

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	15/12/2020
Planning Development Manager authorisation:	AN	15/12/2020
Admin checks / despatch completed	CC	15.12.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	15.12.2020

**Application:** 20/01383/FUL **Town / Parish:** Ardleigh Parish Council

**Applicant:** Mr Colin Davey - Fordingbridge PLC

**Address:** 34 Harwich Road Lawford Manningtree

**Development:** 13m span x 31m long Taper trellis galvanised steel canopy with Opal 60 roof cladding.

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

Ardleigh Parish Council  
11.11.2020

This is a valued local business and the new canopy does not appear to be visible from the road. The council would wish to support this application.

### **2. Consultation Responses**

ECC Highways Dept  
01.12.2020

The information that was submitted in association with the application has been fully considered by the Highway Authority. It is noted that the proposed structure is set well back from the highway therefore:

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

1. Prior to construction a vehicular turning facility for delivery vehicles, of a design to be approved in writing by the Local Planning Authority shall be set aside and/ or constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

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

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

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

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

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

### **3. Planning History**

87/01955/FUL	Single storey dwelling ( relating to existing nursery building )	Refused	09.02.1988
15/01272/LUEX	Existing use as garden centre (class A1) with ancillary coffee shop, nurseries and landscape contractors yard, as shown on submitted drawing no. G1433-02B.		14.10.2015
15/01606/FUL	Widen existing road crossing.	Approved	15.01.2016
16/00487/DISCON	Discharge of condition 05 (vehicular turning facility) of planning permission 15/01606/FUL.	Withdrawn	19.05.2016

### **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

EN1 Landscape Character

ER7 Business, Industrial and Warehouse Proposals

TR1A Development Affecting Highways

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

SPL3 Sustainable Design

PPL3 The Rural Landscape

PP6 Employment Sites

### **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) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26th January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The application site relates to 34 Harwich Road, Lawford. The application site is located outside of the settlement boundary. The current use of the area is for an open display area for Craft Nurseries.

### Proposal

This application seeks planning permission for the erection of a 13m by 31 m taper trellis galvanised steel canopy with Opal 60 roof cladding.

### Assessment

The main considerations for this application are:

- Design and Appearance
- Impact upon Neighbouring Amneities
- Highway Safety
- Trees and Landscaping
- Other Considerations

#### 1. Design and Appearance

Paragraphs 127 and 170 of the NPPF state that developments should add to the overall quality of the area, be visually attractive as a result of good architecture and be sympathetic to local character, including the surrounding built environment.

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) 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 within Policy SPL3 of the emerging Local Plan.

The proposed canopy will be located to the rear of the application site and therefore set back from the highway of Harwich Road. The proposal is single storey and constructed from a taper trellis galvanised steel with Opal 60 roof cladding. The materials are expected of this type of structure. It is considered that the proposal is acceptable in terms of design and appearance.

#### 2. Impact upon Neighbouring Amenities

The NPPF, in paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Although the proposal will be visible to the neighbouring amenities to the east and west, due to the distance to both neighbouring boundaries as well as the scale of the proposed canopy, it is considered that the proposed canopy will not cause any significant impact upon neighbouring amenities.

### 3. Highway Safety

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Essex Highways Authority has been consulted on this application and have stated that the information that was submitted in association with the application has been fully considered by the Highway Authority. It is noted that the proposed structure is set well back from the highway therefore the Authority have no objection subject to conditions relating to the vehicular turning facility and a construction method statement. However due to the location of the proposal, it is considered that sufficient vehicular turning is provided and it would be unreasonable to impose a condition relating to the construction method statement due to the siting and construction of the structure.

### 4. Trees and Landscaping

No trees or other vegetation will be affected by the development proposal. There appears to be little need or public benefit to be gained by any new soft landscaping associated with the development proposal.

### 5. Other Considerations

Ardleigh Parish Council have commented on this application and have stated that this is a valued local business and the new canopy does not appear to be visible from the road. The council would wish to support this application.

No letters of representation have been received.

## 6. **Recommendation**

Approval - Full

## 7. **Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Drawing No. GA-01 Rev B - Plans and Elevations
- Drawing No. BP-01 Rev A - Block Plan

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

## 8. **Informatives**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways

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

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