

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	11/11/22
Planning Development Manager authorisation:	JJ	15/11/2022
Admin checks / despatch completed	ER	17/11/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	17/11/2022

Application: 22/01340/FUL **Town / Parish:** Ardleigh Parish Council

Applicant: Mr Richard Triolo

Address: Systematic Business Park Freight Centre Old Ipswich Road

Development: Creation of a new access onto Old Ipswich Road to serve The Freight Centre Loading Dock

1. Town / Parish Council

Ardleigh Parish Council No comments
14.09.2022

2. Consultation Responses

ECC Highways Dept The information submitted with the application has been fully
02.11.2022 assessed by the Highway Authority and conclusions reached based
on a desktop study in conjunction with a site visit. It is noted that the
access has approval already under previous application
14/01387/FUL and the supporting information provided included a
Stage 1 Road Safety Audit, considering these factors:

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 first use of, the road junction / access at its centre line shall be provided with a visibility splay with dimensions of 2.4m x 120m to the north and 2.4 metres x 100 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of obstruction above 600mm and below 2 metres at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

2. 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 first use the proposed access, layout and footway shall be

provided in principle with drawing number:

o Drawing: 2237-1103-P1 - Amended proposed block plan

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

4. No unbound material shall be used in the surface treatment of the vehicular access throughout.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

5. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

6. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and 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.

Notes:

o A Stage 2 RSA for the proposed access and footway improvement scheme to be provided, must be carried out by Essex Highways (to avoid the issue of additional items being identified or delay technical approval). Email: roadsafety.audit@essexhighways.org

o The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate
o Prior to any works taking place in the highway the developer should enter into an S278 agreement under the Highways Act 1980 or Minor Works Authorisation with the Highway Authority to regulate the construction of the highway works.

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

2: On the completion of the Development, all roads, footways/paths, 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: Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

3. Planning History

00/01969/FUL	Amendment to approved building to provide 2 No additional bays	Approved	25.01.2001
94/00097/FUL	(Blue Barn Depot, Ardleigh) Haulage and transport depot (i.e. replacement buildings extended parking area and improved access) (Renewal of planning permission TEN/785/89)	Approved	15.03.1994
95/00562/FUL	(Blue Barn Depot, Old Ipswich Road, Ardleigh) Construction of commercial vehicle servicing depot and associated offices	Withdrawn	24.07.1995
95/01252/FUL	(Blue Barn Depot, Ardleigh) Scheme for erection of temporary offices related to established use and to increase vehicular use on site to accommodate 20 whole vehicles (tractor and trailer)	Refused	20.02.1996
95/01253/FUL	(Blue Barn Depot, Ardleigh) Haulage and transport depot with temporary office accommodation and increase of vehicular use - ultimate scheme	Withdrawn	12.12.1995
98/01712/FUL	(Blue Barns Depot, Ardleigh) Haulage and transport depot (ie replacement buildings, extended parking areas and improved access) (renewal of planning permission TEN/94/0097)	Approved	16.02.1999

83/01516/FUL	Office building	Approved	14.02.1984
84/00400/FUL	Retention of temp office without complying with condition 2 of TEN/1516/83	Approved	03.05.1984
86/00225/FUL	Retention of temp office building (renewal of TEN/1516/83)	Approved	07.04.1986
88/00511/FUL	Retention of temp office building (renewal of TEN/225/86)	Approved	25.04.1988
89/00785/FUL	Haulage and transport depot (i.e. replacement buildings, extended parking and improved access)	Approved	15.08.1989
89/01920/FUL	Haulage and transport depot (desing revision of permission TEN/785/89)	Approved	19.12.1989
09/00249/FUL	Erection of two two-storey office buildings with single storey link and associated hard standing and car parking.	Approved	20.05.2009
11/01011/FUL	Construction of warehouse and associated hard standings together with all services, and including a change of use from agricultural to Class B8 Storage and Distribution. Construction of new access and improvement to existing access.	Refused	29.11.2011
11/01096/NMA	Non-material amendment of 09/00249/FUL to lower window cill height by 150mm. Window size unchanged.	Approved	20.10.2011
12/00293/FUL	Construction of additional vehicle parking area and change of use from agricultural to class B8 storage and distribution.	Withdrawn	22.05.2012
12/00295/FUL	Improvement of existing access from Old Ipswich Road Ardleigh and construction of additional access alongside.	Withdrawn	22.05.2012
14/30087/PREAPP	Creation of a 60,000sqft Class B8 warehouse facility, additional vehicle parking spaces, improved access arrangements and associated works.		08.07.2014
14/01387/FUL	Proposed Use Class B8 development incorporating the erection of a new warehouse (5,225m2), external storage area, hardstandings, parking facilities,	Approved	19.01.2015

	truck wash, external illumination, fencing, drainage & landscaping infrastructure, improved access & egress arrangements including security barriers & gates & incorporating the retention & extension of land for Use Class B8 purposes.		
15/00261/NMA	<p>Non material amendment in connection with 14/01387/FUL to allow for:</p> <p>1) Revised rooflight arrangement to new warehouse;</p> <p>2) 5 x fire exits provided to new warehouse;</p> <p>3) Warehouse entrance door width enlarged - the first/principal access door increased from 5m to 7m and the remaining six doors increased from 5m to 6m;</p> <p>4) Truck wash relocated 10m further to the south;</p> <p>5) Steel palisade fence replaces the chain link around the site;</p> <p>6) The existing 'ad blue' tank (non toxic fuel additive which reduces HGV emissions) relocated from front to rear of site;</p> <p>7) General and timber waste skips to be relocated from front to rear of site.</p>	Approved	31.03.2015
15/00395/DISCON	Discharge of conditions 14 (vehicular access) 15 (surface treatment) 16 (drainage details) 17 (vehicular turning facilities) and 20 (closure of existing accesses) of planning permission 14/01387/FUL.	Approved	15.05.2015
15/00548/DISCON	Discharge of condition 10 (Landscape Management Plan) and 11 (Local Recruitment Strategy) of planning permission 14/01387/FUL.	Approved	15.05.2015
15/00619/DISCON	Discharge of condition 13 (Surface Water Drainage Strategy) and 21 (Construction Method Statement) of planning permission 14/01387/FUL.	Approved	09.06.2015
15/00753/DISCON	Discharge of condition 7 (external materials) and 19 (parking provision for powered two wheelers and bicycles) of planning permission 14/01387/FUL.	Approved	09.06.2015
20/30167/PREAPP	Proposed construction of 30 'start-		07.10.2020

	up' business units under flexible B1, B2 and B8 use and associated development.		
20/01783/FUL	Construction of up to 30 'start-up' business units under flexible E(g), B2 and B8 use and associated development.	Approved	10.12.2021
22/00927/NMA	Non-material amendment sought to 20/01783/FUL to alter the geometry of the roof, reduction to the number of car parking spaces, addition of bike and bin stores, all high windows removed, three windows to be added where there is a mezzanine and addition of roof lights.	Approved	04.07.2022
22/00967/DISCON	Discharge of condition 2, (Scheme of hard and soft landscaping) 3, (Planting proposed upon completion of the development, rather than commencement) 4 (Details of the external facing materials) and 6 (Construction traffic management plan) of application 20/01783/FUL.	Approved	11.07.2022
22/01595/DISCON	Discharge of conditions 2 (Hard and Soft Landscaping) and 16 (Biodiversity Enhancement Strategy) of application 20/01783/FUL.	Current	

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

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

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL3 Sustainable Design

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

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 Description

This planning application relates to land at Systematic Business Park, located approximately 5.6km northeast of Colchester Town Centre and 2.5km north-west of the village of Ardleigh.

The application site is situated in a well-connected location within the A12 corridor at Ardleigh approximately 1.5km north of the Crown Interchange which connects the A12 with the A120. Both of these roads are strategic roads in the national route hierarchy. The site itself is accessed via Old Ipswich Road.

Old Ipswich Road itself is characterised by a mix of residential and commercial/business uses. The application site itself is bound by Blue Barns Business Park to the north beyond which are a number of residential properties on Old Ipswich Road and Harts Lane. To the west is Old Ipswich Road. To the south and east is arable land. To the south-west, beyond agricultural land, there is a commercial vehicle repair garage and Wick Lane and beyond that a cluster of commercial uses.

The site currently comprises an existing warehouse (the Freight Centre), with an area of hardstanding to the front of this. The site is surrounded to the east and south by a vegetated bund.

The site falls outside of a recognised Settlement Development Boundary within the adopted Local Plan 2013-2033.

Description of Proposal

This application seeks planning permission for the creation of a new access leading onto Old Ipswich Road, which serves the Freight Centre loading dock. The access will be 11.5 metres in width, and will serve as an entry and exit point for vehicles utilising the Freight Centre.

Site History

Under planning reference 14/01387/FUL planning permission was granted at this site for the erection of the warehouse for B8 (Storage and Distribution) purposes, and within this it included a new access point at the area subject of this application. However, while this planning permission has been implemented, this access point was never constructed.

Assessment

1. Principle of development

Under planning reference 14/01387/FUL an access point on this application site was previously approved. The principle of an access point in this location, therefore, has already been accepted and attention therefore turns to the more detailed considerations discussed below.

2. Highway Safety

Paragraph 111 of the Framework states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Essex Highways Authority have been consulted, and initially requested the submission of a Stage 1 Road Safety Audit, which was since provided by the agent for the application. Following this, Essex Highways Authority have confirmed the proposal is acceptable subject to conditions relating to visibility splays, the area for storage of materials being clear of the highway, the use of no unbound materials, no discharge of surface water, and any boundary planting being sited a minimum of 1 metre back from the highway. An additional condition has been requested relating to the layout and footway, however the agent for the application has clarified that the footway falls outside of the application site. Accordingly it would not be reasonable to include this suggested condition on this occasion.

In addition, it is acknowledged that the development would not result in the loss of any existing car parking spaces, and due to its minor nature will not result in additional need for new parking spaces. Accordingly there are no objections raised in this regard.

3. Visual Impacts

Paragraph 130 of the National Planning Policy Framework (NPPF) (2021) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context.

Adopted Policy SPL3 Part A (b) requires that development relates well to its site and surroundings, particularly in relation to its siting, height, scale, massing, form, design and materials.

The proposal will purely see the inclusion of a new access point measuring 11.5 metres in width. While this area of the site is highly prominent adjacent to Old Ipswich Road, it is acknowledged that the works are minor in nature and will result in minimal interruptions to the existing street scene. There is an existing access in situ adjacent to the site and a previously approved (and extant) planning permission for an access point in the location of this proposed access point. Therefore whilst the proposal will see the previously approved access widened, overall it will not result in a significant alteration to the areas existing character. Accordingly Officers have no objections in this regard.

Other Considerations

Ardleigh Parish Council have confirmed they have no comments.

Due to the minor nature of the proposed works it is considered that there will be no residential amenity, ecology/biodiversity or surface water flooding implications.

There have been no other letters of representation received.

Conclusion

The application seeks the creation of a new access point in a location where a smaller access has previously been granted approval (but not yet constructed). Essex Highways Authority do not object on highway safety grounds, and while the alterations will be visible along Old Ipswich Road it will not result in any significant harm to the areas character and appearance. Accordingly the application is policy compliant and is recommended for approval.

6. Recommendation

Approval.

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 Numbers 2237-1101-P1, 2237-1102-P1, 2237-1103-P2, 2237-1104-P2, and the document titled 'Stage 1 Road Safety Audit'.

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

- 3 Prior to first use of the new access hereby approved, the road junction / access at its centre line shall be provided with a visibility splay with dimensions of 2.4m x 120m to the north and 2.4 metres x 100 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of obstruction above 600mm and below 2 metres at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety.

- 4 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.

- 5 No unbound material shall be used in the surface treatment of the vehicular access throughout.

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

- 6 There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 7 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and 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.

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

2: On the completion of the Development, all roads, footways/paths, 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: Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.