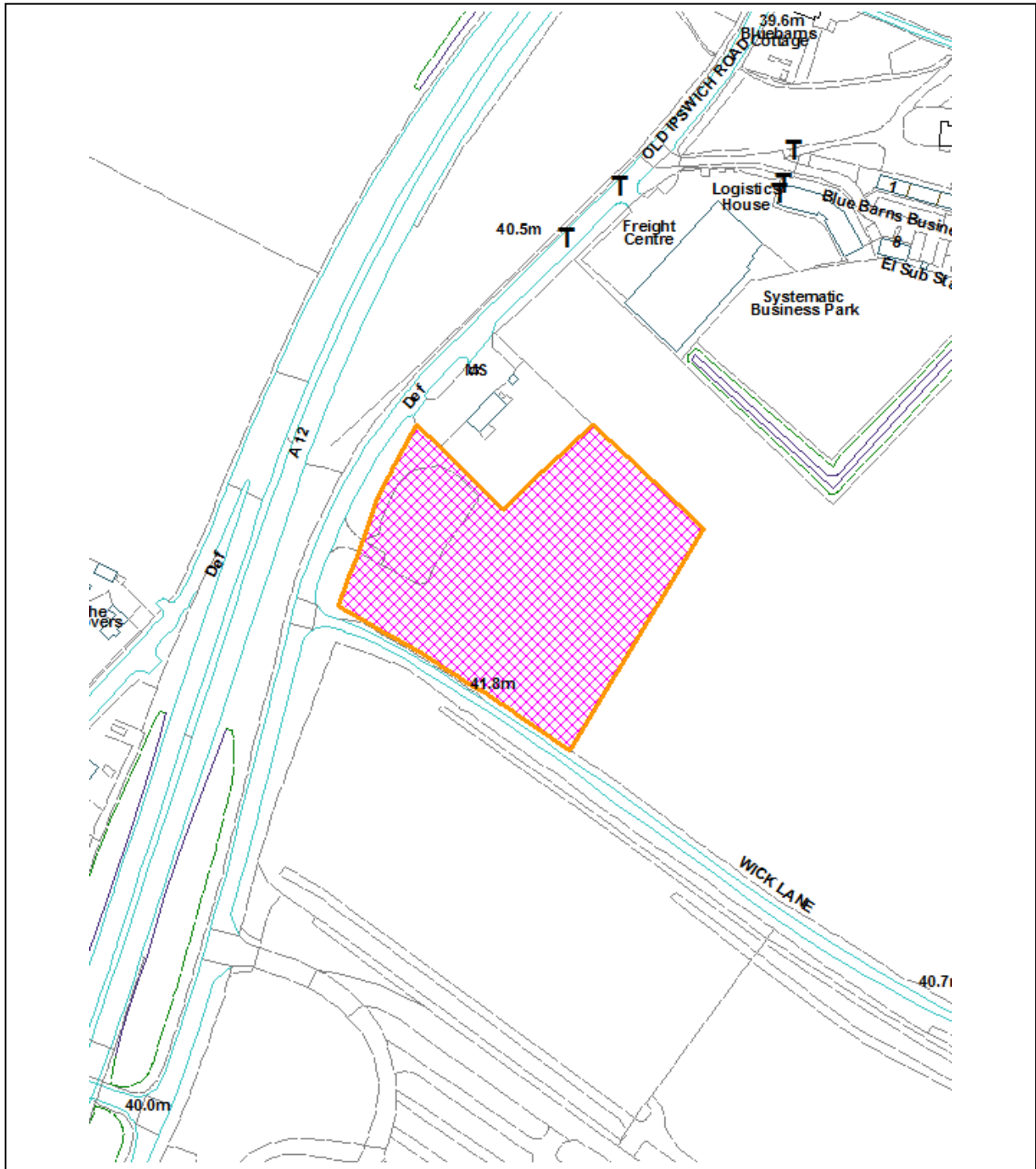


PLANNING COMMITTEE

6th September 2017

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATIONS - 17/00976/FUL - LAND ADJOINING IPSWICH ROAD AND WICK LANE ARDLEIGH CO7 7QL



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Application:	17/00976/FUL	Town / Parish: Ardleigh Parish Council
Applicant:	Mr Chris Morgan - Mobile Mini (UK) Ltd	
Address:	Land adjoining Ipswich Road and Wick Lane Ardleigh CO7 7QL	
Development:	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.	

1. Executive Summary

- 1.1 The application is before Members as it has been called-in by Councillor Neil Stock.
- 1.2 This application proposes the use of the land for the storage of containers including the erection of 2 no. workshop buildings and 7 no. office cabins with associated hardsurfacing works to create a depot for the fitting and repairing of hire container units. The application also includes the closing up of the Old Ipswich Road access and the construction of a new vehicular access from the Wick Lane frontage.
- 1.3 Mobile Mini currently operate from a site in nearby Manningtree which due to the increase in Mobile Mini's business has become inadequate for their needs. Mobile Mini's business is the hire and sale of steel portable cabins/containers. The proposed use of the site is a continuation of their current operation which means that the site will be used for the repair/refurbishment of cabins and the storage of cabins awaiting hire/repair.
- 1.4 In January 2017 planning permission (ref - 16/01036/FUL) was granted for Mobile Mini. The permission related to the construction of the same development as now proposed aside from the access point being from Old Ipswich Road.
- 1.5 The previous application was approved with a condition requiring the existing Old Ipswich Road access to be served by 120m by 4.5m by 120m visibility splays. However since the approval the applicant has discovered that they do not own enough land to achieve the required visibility splays contrary to the requirements of Essex County Council Highways.
- 1.6 Essex County Council Highways have therefore recommended that the access be relocated to the Wick Lane frontage and improvements to the first 30m of the lane are undertaken including increasing its width and the provision of an extended kerbed radius on the junction bend. As a result a significant improvement in highway safety terms can be achieved due to much better visibility.
- 1.7 In view of Essex County Council Highways recommending the relocation of the access and as all other aspects of the proposal remaining as previously approved there are no objections in respect of; the impact upon the character and appearance of the locality, residential amenity, highway safety and drainage.

Recommendation: Approve

Conditions:

- 1) Time limit for commencement – 3 yrs.
- 2) Submission of landscaping scheme.
- 3) Implementation of landscaping scheme.
- 4) Details of any additional lighting.
- 5) Operational hours – 6am to 7pm.
- 6) Maximum height of containers in accord submitted block plan (2 high and 3 high).
- 7) Ipswich Road frontage vegetation shall be cut back to create a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres to the north.
- 8) Vehicular parking and turning facilities shown on block plan to provided prior to first use and retained thereafter.
- 9) No unbound material shall be used in the surface treatment of the vehicular access within 20 metres.
- 10) The Wick Lane vehicular access shall be constructed at right angles to the highway boundary and in full accordance with the details as shown on drawing number 3435/L(25)05 rev B, including changes to the Wick Lane/Old Ipswich Road junction.
- 11) Any gates set back 20m from edge of highway.
- 12) Old Ipswich Road access being suitably closed off.
- 13) Construction method statement.
- 14) Details of directional signage for HGV drivers stipulating no movements along Wick Lane to the east.
- 15) Detailed drainage strategy.
- 16) Scheme to minimise offsite flooding.
- 17) Suds maintenance scheme including the keeping of yearly maintenance logs.
- 18) Details of oil/pollutant filters to the drainage system.
- 19) Submission of a local employment strategy.
- 20) Approved plans.**

2. Planning Policy

Tendring District Local Plan 2007

QL3 Minimising and Managing Flood Risk
QL7 Rural Regeneration
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
COM21 Light Pollution
COM23 General Pollution
EN1 Landscape Character
EN13 Sustainable Drainage Systems
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
PP6 Employment Sites
PP13 The Rural Economy

PPL1 Development and Flood Risk
PPL3 The Rural Landscape
PPL5 Water, Conservation, Drainage and Sewerage
CP1 Sustainable Transport and Accessibility
CP2 Improving the Transport Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice
Essex County Council - Tendring District Protected Lanes Assessment

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF 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 216 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. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant 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

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
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.	Current	

4. Consultations

Building Control and Access Officer	All these buildings will require Building Regulations consent.
Environmental Protection	Pollution and Environmental control have no comments to make in regard to this application.
Regeneration	Regeneration Supports this application, however would want a clause specifying employment from the local area.
Tree & Landscape Officer	<p>There a no trees or other significant vegetation in the main body of the application site.</p> <p>Currently the site boundaries contain some gappy vegetation that partially screens the site. This will need to be strengthened if the proposed planning application were to be approved.</p> <p>The best tree on the application site is the mature Oak situated on boundary with Wick Lane. The retention or viability of the tree is not compromised by the development proposal as it would be situated in the proposed landscape buffer zone.</p> <p>With regard to the description of the 5m wide grassed area on the Proposed Soft Landscaping Plan this should be amended to provide a 5m wide block of indigenous planting to screen the development from view from the open country side and adjacent highway.</p> <p>In terms of the impact of the development proposal on the local landscape character it is clear that, by its very nature, it would cause harm to the appearance of the area. However if robust perimeter planting is carried out on the site boundaries then potential harm will</p>

be minimised. The application site is reasonably well associated with the adjacent land to the north currently being used for commercial purposes.

If planning permission is likely to be granted then details of soft landscaping to strengthen the existing screening should be secured by condition.

Anglian Water Services
Ltd

No comments received.

ECC Highways Dept

This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:

Please note the following comments are provided having regard to submitted drawing 3435/L(25)05 rev B.

- Prior to occupation of the development, the Ipswich Road frontage vegetation shall be cut back to create a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres to the north, as measured from and along the nearside edge of the carriageway. This vehicular visibility splay shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

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

- Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plan 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.

- No unbound material shall be used in the surface treatment of the vehicular access within 20 metres of the highway boundary.

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

- The vehicular access shall be constructed at right angles to the highway boundary and in full accordance with the details as shown on drawing number 3435/L(25)05 rev B including the amendments to the existing highway.

Reason: For the avoidance of doubt and to ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

- 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.

- The existing access on Ipswich Road shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the highway verge to the satisfaction the Highway Authority immediately the proposed new access is brought into use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

Environment Agency

We have reviewed the application and supporting documents, as submitted, and advise the Council that we have no objection to the development proposal.

We recommend that the following condition be appended to any planning permission granted.

- Surface water drainage from areas of hardstanding shall be passed through an oil separator or series of oil separators, prior to being discharged into any watercourse, soakaway or surface water sewer.

ECC SuDS Consultee

See documents dated 27th July 2017.

5. Representations

5.1 Ardleigh Parish Council are concerned that this application would put entry and exit to the development on Wick Lane and this is what the Council object to. Wick Lane, even with improvement at the Ipswich Rd end would be dangerous and entry and exit can easily be achieved onto the Ipswich Road.

If improvement is made (30 metres of Wick Lane as suggested) it would indicate that the lane is more appropriate for traffic than it and traffic would start on the lane increasing traffic along a known hazardous route.

If the entry/exit point to the development was straight onto the Ipswich road then the Parish Council would support the application.

5.2 5 letters of objection received covering the following points;

- Junction of Wick Lane and Old Ipswich Road is unsuitable for HGVs and improvements to junction and widening may encourage larger vehicles to use Wick Lane.
- Already unregulated parking along Old Ipswich Road by HGVs and this proposal will add to the problem.
- Wick Lane is a protected lane and should be used by HGVs.
- Essex County Council Highways should request no vehicles leaving or entering the site from an easterly direction from Wick Lane.

- Wick Lane has a number of dangerous bends and minimal passing places and is therefore completely unsuitable to cater for large vehicles.
- Existing access to Old Ipswich Road should be utilised.
 - This application represents an attempted urban/industrial creep of businesses.

6. **Assessment**

The main planning considerations are:

- Site Context
- Proposal
- Planning History
- Principle of Development
- Visual Impact
- Residential Amenities
- Highway Considerations
- Drainage Matters

Site Context

- 6.1 The application site is located on the corner of Wick Lane to the south and Old Ipswich Road to the west within the parish of Ardleigh. Beyond Old Ipswich Road to the west runs the A12. To the north of the site are areas in commercial use including Systematic (which has planning permission for a large extension to the rear), Blue Barns Business Park and directly to the north a garage. To the south are agricultural fields beyond which is a highway depot.
- 6.2 The site itself is currently vacant and is surrounded by a mixture of fencing to the northern and eastern boundaries and hedgerow to the south and west. There is an existing access to the site and a pair of mesh gates to the site entrance onto Old Ipswich Road.

Proposal

- 6.3 This application proposes the use of the land for the storage of containers including the erection of 2 no. workshop buildings and 7 no. office cabins with associated hardsurfacing works to create a depot for the fitting and repairing of hire container units. The application also includes the closing up of the Old Ipswich Road access and the construction of a new vehicular access from the Wick Lane frontage.
- 6.4 The applicants Mobile Mini currently occupy a site in nearby Manningtree which due to the increase in Mobile Mini's business has become inadequate for their needs. Mobile Mini has identified the application site as a suitable location for their expanding business to operate from. Mobile Mini's business is the hire and sale of steel portable cabins/containers. The proposed use of the site is a continuation of their current operation which means that the site will be used for the repair/refurbishment of cabins and the storage of cabins awaiting hire/repair.
- 6.5 The site office cabins would consist of 7 no. containers joined together and finished in the applicant's corporate Buttermilk colour. The 2 no. workshop buildings will be used for the repair refurbishment of cabins when returned from hire and for preparing them ready for re-hire. These buildings would measure 18m x 16.4m and 8.7m to ridge.
- 6.6 The rest of the site would be laid to hardsurfacing and comprise of container storage stacked 3 high within the northern element of the site and 2 high within a 25m strip along

the frontage to Wick Lane. To the Old Ipswich Road site frontage two attenuation basins are proposed to cater for surface water drainage.

- 6.7 The existing site entrance from Old Ipswich Road is to be closed off due to the limited visibility splays that can be achieved and a new site entrance is to be created from Wick Lane. All staff and any visitors will access the site through this new entrance and will use the on-site parking area opposite to this entrance. Cabins will be transported to and from site via this same access on Mobile Mini's own crane arm delivery lorries for which an onsite parking area is to be created adjacent to the access. Initially the number of lorry movements per week would be 40 but this will increase to the region of 60-70 per week as the business grows.
- 6.8 To improve access and visibility at the Wick Lane/Old Ipswich Road junction it is intended to widen the first 30m of Wick Lane to 6.75m and adjust the kerb line at the junction accordingly. As part of the site entrance alterations a new pair of weldmesh gates is to be erected these are to be located approx 20m within the site boundary to ensure all vehicles can pull clear of the carriageway when the gates are closed and not obstruct Wick Lane.
- 6.9 The existing boundary is a mixture of fencing and landscaping all of which is to be retained. The existing fence (which has sections of palisade and paladin fencing will be repaired as necessary) is situated on the North and East boundaries. Also along the North and East boundaries are areas of Hedgerow and a number of small trees all of which are to be retained. A 5m wide landscaping strip is proposed to the inside of all perimeters of the site.

Planning History

- 6.10 The site is the subject of an implemented planning permission for an agricultural equipment retail unit dating back to 1990 (reference number TEN/1157/89). This permission was implemented in 1995 with the construction of the present access to the site.
- 6.11 In 2011 (Ref - 11/00289/FUL) a further planning application relating to the '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' was approved. This permission was never implemented and has since expired.
- 6.12 In January 2017 planning permission (ref - 16/01036/FUL) was granted for the current applicants Mobile Mini. The permission related to the construction of the same development as now proposed aside from the access point being from Old Ipswich Road.

Principle

- 6.13 The proposed development, for the most part, accords with the NPPF which, amongst other things, says that Councils should positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. It also presumes in favour of sustainable development that is defined in terms of social; environmental; and economic benefits arising from development. At paragraph 28 of the NPPF it 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. The NPPF goes on to add that to promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.
- 6.14 Local Plan policy ER7 states, inter alia, that in considering proposals for the expansion of business, industrial or warehousing sites;

- a) the scale and nature should be appropriate to the locality, including its relationship with adjacent uses;
- b) there is no unacceptable impact on amenity in terms of appearance; and in rural locations permission may exceptionally be granted for extensions to existing businesses where new employment opportunities would be generated provided the proposals can be accommodated without an adverse impact on the landscape character of the countryside.

6.15 The site has extant planning permissions dating from 1990 and 2017 for commercial uses and is located in an area which comprises of a number of existing commercial enterprises. The site is also located in close proximity to the A12 and urban area of Colchester. Against this context and in view of the NPPF encouraging the sustainable growth and expansion of rural businesses the development of the site for the purposes proposed is considered to be acceptable in principle. Matters therefore turn to the detail design of the proposals and the impact upon visual amenity, highway safety, drainage, neighbouring amenity and regeneration objectives.

Visual Impact

- 6.16 The proposed development would be visible in views from Wick Lane to the south and from Old Ipswich Road to the west. However, with the provision of a 5m wide landscaping belt to supplement the existing boundary hedging ensures that views of the development would be acceptably softened. As stated above the site has extant planning permissions for commercial uses. The size of the building granted in 1990 relating to agricultural sales would be substantially larger than the buildings proposed as part of this proposal. In addition the use and buildings now proposed has recently been granted planning permission. This application relates solely to the relocation of the access to Wick Lane.
- 6.17 Notwithstanding this point, the containers would drop down to 2 high along the Wick Lane frontage, which combined with the landscaping belt would reduce their visual prominence. The frontage of the site to Old Ipswich Road would be enhanced by the provision of two attenuation basins and further soft landscaping incorporating the closure of the existing access. The provision of a detailed landscaping belt will be secured through a condition as will the maximum height the containers can be stacked.
- 6.18 It is acknowledged that the relocation of the site access to the Wick Lane frontage and the alterations to the Wick Lane/Old Ipswich Road junction will alter the appearance of the entrance into Wick Lane. However, the changes relate only to the first 30m of Wick Lane where the existing vegetation is gappy in nature. The removal of a section of vegetation and the cutting back of existing hedging to achieve visibility is not considered to adversely impact upon the rural character of the lane. The remainder of the Wick Lane frontage would be the subject of a 5m wide landscaping belt which will assist in retaining the rural appearance of Wick Lane in views from the east.
- 6.19 Several objectors have stated that Wick Lane is a protected rural lane. Indeed the 2007 Tendring District Local Plan shows Wick Lane as a designated protected lane. In 2015 Essex County Council published a document called the 'Tendring District Protected Lanes Assessment'. This document involved an assessment of each of the protected lanes in the Tendring District and concluded that Wick Lane did not meet the stated criteria to warrant retaining its protected lane status. As such Wick Lane is no longer a protected lane and this is carried through into the emerging local plan which removes the designation.
- 6.20 Overall against the backdrop of existing commercial uses to the north, including the large expansion of the Systematic site, commercial uses to the south and the A12 to the west, the development of the site for the use proposed and the new access point to Wick Lane would not adversely impact upon the character and appearance of the locality.

Residential Amenities

- 6.21 It is not considered that the development would adversely impact upon residential amenities in the locality. The nearest residential property is located approximately 120m away on the opposite side of the A12. Given the significant noise created by the A12 and the degree of separation to the nearest property, the development proposal and associated activities are not considered to significantly affect the resident's amenity. In view of this conclusion the proposed operational hours of 6am to 7pm is considered acceptable.

Highway Considerations

- 6.22 The supporting statement provided confirms that the number of lorry movements will initially be 40 per week but could reach 60-70 per week once the business expands. The previously approved Mobile Mini application showed the development utilising the existing access onto Old Ipswich Road. The application was approved with a condition requiring the access to be served by 120m by 4.5m by 120m visibility splays. However since the approval the applicant has discovered that they do not own enough land to achieve the required visibility splays contrary to highway safety.
- 6.23 As a consequence the applicant has been in discussions with Essex County Council Highways with a view of overcoming the lack of visibility to the Old Ipswich Road access. As a direct result of these discussions Essex County Council Highways recommended that the access be relocated to the Wick Lane frontage and improvements to the first 30m of the lane are undertaken including increasing its width and the provision of an extended kerbed radius on the junction bend. As a result a significant improvement in highway safety terms can be achieved due to much better visibility.
- 6.24 Essex County Council Highways have reviewed the plans and has no objections subject to the following requirements;
- Prior to occupation of the development, the Old Ipswich Road frontage vegetation shall be cut back to create a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres to the north, as measured from and along the nearside edge of the carriageway. This vehicular visibility splay shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
 - Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
 - No unbound material shall be used in the surface treatment of the vehicular access within 20 metres of the highway boundary.
 - The vehicular access shall be constructed at right angles to the highway boundary and in full accordance with the details as shown on drawing number 3435/L(25)05 rev B including the amendments to the existing highway.
 - 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.
 - The existing access on Old Ipswich Road shall be suitably and permanently closed to the satisfaction of the Local Planning Authority.
 - The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays.
- 6.25 The majority of these requirements are reflected on the submitted plans and will be secured via conditions. The parking provision states 25 spaces for staff/visitors and 5 HGV/Truck parking spaces. The application forms state that the development will provide for 25 full time jobs. The parking provision is therefore considered to be acceptable and accords with the Council's current parking standards

Drainage/SUDs

- 6.26 Whilst the site does contain areas of hardstanding the development proposes the majority of the site would be hard surface for parking and storage uses. In view of this a Flood Risk Assessment/drainage strategy has been provided. The document confirms the following;
- 6.27 In order to restrict the runoff leaving the site to as close to greenfield runoff as practicable, a 672 m³ attenuation basin will be incorporated in the northern part of the site. The attenuation is made up of two basins with 1:3 side slopes excavated to a depth of 1.45 m. The hardstanding area of the site will be profiled towards a series of gully drains that will connect to the manhole linked to the offline attenuation basins. It is proposed that a bypass interceptor will also be included in the system. The surface water collected will need to be discharged to roadside ditch along the eastern edge of Old Ipswich Road. Site survey revealed that the existing ditch has become overgrown and would require clearing and excavation to formalise and reinstate this ditch (land own by the local highway authority).
- 6.28 The road side ditch is shown to drain towards Salary Brook. The topographical survey also shows that the levels in the ditch (approximately 42.1mAOD) would be above the base of the attenuation pond (approximately 40.25mAOD) and hence, the discharge to the ditch will need to be pumped.
- 6.29 Essex County Council SUDs Team has reviewed the document and has confirmed no objections subject to conditions relating to;
- the submission of a fully detailed surface water drainage system;
 - details to minimise risk of offsite flooding and pollution caused by construction;
 - a maintenance plan; and
 - yearly maintenance logs being carried out.
- 6.30 The Environment Agency has confirmed that they have no objection subject to the installation of oil separator filters to ensure the surface water leaving the site does not contain contaminates. Details of this will be secured via a suitably worded condition.

Background Papers

None