

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JD	18/09/2020
Planning Development Manager authorisation:	SCE	18.09.2020
Admin checks / despatch completed	DB	18/09/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	18/09/2020

**Application:** 20/00742/FUL **Town / Parish:** Ardleigh Parish Council

**Applicant:** Mr S Nanthakumar - Tankerford Ltd

**Address:** Ardleigh Service Station Colchester Eastern Bypass Ardleigh

**Development:** Proposed extension to the shop and cold storage, replacement of existing petrol and HGV fuel pumps, shop to have café services for parked vehicles, and new canopy.

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

Ms Clerk to Ardleigh  
Parish Council  
19.08.2020

Ardleigh Parish Council , The Council had no objection in principle to what appeared to be an upgrade and modernisation of an existing facility. It was noted that the application was for the petrol station on the A120 and made no reference to the access to the link road. Once the new link road was built there would presumably be different access.

### **2. Consultation Responses**

Food Health and Safety No response.

Highways England  
08.09.2020

Referring to the planning application referenced above, dated August 2020, Proposed petrol and HGV fuel pumps, shop to have café services for parked vehicles, and new canopy. Ardleigh Service Station, Ardleigh Essex. Notice is hereby given that Highways England's formal recommendation is that we:

a) offer no objection;

Highways Act Section 175B is not relevant to this application.

Annex A

HIGHWAYS ENGLAND has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard

20/00594/FUL and has been prepared by Mark Norman.

This proposal is for a slight expansion of the shop and replacement modernisation of the forecourt, it is not anticipated this will materially affect the number of trips to and from the site and therefore we do think it could be demonstrated that this application will have a severe impact upon the Strategic Road Network.

ECC Highways Dept  
24.08.2020

The Highway Authority observes that the adjacent A120 Trunk Road is operated by Highways England and defers to them for comment.

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

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

Environmental Protection  
26.08.2020

I accept that the works at the garage are unlikely to impact on the properties near the site as 1. The back ground noise levels from the roads are likely to be high and 2. There are a couple of properties near the site but either have a road or field between them however please find or generic CMS advice below and some of the point are still relevant. I have also highlighted that they hold a permit with us that requires some them to notify us of the new installation.

I have reviewed the above application and Environmental Protection have the following comments to make:

EP would require a construction method statement and should include the following:

- Noise Control

- 1) Where necessary the use of barriers to mitigate the impact of noisy operations will be used where possible.
- 2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency).  
Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will as a minimum requirement, be compliant with the standards laid out in British Standard 5228:2014.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

- Emission Control

1) All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

2) No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

I would also recommend that the CMS includes a risk assessment and emergency plan for the installation of the new tanks and pumps. This should include what plans are in place to deal with any petroleum/petroleum vapour leaks.

Environmental Permitting Regulations

Please note that the business in question holds an Environmental Permit with Tendring District Council Environmental Team. As an advisory they should check the conditions of their permit (11/00153/EP) to ensure that they are still relevant to the new installation.

Also condition 10 of their permit states:

10. If the operator proposes to make a change in operation of the installation, he must, at least 14 days before making the change, notify the regulator in writing. The notification must contain a description of the proposed change in operation. It is not necessary to make such a notification if an application to vary this permit has been made and the application contains a description of the proposed change. In this condition 'change in operation' means a change in the nature or functioning, or an extension, of the installation, which may have consequences for the environment.

Notification should be put in writing to:

Environmental Protection Team  
88-90 Pier Avenue  
Clacton on Sea  
Essex  
CO15 1TN

### 3. Planning History

93/01063/ADV	(Service Area, Slough Farm, A120 Westbound, Ardleigh) Signage (illuminated) for new service station (south site)	Approved	03.02.1994
95/00886/FUL	(Slough Farm, Ardleigh (2 sites fronting onto A120)) 40 bedroom travel lodge and 80 seat family restaurant with self-contained sewage treatment works (renewal of planning permission TEN/1256/90)	Approved	26.09.1995
96/00750/FUL	Use of part of petrol station shop as a hot food servery	Withdrawn	09.07.1996
98/00141/FUL	(Texaco Service Station, A120 Harwich Road, Ardleigh) Installation of ATM machine and relocation of existing window	Approved	13.03.1998
98/00142/ADV	(Texaco Service Station, A120 Harwich Road (South), Ardleigh) Wall mounted illuminated Advert	Approved	31.03.1998
98/00143/FUL	(Texaco Service Station, A120 Harwich Road, Ardleigh) Installation of ATM machine and relocation of existing window	Approved	13.03.1998
20/00742/FUL	Proposed extension to the shop and cold storage, replacement of existing petrol and HGV fuel pumps, shop to have café services for parked vehicles, and new canopy.	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

ER27 Tourist Facilities in the A120 Corridor

EN1 Landscape Character

TR1A Development Affecting Highways

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

SPL3 Sustainable Design

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. 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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 site is that of Ardleigh South Services, on the A120 (northbound), near Colchester. The site comprises an operational filling station with a sales building, combined petrol and diesel forecourt beneath a Texaco branded canopy and a HGV refuelling lane.

The site fronts the A120 with the other three sides adjoining a large agricultural field.

There is a bus depot and a waste transfer station on the opposite side of the dual carriageway road.

Bromley Road passes over the A120 to the north of the site.

The existing sales building is single-storey, brick built though with extensive glazing to the front elevation.

### Proposal

Proposed extension to the shop and cold storage, replacement of existing petrol and HGV fuel pumps, shop to have café services for parked vehicles, and new canopy.

There are essentially two elements to the proposals; physical alterations such as the extension to the sales building and the new canopy; and, sales of hot food to take away. The hot food take away element would be very much ancillary and incidental to sales of petrol and other goods commonly found at petrol filling stations. The servery counter would have a length of some 2.5m and the servery would have a floorspace of some 7.5 sq m. The retail floorspace, the public area of the shop, would have an area of some 160 sq m.

A new disabled toilet facility will be incorporated in the new layout with ramped access to the shop to cater for disabled access.

The shop/sales building would be extended to the south, over existing hardstanding. Two new islands for fuel filling, for HGVs, would be created to the south of the new canopy. These changes would necessitate removal of two islands of vegetation. However, screening vegetation to the rear, to the south, and to the side of approaching traffic along the A120, to the east, would remain. Vegetation between the vehicular access to the site and the vehicular egress to the site would also remain.

15 additional car parking spaces, including an electric charging point, would be set in front of the sales building.

The current forecourt fuel dispensers would be removed along with the existing canopy. A new canopy would cover four new pump islands in the centre of the site. Figured dimensions on the drawings show that the proposed canopy would have a maximum height of 5.76m, with a clearance of 5.0m, suitable for all high sided vehicles. Two additional HGV refuelling islands would be installed to the south of the current HGV refuelling lane. The refuelling facility for HGVs would not have a canopy.

### Appraisal

The main issue is considered to be any impact the proposal would have on the landscape.

The site is on a part of the A120 which has the character of a two lane motorway; traffic passing by the site is generally travelling at some considerable speed. Any view of the site when travelling on the A120 from the Colchester direction to Clacton and Harwich is screened by vegetation.

The nearest public rights of way, PROW 158\_47 a footpath to the west, and PROW 158\_36 a restricted by way, are some 400m and some 340m away respectively.

Bromley Road goes over the A120 on a bridge but this is some 360m to the northwest of the site.

Existing screening vegetation to the rear, to the southwest, and to the side from which the petrol filling station is approached, to the southeast boundary of the site, would remain, as would the vegetation between the entrance off the carriageway and the exit back on to the carriageway.

The proposal is considered acceptable with regard to Policy EN1.

The extension to the existing sales building would match the style of the existing building. The proposed canopy would have a maximum height, as shown by a figured dimension, of 5.76m, comparable with the height of the existing canopy. The proposal is considered acceptable with regard to Policy QL9.

Policy ER27 is concerned with tourist facilities in the A120 corridor. Proposals must incorporate a high quality design within a landscaped setting. Although not directly relevant, since the proposal is not specifically for the tourist market, the thrust of this policy gives some limited support to the proposal since the additional sales space could be a benefit to tourists returning home from the district.

The Highway Authority, Essex County Council, observes that the adjacent A120 Trunk Road is operated by Highways England and defers to them for comment. Highways England has confirmed in writing that it offers no objection.

The Council's Environment Protection section has made a number of comments regarding the proposal. Given the siting and location and proposals a condition regarding noise control would be unreasonable. Existing tanks would be used as stated in the Phase One Environmental Report by Subadra. However, new pumps would be installed. In the light of comment from Environmental Protection, conditions regarding waste from ground clearance; no burning; preventing dust; and, a Construction Management Scheme including an emergency plan for the installation of new pumps would be reasonable and necessary.

The application was advertised by site notice. No response has been received.

The Parish Council has confirmed in writing that it has no objection in principle.

## **6. Recommendation**

Approval.

## **7. Conditions / Reasons for Refusal**

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: 1350-001, 1350-002, 1350-002 A, 1350-004 A, 1350-005, 1350-006 A, 1350-007, 1350-008, 1350-009 B, 1350-010 A, 1350-011 A, 1350-012 B, 1350-013, 1350-014, 1350-015, Wayne Helix Fueling Systems brochure, Environmental Report by Subadra, Design and Access Statement revised and issued 19/08/2020.

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

3. Prior to the installation of any new fuel filling pump unit a risk assessment and emergency plan shall be submitted to and approved in writing by the local planning authority. Details of the risk assessment and emergency plan shall include a process and procedure to address any petroleum or petroleum vapour leak. The installation of the fuel filling units shall be in accordance with the details as approved in writing by the Local Planning Authority.

Reason – In the interests of public safety and avoidance of pollution in accordance with Policy COM23 of the adopted Local Plan.

4. All waste arising from the ground clearance and the construction process shall be recycled or removed from the site.

Reason – In the interest of visual amenity in accordance with Policies QL9 and EN1 of the adopted Local Plan.

5. No material produced as a result of ground clearance or the construction process shall be burned on site.

Reason – In the interest of avoidance of pollution in accordance with Policy COM23 of the adopted Local Plan.

6. All bulk carrying vehicles accessing and egressing the site for the purpose of implementing the development hereby permitted shall be suitably sheeted to prevent nuisance from dust in transit. All reasonable steps, including damping down, shall be taken to minimise dust and litter emissions from the site whilst works of construction and any demolition are in progress.

Reason – In the interest of avoidance of pollution in accordance with Policy COM23 of the adopted Local Plan.

## **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.

### Environmental Informative

With regard to an Environmental Permit with Tendring District Council Environmental Team, it is advised to check the conditions of the permit (11/00153/EP) to ensure that they are still relevant to the new installation.

Condition 10 of the permit states:

10. If the operator proposes to make a change in operation of the installation, he must, at least 14 days before making the change, notify the regulator in writing. The notification must contain a description of the proposed change in operation. It is not necessary to make such a notification if an application to vary this permit has been made and the application contains a description of the proposed change. In this condition 'change in operation' means a change in the nature or functioning, or an extension, of the installation, which may have consequences for the environment.

Notification should be put in writing to:  
Environmental Protection Team  
88-90 Pier Avenue  
Clacton on Sea  
Essex  
CO15 1TN  
Environmental.service@tendringdc.gov.uk  
01255 686767

### Highways informative

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

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

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

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