

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	ER	23/05/2024
Team Leader authorisation / sign off:	ML	23/05/2024
Assistant Planner final checks and despatch:	ER	23/05/2024

Application: 24/00515/VOC **Town / Parish:** Ardleigh Parish Council

Applicant: Mr Danny Robson - JA Brooks Mechanical Services

Address: The Pod Old Ipswich Road Ardleigh

Development: Application under Section 73 of the Town and Country Planning Act for Variation of Condition 2 (Approved Plans) of application 23/01763/FUL to allow for amendments to design for storage unit.

1. Town / Parish Council

Ardleigh Parish Council No Objections

2. Consultation Responses

Tree & Landscape Officer
01.05.2024 The proposed position of the storage unit is set to hard surfacing. There are no trees or other vegetation in the position of the proposed storage unit.

There is an established Oak tree situated in the grass verge close to the western corner of the application site that is afforded formal legal protection by Tendring District Council Tree Preservation Order 96/03/TPO Land Adjacent to Blue Barns Farm, Old Ipswich Road, Ardleigh.

Considering the existing hard surfacing and the impact that this will be having on the root growth of the preserved Oak it is considered that the construction of the proposed building in the proposed location will not have an adverse impact on the health, condition or amenity value of the preserved tree.

ECC Highways Dept
01.05.2024 The information that was submitted in association with the application has been fully considered by the Highway Authority. 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 and google earth image.

Having considered the information submitted with the planning application from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

Informative:

i. 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

ii. 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.

Environmental Protection 30.04.2024 With reference to the above application, I can advise the EP Team have no comments to make.

3. **Planning History**

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
14/01387/FUL	Proposed Use Class B8 development incorporating the erection of a new warehouse (5,225m ²), external storage area, hardstandings, parking facilities, 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.	Approved	19.01.2015
18/01219/TELLIC	Installation of High Speed Broadband Cabinet.	Determination	26.07.2018
20/01761/FUL	Proposed retention of existing B8 use with additional use of E(g) and B2 use.	Approved	11.01.2022
22/01992/FUL	Proposed first floor office fit-out of existing Freight Centre, to include new building entrance arrangements.	Approved	20.01.2023
23/00146/FUL	Proposed first floor office fit-out of existing freight centre to include new building entrance arrangements (re-submission of 22/01992/FUL)	Approved	02.06.2023

23/01758/FUL	Proposed single storey side extension.	Approved	29.01.2024
23/01763/FUL	New storage unit within the southwest corner of the existing workshop.	Approved	31.01.2024
24/00515/VOC	Application under Section 73 of the Town and Country Planning Act for Variation of Condition 2 (Approved Plans) of application 23/01763/FUL to allow for amendments to design for storage unit.	Current	

4. **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 Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

5. **Neighbourhood Plans**

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

Ardleigh Parish Council is working on a Neighbourhood Plan (NP), the plan is in its very early stages and only in draft form and is therefore only of very limited weight in the assessment of this application.

Furthermore, there are unresolved issues from the Planning Inspector, so this gives it further reduced weight at this time.

6. **Relevant Policies / Government Guidance**

NATIONAL:

National Planning Policy Framework 2023 (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

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

Supplementary Planning Guidance:
Essex Design Guide

Local Planning Guidance:
Essex County Council Car Parking Standards - Design and Good Practice

7. Officer Appraisal (including Site Description and Proposal)

Application Site

The site is located to east of Old Ipswich Road, approximately 1.5 km northeast of the A12 'Crown' Interchange roundabout, and 2.4 km northwest of the centre of Ardleigh. The site currently falls outside of the any local settlement boundary.

The site is bound to the northern boundary by the Blue Barns Business Park, with a cluster of residential plots. Located south of the site are several commercial developments accessed via Old Ipswich Road, highlighting the commercial development pattern of the area. Within the Systematic Business Park, the Nexus Offices sits adjacent. To the rear currently under construction are 22 start Up Offices.

Background

The site has previously received planning permission for a new storage unit under planning reference 23/01763/FUL.

This permission contained a condition requirement to be constructed as per the plans submitted with that application.

Proposal

This application now seeks planning permission for the Variation of Condition 2 (Approved Plans) of application 23/01763/FUL to allow for amendments to design for storage unit.

The amendments show a reduction in the size of the building from 4 bays to 3 bays.

Assessment

Principle

Paragraph 88 of the National Planning Policy Framework 2023 (NPPF) states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings. The preamble of Policy PP6 (Employment Sites) explains that a key requirement of the Local Plan is to provide for appropriate sustainable employment opportunities for residents in Tendring and to support the growth of local businesses and attract investment in the District.

In summary, national and local plan policies support the proposed development for an expansion to the established business in a rural location providing the proposal can be accommodated without an adverse impact on amenity, on the landscape character of the area and satisfactory vehicular access is provided.

Visual Impact

The proposed building will be sited at the front of the site and protrude beyond the front elevation of the existing building and towards the highway. A small separation gap will be retained between the two buildings with the proposed building being slightly lower in height.

The new building will be of a similar scale and design compared to the host building and will comprise of 3 large roller shutter/ doors similar to the one already in situ. The scale and mass of the proposed building is sympathetic to its surroundings by matching the existing building fronting Old Ipswich Road and being slightly lower in height.

Whilst a noticeable feature within Old Ipswich Road the proposal is of a suitable size, design and set back from the front boundary allowing it to appear as a subservient addition to the host building and therefore not resulting in a significant harmful impact to the character of this section of the streetscene.

The proposed building will be set in from the site's side boundaries further reducing its impact and preventing it from resulting in a cramped appearance within the street.

The proposal will be consistent with the existing workshop / offices making use of similar brickwork at low level, cladding at high level and a Kingspan Roof over.

The site is located outside of the development boundary; however, the new building will appear appropriate to the existing building and its surroundings, thereby preventing a harmful impact on the character/ appearance of the countryside.

The proposed changes to the previously approved planning application are considered appropriate to the original development and would not result in a further impact to the introduction of the proposal at the site.

The proposed building is therefore considered suitable to the site and will not result in a significant harm to the character/ appearance of the site or streetscene.

Highway Safety

The proposal will be sited near the existing access; however, will be suitably set back from the front boundary preventing a significant harm in terms of highway safety.

The site currently has provision for 15no off-street car parking spaces, and the proposals will not affect the current provision. All parking spaces provided will achieve a minimum dimension of 5.5 x 2.9m with additional space allocated to disabled use.

The ECC Highways team have been consulted on the proposed plans and provide no objections to the scheme.

Impact to Neighbours

The proposal is of a suitable size which will be sited sufficiently away from the shared boundaries and will therefore not result in a harmful impact to neighbouring occupiers.

Protected Trees

The proposed position of the storage unit is set to hard surfacing. There are no trees or other vegetation in the position of the proposed storage unit. There is an established Oak tree situated in the grass verge close to the western corner of the application site that is afforded formal legal protection by Tendring District Council Tree Preservation Order 96/03/TPO Land Adjacent to Blue Barns Farm, Old Ipswich Road, Ardleigh.

Considering the existing hard surfacing and the impact that this will be having on the root growth of the preserved Oak it is considered that the construction of the proposed building in the proposed location will not have an adverse impact on the health, condition or amenity value of the preserved tree.

The Council's Tree and Landscape Officer has been consulted as part of the application and has no objections to the scheme.

Other Considerations

Ardleigh Parish Council have no objections to the proposal. There have been no letters of representation received.

The Environmental Protection Team have no comments to make.

Conclusion

The proposed variation to planning application 23/01763/FUL is therefore considered to be compliant with national and local policy as assessed in the above report. In the absence of material harm resulting from the proposed development the application is recommended for approval.

8. Recommendation

Approval - Full

9. Conditions

1 COMPLIANCE REQUIRED: COMMENCEMENT SECTION 73 TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration 31st January 2027.

REASON: To comply with the requirements of Section 73 and 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence (if not already commenced) within the timeframe provided unchanged from the permission varied. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

2329-1101
2329-1103-C1
2329-1201-C1

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not

otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

3 SPECIFIC RESTRICTION ON DEVELOPMENT: RESTRICTION ON CHANGES OF USE

CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any statutory instrument revoking and re-enacting that Order with or without modification), the development hereby approved by this permission shall relate to the main use of the existing building on the site known as The Pod, for B8, Class E(g) and B2 purposes and shall not be used for any other purpose(s) including any other use of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To avoid inappropriate intensification of use of the site and in the interests of parking and highway safety and general amenity.

10. **Informatives**

Highways Informative:

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

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.

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.

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.

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral