

## DELEGATED DECISION OFFICER REPORT

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
File completed and officer recommendation:	NW	08/03/2021
Planning Development Manager authorisation:	TF	08/03/2021
Admin checks / despatch completed	CC	08.03.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	08.03.2021

**Application:** 21/00003/FUL

**Town / Parish:** Ardleigh Parish Council

**Applicant:** Dulai - FTG PLC

**Address:** Land adjoining Ipswich Road and Wick Lane Ardleigh

**Development:** Retrospective erection of warehouse building for roofing trade supplies

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

Ardleigh Parish Council  
22.02.2021

The Council noted that this was a retrospective application and that buildings had been erected and trading undertaken without planning permission. The Council objected to the application and would urge Tendring District Council to refuse and to enforce the breach. It was further reported that vehicles making deliveries to the site park on Old Ipswich Road on a dangerous location too close to Wick Lane causing visibility problems for other road users.

### **2. Consultation Responses**

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority. It is noted that this is a retrospective planning application. Due to the current COVID-19 restrictions no site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. Based on the submitted information, it appears the existing vehicular access and vehicle parking is unchanged.

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

1. There should be no obstruction above ground level within a 2.4-metre-wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the

entire site frontage. Such vehicular visibility splays shall be retained and kept free of any obstruction at all times.

Reason: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety in accordance with policy DM1.

2. Prior to occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be provided clear of the highway and retained thereafter for that sole purpose.

Reason: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety in accordance with policy DM1.

3. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be 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.

4. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and if required marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

5. As per previous application: 17/00976/FUL, any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 20 metres from the back edge of the highway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the highway in the interest of highway safety in accordance with policy DM1.

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

2: 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.

3: 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.

TDC Environmental  
Protection  
08.02.2021

Land adjoining Ipswich Road and, Wick Lane, Ardleigh, Essex,  
CO7 7QL

EP have looked at the above application and it appears to relate to building already in use:

EP have checked and we have not received any complaint in relation to the use of this site, therefore we have no comments to make in relation to the use at this time.

EP also note that we have commented on another application that is earmarked on or around this site (20/00594/FUL).

TDC Tree & Landscape  
Officer  
08.02.2021

The application appears to relate to the retention of an existing building and portacabins.

There are no trees or other noteworthy vegetation on the application site therefore the proposed development will not

adversely affect any significant trees or other important vegetation.

The site would benefit from screening from new planting around the perimeter of the site. If possible it would be desirable to secure new soft landscaping around the perimeter of the application site depending on the capacity of the application site to accommodate this.

If the applicant is the owner of the land on the outside of the perimeter fence then new planting could be carried out on the outside of the boundary fence.

TDC Tree & Landscape No further comments.  
Officer  
15.02.2021

### **3. Planning History**

93/00729/FUL	(Land adjoining Wick Lane and Old Ipswich Road, Ardleigh) Change of use to airfield for group 1 purposes [light aircraft] including part regrading of land with buildings and associated facilities	Refused	19.07.1994
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 the time limit for commencement for further 5 years)	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 facilities	Approved	14.12.1998
04/01623/CMTR	Development of offices, industry, stores and metal recycling centre.	Withdrawn	18.02.2005

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
11/00289/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.	Approved	13.06.2011
13/30135/PREA PP	Erection of office, stores and vehicular garaging combined premises, including hardstanding and operational yard, for use as main (regional) depot for UK Power Networks.		28.10.2014
14/30367/PREA PP	Erection of warehouse and office totalling 1772sqm, access and parking.		31.10.2014
16/01036/FUL	Erection of 2 No. new workshop buildings and 7 No. office cabins with associated surfacing works to create new depot for the fitting/repairing of hire container units.	Approved	27.01.2017
17/00976/FUL	Erection of 2 No. new workshop buildings and 7 No. office cabins with associated surfacing works including formation of new site access off Wick Lane create new depot for the fitting/repairing of hire container units.	Withdrawn	23.10.2017
17/01777/DISCO N	Discharge of conditions 04 (illumination Scheme), 05 (Working hours), 07 (access), 08 (Visibility Splays), 09 (Surface Treatment), 10 (Off Road Parking), 11 (HGV Parking and Turning Facilities) and 13 (Surface Water Drainage) of planning permission 16/01036/FUL.	Approved	22.01.2018

20/30024/PREA PP	Proposed logistics and distribution centre.	Current
20/00594/FUL	Proposed hybrid application: Full planning for food storage and distribution facility and associated parking, logistics yard and offices. Outline planning to comprise further B8 distribution warehouses and offices.	Current
21/00003/FUL	Retrospective erection of warehouse building for roofing trade supplies	Current

#### **4. Relevant Policies / Government Guidance**

*NPPF National Planning Policy Framework February 2019*

*National Planning Practice Guidance*

*Tendring District Local Plan 2007*

QL1	Spatial Strategy
QL2	Promoting Transport Choice
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
COM18	Ardleigh Reservoir
EN1	Landscape Character
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development

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

SPL1	Managing Growth
SPL3	Sustainable Design
PP13	The Rural Economy

PPL3	The Rural Landscape
CP1	Sustainable Transport and Accessibility

### **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. In this latter regard, as of 26<sup>th</sup> January 2021, ‘Section 1’ of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the ‘development plan’ for Tendring.

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 10<sup>th</sup> 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 has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26<sup>th</sup> January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have 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)**

### **Existing Site and Surrounding Area**

The application site is located on the eastern side of the Old Ipswich Road and is rectangular in shape. The site measures approx. 0.10 hectares in land area with a frontage of approx. 38 metres and a maximum depth of approx. 23 metres. The site is used by a roof tiling company for the storage and retail of these products.

At present on site there is a large warehouse building storing the tiles and machinery, two portacabin buildings stacked on top of each other used for Office space. Within the site there is an array of related building supplies. This is within a fenced enclosure boarding the site. This palisade fencing is 2 metres in height as are the front gates. There is a gap of approximately 20m from the western boundary and Old Ipswich Road.

Parking takes place outside the site boundary in the space between the road and the fencing and also some internally.

To the north of the site, there are further forms of sporadic commercial development along Old Ipswich Road.

### Proposal

This application seeks retrospective planning permission for the retention of a detached single storey warehouse building. The building is situated towards the northern boundary of the site. The application does not involve the portacabin buildings, which has been confirmed by the agent.

The warehouse building measures 20.1 m in width, 10.4 m in depth, with an eaves height of 4.05 m and a ridge height of 4.6m. Overall the building is approximately 200m sq.

There is one large roller shutter entrance on the southern elevation. The external facing materials are plastic coated metal cladding to the walls in a cream finish and profiled metal sheet to the roof in grey. On a tarmacked forecourt.

### Representations

One public objection comment was received. The comments made were as follows:

- The buildings had been erected and trading undertaken without planning permission.
- The Parish Council objected to the application and would urge Tendring District Council to refuse and to enforce the breach.
- Vehicles make deliveries to the site, park on Old Ipswich Road in a dangerous location too close to Wick Lane causing visibility problems for other road users.

### Appraisal

- Principle

The application site is located outside of a defined Settlement Development Boundary as defined by the Saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017. Outside Development Boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new buildings unless it is consistent with countryside policies.

Policy ER7 considers proposals for the establishment, expansion or change of use to a business. This policy seeks to control the scale and nature of the development for the locality, the impact on amenity, car parking, storage and waste matters on site. These are assessed in further detail in the sub heading below.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development;



economic, social and environmental. In this case, the expansion of the existing commercial use will have a positive impact on the local economy. With regards to the social impact the site is situated towards the edge of Colchester, where there is easy access to the main road network (A12 and A120) and there are bus stops in the nearby area which are easily accessible from the application site. The environmental role is about contributing to, protecting and enhancing the natural built and historic environment. The neighbouring site is used for commercial purposes and Old Ipswich Road has a number of commercial and leisure uses. The development would therefore not be out of character with the surrounding area.

Furthermore, paragraph 83 of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development and should support the sustainable growth and expansion of all types on business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. This requirement is also set out in Policy PP13 of the Draft Plan.

For the above reasons it is considered that the principle of development is acceptable subject to the detailed considerations set out below.

- Design and Appearance

The site is currently in commercial use, it is therefore considered that the proposed building, whilst not of a high quality design would not have any adverse impact on the countryside. It is located to the north of the site, set back approximately 20m from the main road where it would not be prominent in the street scene and would be viewed in relation to the existing buildings which are of a similar character.

However, there are two Portacabin buildings located on site. These are stacked on top of each other. These appear to be used as Office space. The basic temporary nature of this arrangement is not positive within the locality and Officers recommend that these be removed from site within 6 months of this permission. A single storey portacabin building may be acceptable in this location.

- Highways/Parking

Essex County Council Highways have been consulted on the application and do not raise any objection and there is adequate space indicated within the site to provide sufficient off-street parking. Officers recommend a planning condition outlining a plan showing the details of the parking arrangements are secured. Also, that all parking takes place within the site. This has been acceptable by the agent. The Essex Parking standards are set out below.

Use	Vehicle	Cycle	PTW	Disabled
	Maximum	Minimum	Minimum	Minimum
B2	1 space per 50 sqm	1 space per 250 sqm for staff plus 1 space per 500 sqm for visitors	1 space, + 1 per 20 car spaces (for 1 <sup>st</sup> 100 car spaces), then 1 space per 30 car spaces (over 100 car spaces)	<b>200 vehicle bays or less</b> = 2 bays or 5% of total capacity, whichever is greater, <b>Over 200 vehicle bays</b> = 6 bays plus 2% of total capacity

Wick Lane, which lies to the south of the site is a protected lane. Policy EN1 of the Tendring District Local Plan 2007 states that any development which would significantly harm the

traditional character of protected lanes will not be permitted. The site is close to the A12 and A120, it is therefore considered that it is well served by the road network and not all journeys generated will use Wick Lane. It is therefore considered that the proposal would not result in any significant harm to the protected lane.

- Impact on Neighbours Amenities

There are no residential properties within close proximity of the application site. It is therefore considered that the proposal would not result in any adverse impact on residential amenity. Environmental Protection have not received any complaints about the site or the use.

- Impact on Trees

It is the Council's Landscape Officers view that there are no trees or other noteworthy vegetation on the application site therefore the proposed development will not adversely affect any significant trees or other important vegetation.

The Landscape Officer has suggested planting outside the fencing for the site. However, this is outside the red line boundary and indeed the blue line boundary. Therefore, this cannot be achieved. The fact that the warehouse building is set back 20 metres from the road offsets the relatively modest scale of the development.

- Conclusion

Notwithstanding the conflict with to policy SP1, it is considered that for the above reasons the proposal meets the criteria set out in the National Planning Policy Framework and relevant policies of the Tendring District Local Plan in particular policy ER7 and the SP1 and SP4 of the Tendring District Local Plan Publication Draft. Accordingly, 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:

Proposed Location Plan	- Drawing No. 2810_050
Site Plan	- Drawing No. 2810_051
Block Plan	- Drawing No. 2810_055
Elevations	- Drawing No 2810_200
Ground Floor plan	- 2810_100

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

- 2 The external facing and roofing materials shall be plastic coated metal cladding to the walls in a cream finish and profiled metal sheet to the roof in grey. No additional roof lights shall be permitted.

Reason - To ensure that materials of an acceptable quality appropriate to the area are used.

3. All parking must take place within the site boundaries. Within 1 month of the date of this decision a parking plan shall be submitted to and approved in writing by the Local Planning Authority. This parking plan shall be retained for the that sole purpose for the lifetime of the development. The levels of parking shall adhere to a B2 General Industrial Use as detailed in the Essex Parking Standards 2009.

The vehicle parking area shall be hard surfaced, sealed and if required marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason - To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

- 4 There should be no obstruction above ground level within a 2.4-metre-wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be retained and kept free of any obstruction at all times.

Reason - To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety.

5. The areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be provided clear of the highway and retained thereafter for that sole purpose.

Reason - To ensure that appropriate loading / unloading facilities are available in the interest of highway safety.

6. Within 1 month of the date of this decision a vehicular turning facility shall be submitted to and approved in writing by the Local Planning Authority. The turning facility shall be 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.

7. As per previous application: 17/00976/FUL, any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 20 metres from the back edge of the highway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the highway in the interest of highway safety.

8. Notwithstanding the details submitted on the approved plans, the two portacabin buildings are not included in this application and do not benefit from planning

permission. Unless otherwise agreed in writing by the local planning authority, within 6 months of the date of this decision, the two portacabin buildings stacked on top of each other, shall be removed from site.

Reason – In the interests of visual amenity and good design.

Note: See Informative 4

9. Both male and female WC facilities must be retained on site for the lifetime of the development.

Reason - In the interests of staff and visitor amenity and in the interests of proper planning.

- 10 The maximum number of staff permitted to work at the building at any one time must not exceed 10.

Reason - In the interests of Highway safety.

## **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.

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

2: 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.

3: 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.

4. It may be considered acceptable to have a single portacabin building on site in this location. However, the two stacked on top of each other is objectional.

<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