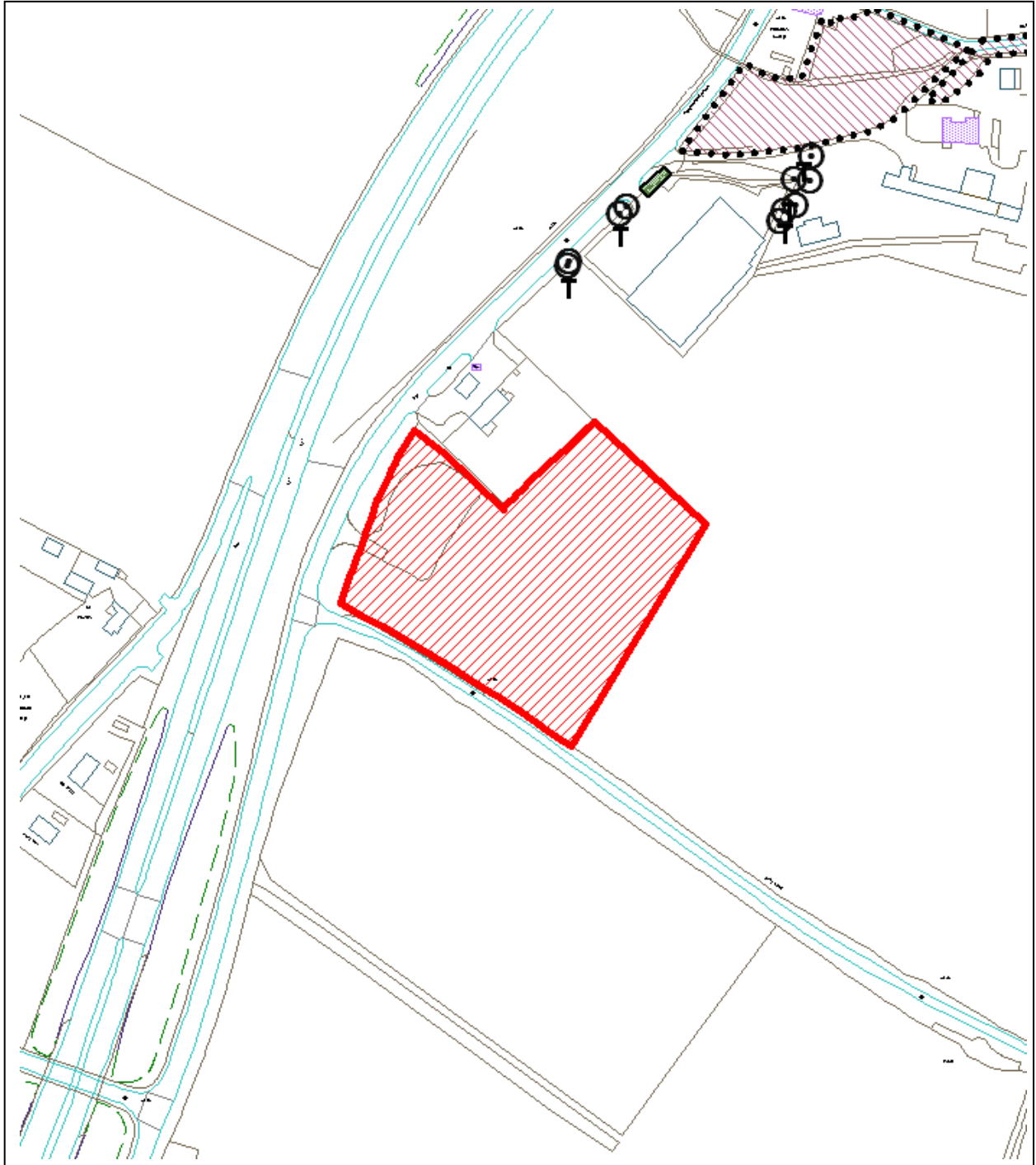


PLANNING COMMITTEE

2 JUNE 2011

REPORT OF THE TEMPORARY HEAD OF PLANNING

A.7 PLANNING APPLICATION - 11/00289/FUL – LAND ADJOINING IPSWICH ROAD AND WICK LANE, ARDLEIGH



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Application:	11/00289/FUL	Town / Parish: Ardleigh Parish Council
Applicant:	Serruys Property Company Limited	
Address:	Land adjoining Ipswich Road and Wick Lane Ardleigh	
Development:	Use of land as car dealership:- Erection of building for use as car show room, workshop and ancillary offices with associated car parking and landscaping, and construction of new access and upgrading of existing access.	

1. Executive Summary

- 1.1 Planning permission TEN/1157/89 related to the construction of a building for the retailing, servicing and repair of agricultural machinery with associated highway access, car parking and landscaping. The 1990 permission has been commenced and could be completed at any time.
- 1.2 This application follows the withdrawal of 10/01270/FUL which was due to be refused on the grounds of unacceptable detailed design and impact upon flood risk. The current application has addressed these concerns.
- 1.3 The proposed development is located within the open countryside where development is usually restricted by national and local planning controls. In this instance Officers consider that the previously approved and implemented permission holds significant weight and that on balance the development is considered acceptable notwithstanding the policy objections to new development of this type in the countryside. Similar development has recently been permitted on a nearby site contrary to policy on the grounds of improved employment opportunities and visual improvements; this is also a material consideration. It is for members to judge how much weight should be given to these considerations and taking into account the design and layout of the scheme whether on balance the development would be acceptable.

Recommendation: Approval

Conditions:

- Time limit
- Plan numbers
- Surface materials
- External materials
- Landscaping scheme
- Change of land height and planting seasons
- Compliance with recommendations of FRA
- Archaeology condition
- Floodlighting
- Setting out of accesses
- Visibility splays
- No unbound material

- Provision of a wheel wash
- Marking out of parking spaces
- Parking for powered two wheelers
- Loading/unloading on site
- Signage details for access signs
- Boundary treatment
- Ecological enhancement

Reason for approval:

Whilst the proposed development does not accord with Development Plan Policies and the aims and aspirations of national planning guidance, substantial weight has been given to the existing planning permission for the site, which is for development of a similar scale and nature. Weight has also been given to planning permission granted in 2009 on a nearby site, which was considered acceptable given the economic and visual improvements it would provide. This proposal would provide similar improvements. In light of these factors it is considered that in this particular location, that the scale and nature of the proposal is acceptable. Account has also been taken of the site's accessibility from the A12 and the other commercial development in the area.

Taking these factors into account the Local Planning Authority considers that the proposed development is acceptable in this locality in terms of its siting, scale and detailed design and which will not adversely affect local amenity, subject to appropriate quality of materials and landscaping. There would also be no unacceptable impacts upon flood risk, highway safety, ecology and archaeology, subject to the conditions imposed.

2. Planning Policy

National Policy:

Government Guidance

PPS1 Delivering Sustainable Development

PPS5 Planning for the Historic Environment

PPS7 Sustainable Development in Rural Areas

PPS 9 Biodiversity and Geological Conservation

PPG13 Transport

PPS 25 Development and Flood Risk

Local Plan Policy:

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER7 Business, Industrial and Warehouse Proposals

EN1 Landscape Character

EN6A Protected Species

COM1 Access for All

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

COM18 Ardleigh Reservoir

COM23 General Pollution

COM31A Sewerage and Sewage Disposal

Core Strategy and Development Policies Proposed Submission Draft (2010)

CP2 – Development in the Countryside

DP1 – Design of new development

3. Relevant Planning History

TEN/1157/89	Construction of a building for the sale, repairs, maintenance of agricultural and horticultural machinery together with ancillary access road, car parking, storage and servicing.	Approved	16.03.1990
95/00042/FUL	Construction of a building for the sale, repairs, maintenance of agricultural and horticultural machinery together with ancillary access road, car parking, storage and servicing (Variation of Condition No. 1 to extend time limit)	Refused	14.03.1995
96/00885/FUL	Variation of the design of a building previously approved and partly implemented to be used for the sale, repair and maintenance of agricultural and horticultural machinery together with ancillary access road, car park, storage and servicing.	Approved	14.12.1998

10/01270/FUL Use of land as car dealership:- Erection of building for use as car show room, workshop and ancillary offices with associated car parking and landscaping, and construction of new access and upgrading of existing access. Withdrawn 07.03.2011

4. Consultations

Highways Agency	As the application will not adversely affect the A12 trunk road at this location the Highways Agency does not intend to issue a direction.
Ardleigh Reservoir Committee	The proposals are acceptable from Ardleigh Reservoir's point of view as the proposals concern surface water drainage, rather than discharges.
ECC Highways Dept	The Highway Authority raises no objection subject to conditions relating to; <ul style="list-style-type: none">- Setting out of accesses- Visibility splays- No unbound material- Provision of a wheel wash- Marking out of parking spaces- Parking for powered two wheelers- Loading/unloading on site- Signage details for access signs-
Environment Agency	No objection subject to the imposition of a condition.
Essex County Council Archaeology	No objection subject to the imposition of a condition.
Regeneration	No comments received.

5. Representations

5.1 Ardleigh Parish Council does not object to this application.

5.2 No third party letters of representation have been received.

6. Assessment

6.1 The main planning considerations are:

- Planning History
- Policy Context/Principle of Development
- Design/Impact
- Residential Amenity
- Surface Water Drainage
- Highway Considerations

- Archaeology
- Ecology

Site Description

- 6.2 The application site is located to the eastern side of the Old Ipswich Road and is 'L' shaped. The site measures approximately 1.4 hectares with a frontage of approximately 90 metres to Old Ipswich Road and a maximum depth of approximately 135 metres. The site is essentially of undeveloped appearance but has an existing concrete entrance driveway and hardstanding and part of the site is used for some material storage. The eastern boundary of the site is marked by 1.8m high security fencing, whereas the south and western boundaries are largely open apart from small patches of vegetation.
- 6.3 The site is bounded to the north by the Blue Barn Garage site that is used for the repair and serving of commercial vehicles, to the south by Wick Lane, to the east by open agricultural fields and to the west by Old Ipswich Road and beyond the A12.
- 6.4 The application site is not located within any defined settlement boundary as defined within the Tendring District Local Plan 2007, and is therefore located within the countryside for planning policy purposes. The sites lies close to the A12 from which it is easily accessible.
- 6.5 The application site also falls within the Arleigh Reservoir Catchment Area.

Proposal

- 6.6 The proposal in involves the use of the land as car dealership and the erection of a building use of a car showroom, workshop and ancillary offices with associated car parking and landscaping. The proposed building would measure some 41m in depth, 48m in width and a maximum ridge height of 11m.
- 6.7 The proposals in terms of building design and layout are substantially the same as an earlier submission, which was granted a planning permission application in 1990. (reference number TEN/1157/89). This permission was implemented in 1995 with the construction of the present access to the site. The current application involves the use of the building as a car dealership.

Planning History

- 6.8 Planning permission TEN/1157/89 is for the construction of a building for the retailing, servicing and repair of agricultural machinery with associated highway access, car parking and landscaping. One of the proposed accesses outlined in this permission was constructed and, by virtue of this, the 1990 permission remains extant.
- 6.9 Application 10/01270/FUL was withdrawn prior to a decision as officers had indicated that a recommendation of refusal on grounds of design quality and impact upon flood risk was likely. Subsequent discussions with the Council's Urban Design Officer and the Environment Agency have addressed these issues and resulted in the current application.

Policy Context/Principle of Development

- 6.10 Central to the assessment of the principle of this application is the guidance in PPS 7 (Sustainable Development in Rural Areas) and PPS1 - Delivering Sustainable Development. The guidance seeks to ensure that only development that needs a countryside location, such as that related to agriculture, is located there and that other development takes place within existing settlements where they are more accessible. Local Plan policy QL1 sets the spatial strategy for Tendring to 2011 in line with these established national principles for sustainable development and seeks to ensure that most new development is concentrated within those settlement boundaries defined in the Local Plan, and outside of these settlement boundaries, only development which is consistent with countryside policies will be permitted. The development of a car dealership in the countryside is, therefore, contrary to both national guidance and Local Plan policies.
- 6.11 In this case, the application site is situated well outside any defined settlement boundary being approximately 1 km from the nearest settlement boundary on the eastern edge of Colchester. Therefore, the site is located within the countryside for assessing any application against national and local planning policies. Policy QL1 only allows development that is consistent with countryside policies. The reason being the countryside is to be protected for its own sake, with the aim to conserve and enhance the countryside against inappropriate development. This is also reaffirmed in PPS7.
- 6.12 Whilst it is for Members to judge how much weight should be given to any aspect of the proposed development, Officers consider that substantial weight should be given to the valid planning permission for commercial development on site. The commenced development could be completed at any time, which Officers consider to be a material consideration of sufficient weight to override the policy constraints above which would usually apply to such a development as this.
- 6.13 Your Officers consider that the proposed change from a building for the retailing, servicing and repair of agricultural machinery, as previously approved, would have little material difference in terms of impact to a building for a car showroom, workshop and ancillary offices; that is currently under consideration. The development currently proposed is of a similar scale to that permitted and would have a similar impact on the character and appearance of the area.
- 6.14 Officers also consider that the planning permission granted for the change of use from agricultural land to car dealership in December 2009 for the nearby site adjacent to the Essex County Highways Depot in Old Ipswich Road (08/01449/FUL), is also a material consideration to which some weight should be given. This development was approved because of its economic/job creation benefits and visual improvement to the locality. In that case Members considered that these benefits carried sufficient weight to override policy objections. Whilst this may not be a true permission precedent given the differing circumstances it does give some weight to the current proposals, especially as at present the application site has a greater detrimental visual impact than the site approved in 2009.
- 6.15 In considering the acceptability of the proposal the detailed design and layout must be considered in relation to Local Plan policies QL9, QL11 and ER7. Policies CP2 and DP1 of the submission draft Core Strategy are also relevant. Policy ER7 requires that when considering commercial proposals the scheme will need to be (inter alia) appropriate to its locality in terms of scale and nature, including its relationship with adjacent uses. QL9 requires that all new buildings make a positive contribution to the quality of the local environment and local character.

Design/Impact

- 6.16 The setting of this site is essentially rural and the effect on long distance views from across the countryside and from the A12 is critical. Larger scale industrial buildings within the landscape are those associated with farms which have a simple long rectangular form and a pitched roof as does the logistics warehouse further along Old Ipswich Road. It is considered that the form, proportions and detailed design of the proposed development reflect these agricultural forms in an acceptable manner. Roofscape and massing are very important when viewed from a distance and a series of repetitive pitches would seem to be an appropriate approach within this locality. The building as currently proposed is considered to be a significant improvement on that approved under the 1989 permission.
- 6.17 Whilst the Council's Tree and Landscape Officer objected to the proposed development on the grounds of detrimental impact upon the character and appearance of the countryside, it is considered that for the reasons given above that the previously approved application could be commenced at any time. Officers consider that the development now under consideration is a substantial improvement in design terms to that approved in 1990. Furthermore, Officers now have the opportunity to impose a landscaping condition, which will help to mitigate the impact upon the countryside. Whilst parking is prominent along the road frontage, a planting scheme has also been recommended to address this.

Residential amenity

- 6.18 The application site is located some 280m away from the nearest dwelling at Blue Barns Farm to the north of the site. Between the application site and the nearest dwelling there are a number of other commercial units. Officers consider that due to the acceptable distance to the nearest dwelling and existence of other commercial units closer to the nearest dwelling, the proposed development would have a minimal impact upon the residential amenity currently enjoyed by the nearest dwelling.

Surface Water Drainage

- 6.19 The Environment Agency was consulted as part of the decision making process and raised no objection to the proposed development.
- 6.20 The Environment Agency were also consulted during the previously withdrawn application, they objected to the previous scheme on the grounds of that no percolation tests were undertaken which confirm the infiltration rate at the site..
- 6.21 This has now been addressed and an amended Flood Risk Assessment (FRA) submitted which makes recommendations that are acceptable to the Agency. A condition has been requested to ensure that these recommendations are strictly adhered to.

Highway Considerations

- 6.22 Essex County Council Highways has been consulted and does not object to the development subject to the attachment of conditions relating to; visibility splays, surface materials, wheel washing facilities, surface water management, the construction of the car parking areas, details of provision for the parking of bicycles and two wheelers and details of the unloading/loading bays. Whilst it would be likely that a car dealership

would attract more traffic than the approved use this would be unlikely to have a significantly greater impact on highway safety in the area.

Archaeology

- 6.23 The site has been identified by Essex County Council as having the potential to have archaeological remains. The Essex Historic Environment Record (HER 45455) shows that the proposed development lies to the north of an area that contains a shifting pattern of settlement from the early Iron Age through to the early Roman period, which has been identified through archaeological excavations ahead of gravel extraction. It is likely that sensitive archaeological remains survive on the site that will be damaged or destroyed by the proposed development. Excavation of archaeological remains will be required on the area affected by this development. A condition would therefore need to be attached to any permission requesting that no development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

Ecology

- 6.24 The biodiversity assessment states that the majority of the site comprises of habitats of low or negligible ecological value. As such, any loss of these habitats is of negligible ecological significance. Furthermore, the assessment states that whilst there are some opportunities for birds, reptiles and foraging bats on the site, due to its size it is unlikely that it supports significant habitat for these species.
- 6.25 In summary the report recommends a number of ecological enhancements, which could be secured by way of condition, but concludes that it is unlikely that any ecological designations, habitats of nature conservation interest or any protected species would be adversely affected by the proposals.

Background Papers

None