



TENDRING DISTRICT COUNCIL

Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

AGENT: Malcolm Inkster - Trinity
Planning
33 West Street
Wivenhoe
CO7 9DA

APPLICANT: Poulter
19 Harwich Road
Ardleigh
Colchester
Essex
CO7 7LT

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 20/01553/FUL

DATE REGISTERED: 5th February 2021

Proposed Development and Location of the Land:

**Planning application for variation to planning permission 12/00642/FUL to include aggregate sales (including external storage bins) and alterations to access gates and surfacing (part retrospective).
GMP Plant Hire The Barn 19 Harwich Road Ardleigh**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY GRANT PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted, subject to the following conditions;

- 1 The use of the site shall operate in accordance with the Planning Statement received on 5th February 2021 and approved drawing Plan Reference Number: TQRQM20297165651830 comprising a mixed use of Class B2 General Industry and Class E Retail including plant and aggregate storage, plant hire and aggregate sales with associated offices and yard area.

Reason – For the avoidance of doubt and to ensure the use is appropriate within this semi-rural setting.

- 2 The position and use of the outside storage areas shall be in strict accordance with the details shown on approved drawing Plan Reference Number: TQRQM20297165651830 and in strict accordance with the use described within the Planning Statement received on 5th February 2021 and shall be retained in this form at all times, unless otherwise agreed with the Local Planning Authority. The use of the outside storage areas shall not be used for any purpose other than storage of goods related to the use of the development.

Reason – In order to limit and restrict external storage areas in the interests of visual amenity in this semi-rural setting.

- 3 There shall be no external aggregate storage above a height of 2 metres.

Reason – In the interests of visual amenity in this semi-rural setting.

- 4 No floodlighting or other means of external lighting shall be installed at the site except in accordance with details (to include position, height, aiming points, lighting levels and a polar luminous diagram) which shall have previously been submitted to and agreed in writing by the Local Planning Authority.

Reason - To secure an orderly and well-designed development sympathetic to the countryside character of the area.

- 5 The working hours in connection with the use hereby permitted shall only be between 08:00am and 18:00pm Monday to Friday, and 08:00am and 13:00pm on Saturdays, and no work shall be carried out on Sundays or Public Holidays, or outside the specified hours, unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of protecting the residential amenities of the nearby residential properties.

- 6 The vehicle parking areas and associated turning areas shown on approved drawing Plan Reference Number: TQRQM20297165651830 shall be retained in this form at all times. The vehicle parking and turning areas shall not be used for any purpose other than the parking and turning 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.

- 7 Within 3 months of the date of this decision, the existing outward opening gates at the access point to the site on Home Farm Lane shall be removed and replaced with sliding access gates or inward opening access gates (avoiding the existing parking areas shown on approved drawing Plan Reference Number: TQRQM20297165651830) details of which shall first be submitted to and approved in writing by the Local Planning Authority. The replacement gates shall be installed in accordance with the approved details and retained in this approved form.

Reason - In the interests of highway safety.

- 8 Within 3 months from the date of this permission the existing unbound material used in the surfacing of the access shall be removed and replaced with a bound surface treatment within 6 metres of the highway boundary.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

- 9 All vehicles movements associated with the use of the site shall be via Harwich Road.

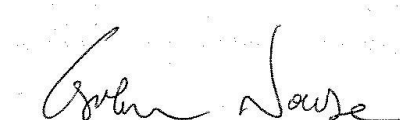
Reason – In the interests of highway safety.

- 10 There shall be no deliveries, plant hire or aggregate sales during refuse collection times. Deliveries, plant hire and aggregate sales must be managed in advance and avoid refuse collection times.

Reason - To avoid conflict between large delivery/collection vehicles and large refuse vehicles, in the interests of highway safety.

DATED: 17th June 2021

SIGNED:



Graham Nourse
Assistant Director

IMPORTANT INFORMATION :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses

ER7 Business, Industrial and Warehouse Proposals

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) (Section 1 adopted on 26th January 2021)

SPL3 Sustainable Design

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

PP1 New Retail Development

PP6 Employment Sites

PP13 The Rural Economy

Local Planning Guidance

Essex Design Guide

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informatives

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 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.

Advertisement Consent

Please note that any hoardings or advertisements, existing or proposed, may require the benefit of advertisement consent. Some adverts may therefore be unlawful. Please ensure all necessary advertisement consents are secured.

Environmental Protection Informative

The applicant and site operators must ensure all necessary environmental permits are secured for all uses/works operating from the site. Please contact the Council's Environment Protection Team in the first instance but there may also be a requirement for permits from the Environment Agency.

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
 - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.