

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	05/04/2019
Planning Development Manager authorisation:	SCE	09.04.19
Admin checks / despatch completed	AN	10/4/19

Application: 18/01679/FUL **Town / Parish:** Ardleigh Parish Council
Applicant: Mr Andrew Worn
Address: Shadows Pit Nursery Harwich Road Ardleigh
Development: Siting of temporary accommodation to provide on-site security and protection of glasshouse stock.

1. Town / Parish Council

Ardleigh Parish Council

Does not object to the proposal but does wish to see a time-limit of 2 years placed on the 'temporary' nature as there is concern that this will become permanent without the necessary application and permissions in place.

2. Consultation Responses

ECC Highways Dept

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

1. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

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

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

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

3. The proposed 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

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.

Informative1: 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 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

3. Planning History

01/01811/FUL	Parking of three lorries and three trailers	Refused	13.02.2002
91/01255/FUL	Bungalow with garage [for agricultural worker] and erection of 5000 sq ft of glasshouse as variation of condition granted on appeal.	Refused	17.12.1991
95/01369/FUL	General agricultural building and greenhouse for salad growing	Approved	19.12.1995
06/00892/FUL	Part change of use of existing nursery/agricultural land to caravan parking with ancillary workshop.	Refused	18.07.2006
07/01462/FUL	Erection of agricultural workers dwelling.	Refused	20.11.2007
10/00280/FUL	Continuation of use as workshop for the servicing and repairs to motorhomes and caravans.	Approved	30.06.2010
12/00075/FUL	Change of use from redundant area of unsurfaced land to sales area for caravans and motor homes.	Refused	15.03.2012
13/00185/FUL	Part change of use from an unused area of land to a storage facility for	Approved	15.04.2013

caravans.

16/01087/FUL	Proposed change of use to provide a facility for dog training, and erection of an indoor training area with outdoor paddocks and customer parking.	Approved	16.01.2017
18/01668/FUL	Additional area for caravan storage facility.	Approved	24.01.2019
18/01679/FUL	Siting of temporary accommodation to provide on-site security and protection of glasshouse stock.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

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

TR1A Development Affecting Highways

EN1 Landscape Character

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

SPL3 Sustainable Design

PP6 Employment Sites

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 (2018) 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. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's

initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some 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. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to 'Shadows Pit Nursery', located to the south side of the A137 (Harwich Road), between the settlements of Ardleigh and Lawford. The site lies outside of the Defined Settlement Limits and currently has a mixed use of agricultural and industrial (caravan storage and repairs). Although a rural location, the area is characterised by a 'ribbon' pattern of development with built form at regular intervals along the highway. The A137 is a 'Secondary Distributor' road, which serve as the main access to substantial rural populations. There are two main buildings on the site, one which is in connection with the servicing and repairs of motor-homes and caravans granted permission under 10/00280/FUL, and a large glasshouse for agricultural purposes. To the north east of the site a dog training facility was granted permission with an outdoor paddock and customer parking. Planning permission was granted under reference 13/00185/FUL for the part change of use from an unused area of land to a storage facility for caravans. Planning permission was granted under reference 18/01668/FUL for an additional area for caravan storage facility. The site is well screened along the western and northern boundaries and the actual application area is relatively level and was used for the parking of vehicles including motor-homes at the time of the site visit.

The nearest residential properties are to the north of the site.

Proposal

The application seeks retrospective planning permission for the siting of temporary accommodation to provide onsite security and protection of glass house stock. The applicant has confirmed that the proposed use for the building will be overnight security purposes only.

Principle of development

Policy ER7 of the Tendring District Local Plan 2007 states 'In considering proposals for the establishment, expansion or change of use to business, industrial or warehousing sites, the Council will need to be satisfied that the scale and nature of the proposal is appropriate to the locality including its relationship with the adjacent uses and that there is no unacceptable impact on amenity in terms of appearance, noise, smell dirt or other pollution. Therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Visual Impact

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in

Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed temporary accommodation will provide onsite security and protection of glasshouse stock north west of the entrance to the site. Although the proposed accommodation is fairly large in size, a condition will be imposed to ensure that the building is used for security purposes only.

The proposal is constructed from dark brown timber walls, aluminium bonded fine aggregate - grey, Brown UPVC windows and doors which are considered to be materials which are in keeping with the rural character of the area.

Furthermore, the scattering of a number of existing buildings within the site ensure the proposal would not significantly harm the open character of the area.

There is a dense 2 to 2.5 metre high hedgerow along the boundary of the application site and there will only be glimpses of the proposal from the entrance. It is therefore considered that the building will not cause any significant impact upon the street scene of Harwich Road.

Impact upon neighbouring amenities

Given the remote location of the site away from residential properties, it is considered that there would be no significant impact on existing residential amenity. The indicative plan shows the applicant's property located a sufficient distance from the proposed dwellings as to not be adversely affected.

Highway Safety

Essex Highway Authority have been consulted on this application and raise no objection subject to the following conditions;

- Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

This condition has been imposed as the application is for retrospective consent.

- Construction Method Statement.

As this application is for retrospective building this condition has not been imposed.

- Vehicular parking spaces.

There is sufficient parking available on site and therefore this condition has not been imposed.

Other considerations

Ardleigh Parish Council have commented on this application and do not object to the application but wish to see a time limit of 2 years places on the temporary nature as there is concern that this will become permanent without the necessary application and permissions in place.

In response to the Parish Councils concerns, a condition has been imposed to ensure that the proposal is for on-site security only.

No letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval.

6. Recommendation

Approval – Full

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan scale 1:2500, Site location plan scale 1:1250, Floor Plan, Photos of proposed security accommodation and access photos.

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

- 2 The site security building as shown on Site location plan scale 1:1250, hereby approved shall be used for security purposes only and not for residential accommodation.

Reason – For the avoidance of doubt, the supporting information provided by the applicant confirms that the security shelter will be used ancillary to the business. The location of the site is not suitable for residential use.

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.

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:

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653 The Crescent,
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CO4 9YQ

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