

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JR	10.08.2022
Planning Development Manager authorisation:	GN	10.08.22
Admin checks / despatch completed	CC	10.08.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	10/08/2022

Application: 22/00512/FUL **Town / Parish:** Thorpe Le Soken Parish Council

Applicant: Mrs M Mooney - Ask 4 Self Storage Ltd

Address: Ask 4 Self Storage Ltd Station Road Thorpe Le Soken

Development: Proposed second tier of container storage.

1. Town / Parish Council

Thorpe Le Soken Parish Council No comments received

2. Consultation Responses (Summarised)

ECC Highways Dept
12.07.2022

Access to the development will be from an established private access road and no new or altered means of access is proposed for the site. The site is set well back from the public highway and the proposals do not impact on the off-street parking. The site is only open during business hours, and this will not be changing, therefore considering these factors the Highway Authority does not object to the proposals as submitted.

Tree & Landscape Officer
23.06.2022

There are no trees or other significant vegetation on the application site and the site currently benefits from a reasonable level of screening provided by trees, off-site, on land to the south and south-east of the application site.

The existing blue containers can be seen from Bridleway 173_10 which runs generally from east to west on land to the south of the application site. An increase in the height of the storage containers would result in the containers becoming more prominent and more visible in the landscape.

Any harm can be mitigated by use of an appropriate colour for the containers. The use of a more subdued colour such as a shade of dark green would reduce the impact of the proposed development.

A condition should be attached to any consent to ensure that the containers are of an approved colour to minimise their impact on local landscape character.

Essex County Council
Heritage
13.07.2022

The application is for proposed second tier of container storage.

The proposal site is within the setting of the Thorpe-le-Soken Station and Maltings Conservation Area and in close proximity to Grade II Listed Ricebridge Cottage.

The proposed development is within the Ricebridge industrial estate, which mostly consists of warehouses larger and taller than the proposed double height containers. The site is well screened and distant from the boundaries of the Conservation Area, therefore the

proposed development is not considered to have an additional impact on its setting.

The existing containers are limited in height and well screened by the existing vegetation, there is the potential that taller buildings containers could be visible from Ricebridge Cottage and may introduce an obstructive feature blocking the view from the Cottage to the open countryside. The applicant could investigate how the increased height containers would affect the setting of Ricebridge Cottage and submit additional information supporting the proposal.

It is also advised that the existing and proposed containers are repainted dark grey or dark green as opposite to the current bright blue, in order to mitigate the visual impact of the development.

Waste Management
24.06.2022

No comments.

Environmental Protection
27.06.2022

No objection

3. Planning History

14/00198/FUL	Proposed change of use of vacant land to secure yard for lorry container storage.	Approved	13.05.2014
17/01333/FUL	Proposed change of use of vacant land to secure yard for lorry container storage.	Approved	03.10.2017

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021
National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development
SP5 Employment
SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth
SPL3 Sustainable Design
PPL1 Development and Flood Risk
PP13 The Rural Economy
PPL3 The Rural Landscape

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal

Site Context

The site is located to the rear of Rice Bridge Industrial Estate, Thorpe-Le-Soken and comprises of a fenced compound containing 38 storage containers and is operated as a storage business by the applicant.

The site is within the Settlement Development Boundary of Thorpe-Le-Soken and is in Flood Zone 3 (an area which is protected by defences), however has a high risk of flooding. The site is also fairly close to the Grade II Listed Ricebridge Cottage and the Thorpe-le-Soken Station and Maltings Conservation Area.

Planning permission for the site as a container storage yard was granted in 2017.

Proposal

The application seeks planning permission to add another second layer of storage containers to the site, situated on top of the existing containers, adding another 38 containers to the site. The containers are proposed to be green in colour and be used for long term storage. The second tier of containers are to be accessed by a set of mobile steps which can be moved around the site. It is the intention of the applicant to add the additional containers when required based on the needs of the business.

Principle of Development

Thorpe-le-Soken is classified in Policy SPL1 as a Rural Service Centre and has a reasonable range of facilities and jobs. Policy PP13 seeks to support growth in the rural economy. Rice Bridge Industrial Estate is an established employment site with a mix of commercial and residential uses. Therefore there is no objection in principle to the proposal which would result in the expansion of an existing local business within the site.

Landscape impact including Heritage matters.

Policy PPL3 seeks to protect the rural landscape and prevent overriding harm to its character and appearance.

The site is part of an existing industrial estate and therefore is not considered to be out of context with the surrounding industrial buildings and use which are adjacent to the site. The additional layer of containers are no higher than the surrounding buildings and are to be of a dark green colour (to be secured by condition), in order to blend in with the vegetation and screening which borders the site to the side and rear.

Whilst the additional containers would be more visible with the surrounding area, it is considered that they would be viewed in the context of the wider industrial estate and would therefore have a minimal impact on the visual amenity and character of the wider area. The overall size of the site and operation of the business is unchanged and no external lighting is proposed. The provision of any external lighting can be conditioned with details to be submitted and approved by the LPA.

The boundary of the Conservation Area and the Listed Building Ricebridge Cottage is some distance from the site, which is located to the rear of the industrial site. The proposed additional layer of containers are to be green thus reducing the visual impact of the development. Therefore it is not considered that the proposal would adversely impact any views across the Conservation or the setting of the Listed Building, given the close proximity to the wider industrial area. Subject to the recommended conditions as outlined above it is not considered that the proposal would result in any significant harm to the wider rural landscape.

Protected species

The previous 2017 consent established a 10m buffer zones to the south to protect possible water vole habitat and is protected by a 1.6 metre high chain link fencing to protect the habitat from physical damage and reduce the risk of pollution. In addition to this a 6.5 metre wide buffer zone along the eastern site boundary was established. Therefore the proposed development is not considered to impact further on the biodiversity or projected species and the buffer strips are conditioned under the 2017 consent to be retained.

Flood risk

Policy PPL1 seeks to ensure development is resilient in the event of a flood. The site lies within the tidal and fluvial Flood Zone 3 (high risk) and a flood risk assessment (FRA) has been submitted. It is not considered that the additional layer of containers would increase the flood risk on the site, particularly considering that the proposed use is classed as 'less vulnerable' in flood risk terms and is therefore acceptable in principle in this location.

It is therefore considered that the containers are unlikely to pose a risk in terms of being dislodged unless there is an extreme flood event. The site is operated during office hours, Monday to Friday and Saturday mornings and requires limited personnel to be on site and no materials that may pose any pollution risk will be stored in any of the containers.

The applicant is already signed up to the Environment Agency's flood warning service, as this is a condition on the 2017 consent. In line with the 2017 consent the containers are required to be securely tethered when a flood warning is issued to avoid their displacement should flooding occur and can be secured by condition.

Subject to the recommended condition as outlined above the proposal is considered acceptable in terms of flood risk.

Highway safety

As the proposed additional layer of storage containers are for long term use, it is not considered that the activity levels on the site will be substantially increased and there is ample off street parking in the main industrial estate. Furthermore there is no objection from the Highways Authority to the development. The proposal is therefore considered acceptable in terms of highway safety.

Impact on residential amenity

Whilst there has been development to the front of the site, for the conversion of a building into residential units since the 2017 permission, given the operation of the wider industrial site in close proximity to these units, the distance between the units and the application site and the low key operation and vehicle movements associated with the proposed development, it is not considered that the proposal would have an adverse impact on the residential amenities of these units or any other neighbouring residential properties. Furthermore there are no objections or conditions requested from the Council's Environmental Protection Team. Therefore the proposal is acceptable in these regards.

Consultation Responses

One representations has been received following a public consultation which included a site notice posted at the site and neighbouring consultation letters sent out to the adjacent properties.

Summary of matters raised:

- The planning consent of 2017 states that the "containers should not be stacked", the reason being that "stacking of containers would be materially harmful to the landscape quality of the surrounding area".
- How is the second tier to be constructed in such a tight area, will it not require heavy lifting equipment, large cranes and disruption on the small site.

- How will the second tier be safely accessed for the suggested (presumably large) household storage, is there a health and safety assessment.
- Any additional storage should be painted before installation in a green colour approved in advance by Tendring Council that blends in with the local environment.

These matters where relevant, have been discussed within the main appraisal section of the report.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval.

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 not be carried out except in complete accordance with the details shown on the submitted plan(s):

22/00512/FUL – Site Plan, Block Plan and Elevation drawing

Flood Risk Assessment received 27th September 2017.

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

3. The containers hereby approved must be securely tethered when a flood warning is issued to avoid their displacement should flooding of the site occur.

Reason - To avoid the containers from being moved during flooding and causing a blockage within the river or damage to other buildings/infrastructure as the site lies within Flood Zone 3 at high risk from flooding.

4. There shall be no storage of goods or materials outside of any container.

Reason - The external storage of goods would be materially harmful to the landscape quality of the surrounding area.

5. No external lighting or other means of artificial illumination (excluding night vision CCTV) shall be installed until details of the illumination scheme have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.

Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area.

6. The new containers hereby approved must be of a dark green colour.

Reason – In the interests of the visual amenity and protection of the surrounding rural area.

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.

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