant has advised that repairs would fall into three broad categories:
1. On-site repair of large agricultural vehicles.
 2. On-site repair of smaller vehicles such as those of car size – limited to Land Rover Defenders only.
 3. as a base to service agricultural machinery at client's farms.
- 6.36 The workshop is proposed to be staffed initially by the applicant and this in time may increase to two people. Therefore, it is considered that the site would generate relatively low trips and a John Deere 4-wheel drive tractor is stored within the wider site and regularly uses the site access road and its junction with Thorpe Road.
- 6.37 The adopted parking standards state that for a Class B2 use, 1 car parking space per 50sqm and 1 cycle space per 250sqm is required. The floor space of the workshop is approximately 170sqm, therefore 3 – 4 parking spaces are required and 1 cycle space. The area around the workshop is considered to be of sufficient size to accommodate the required level of parking. It is also considered that the access and parking area is large enough to accommodate large agricultural vehicles visiting the site.
- 6.38 As such, from a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to mitigation and conditions in regard to visibility splay at access, vehicular turning facility, no unbound material to be used near highway, no discharge of water onto Highway and new agricultural vehicle warning signage on Highway.

Trees, Landscaping and Biodiversity

- 6.39 The fourth bullet point of adopted Policy SP7 requires that all new development should incorporate biodiversity creation and enhancement measures. Emerging Policy SPL3 Part A (d) includes that the design and layout of development should maintain or enhance ecological value. Saved Policies EN1 and EN6 reflect these considerations.
- 6.40 Condition 2 of Planning permission 19/00078/FUL, sought the submission of a soft and hard landscaping scheme to be submitted and agreed by the LPA. This has been submitted and approved and covers the wider site, incorporating the application site.
- 6.41 Information submitted with the application states that the main use of the wider site will remain as a sheep farm and the owners have carried out significant works to the land, having planted over 500 native trees and a natural hedge along the north and west borders of the wider site, planted further natural shrubs on top of the bunds and set aside areas of un-grazed grassland to encourage small mammals and insects and to generally promote wildlife on the wider site. Pesticides are no longer used on the site and the owners intend to farm the area in an environmentally friendly way.
- 6.42 The Council's Tree and Landscape Officer was consulted on the application and has no objection to the proposed change of use per se as this would not result in the removal of or

cause harm to any existing trees or other vegetation. The change of use has potential to alter the character of the area by introducing an engineering operation in a rural setting. However, the machinery and vehicles serviced in this location are of an agricultural nature and what would be expected to be seen in an agricultural setting. Therefore, the change of use as proposed is not considered to materially alter the agricultural character of the area.

- 6.43 Notwithstanding the concerns of objectors, there is no evidence that protected species, biodiversity or habitats would be harmed by the implementation of the change of use on a small part of this wider agricultural site that has a specific landscaping scheme approved.
- 6.44 The proposal would not therefore conflict with the development plan or the Framework in these regards.

7 Conclusion

- 7.1 The site would provide an agricultural vehicle repair workshop which would be beneficial to the surrounding farming community and would provide an employment opportunity in this rural area. The applicant submitted information and reports which have overcome the initial objections from both TDC Environment Protection and ECC Highways.
- 7.2 As such, subject to the imposition of a number of planning conditions, it is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval.

8 Recommendation

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives:

8.2 Conditions and Reasons

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 strict accordance with the following approved plans and documents:

Drawing No: MFT/21/1 Block Plan
Drawing No: MFT/21/2 Site Plan
Drawing No: MFT/21/3 Elevations and Floorplans

Noise Impact Assessment – Pace consult PC-21-0007-RP1 dated 12th April 2021
Intermodal Transport report on Highway Matters dated August 2021
Supporting Statement - Additional Information dated 15/04/21
Supporting Statement – Applicant 22/12/21

Reason: In the interests of proper planning and for the avoidance of doubt.

3. The use of the building hereby approved shall be limited to agricultural farm vehicles, machinery and Land Rover Defenders only, with all works undertaken within the workshop building. No other vehicles whatsoever shall be worked on within the site. Furthermore a log book shall be maintained of all vehicles worked on, including make, model, registration

number and owner details and shall be made available for inspection at any time by the Local Planning Authority.

Reason: To maintain the agricultural character and appearance of the site and the wider area.

4. The use of the building hereby approved shall be operated by Empire Tuning only.

Reason: To allow the Local Planning Authority to control the use of the building in this sensitive rural location.

5. Prior to the commencement of the use hereby approved details of the proposed Ventilation System must be submitted to and approved in writing by the Local Planning Authority. Any new ventilation installation must comply with the recommendations of the submitted Noise Impact Assessment and must not exceed a sound emission of 23dB(A) at the nearest residential property - identified as Hillside Cottage on page 12 of the submitted Noise Impact Assessment. The internal passage velocities of the system should not exceed 8-10m/s and appropriate dampening techniques must be employed, where necessary, to achieve this level and ensure compliance.

Reason: In the interests of residential amenity

6. Prior to the commencement of the use hereby approved details of the proposed waste management system must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that an adequate and satisfactory means of foul drainage in accordance with Circular 3/99 is provided to avoid pollution, in the absence of a foul sewer.

7. Prior to first occupation of the repair workshop, the road junction/access at its centre line shall be provided with a clear to ground visibility splay provided with dimensions of 2.4 metres x 215 metres in both directions, in accordance and in compliance with the 2019 permission, (19/00078/FUL) as measured from and along the nearside edge of the carriageway. The necessary works to the visibility splays is to be undertaken prior to first occupation 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.

8. No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety

9. 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

10. Prior to the first use of the workshop hereby approved, the signage (below) sign diag. no. 553.1 (size: 750x750mm) with sub-plate sign diag. no. 553.2 (Tractors turning) shall be erected either side of the vehicle access (distance from access shall be in accordance with Appendix A of Traffic Signs Manual Chapter 4) details of which to be submitted to and agreed in writing with the Local Planning Authority. The signs will need to be mounted on a post at a minimum height of 1.5 metres and the edge of the sign will need to be set back

0.5 metres back from the edge of the carriageway, to avoid being struck by passing vehicles:



Reason: To notify drivers of possible agricultural vehicles ahead, in the interests of highway safety and in accordance with Policy DM1.

11. No goods or materials shall be stored, stacked or deposited externally.

Reason - The external storage of goods outside the workshop would result in harm to the character and appearance of the rural area.

12. No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times Mondays to Fridays 8.30am – 5.30pm and 8.30am – 3.30pm on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of residential amenity

13. No external lighting shall be installed until details of the illumination scheme have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.

Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area

8.3 Informatives

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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

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

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.

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.

9 Additional Considerations

Public Sector Equality Duty (PSED)

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

Human Rights

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

Finance Implications

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

10 Background Papers

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