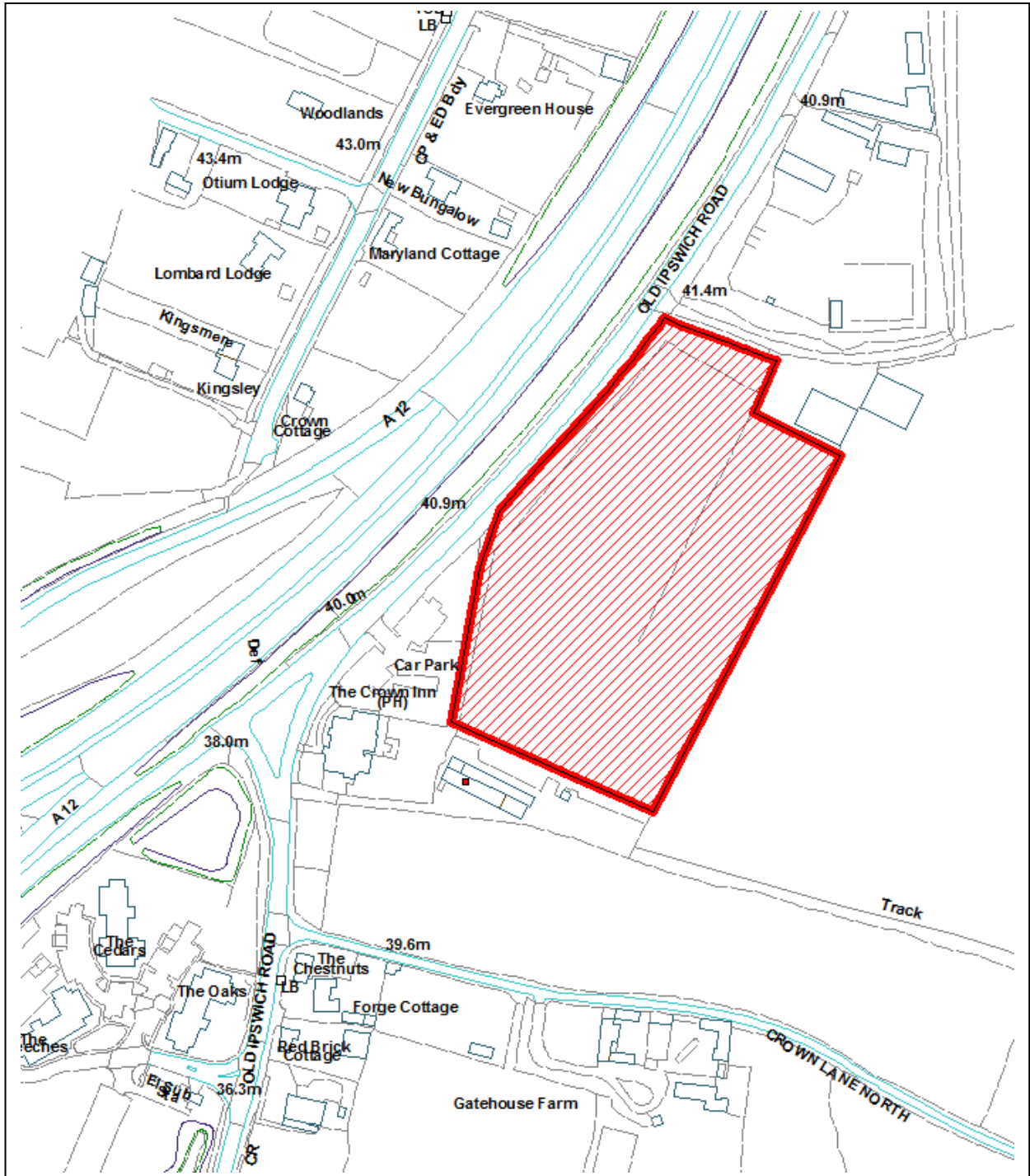


PLANNING COMMITTEE

11 JUNE 2019

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION – 18/02118/FUL – CROWN BUSINESS CENTRE, OLD IPSWICH ROAD, ARDLEIGH, CO7 7QR



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Application: 18/02118/FUL

Town / Parish: Ardleigh Parish Council

Applicant: Mr Jon Cooper - Evolve Business Centre (Colchester) Ltd

Address: Crown Business Centre, Old Ipswich Road, Ardleigh, CO7 7QR

Development: The construction of 90 small B1 & B8 use commercial units with ancillary facilities, associated car parking and landscaping; and the construction of 5 commercial office blocks with B1 use with associated car parking and landscaping.

1. Executive Summary

- 1.1 This application is referred to Planning Committee as it represents a departure from the Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft as the site is located outside any Settlement Development Boundary.
- 1.2 This application seeks planning permission for the construction of 90 small B1 and B8 use commercial units and 5 commercial office blocks with B1 use with associate car parking and landscaping.
- 1.3 The site extends to 2.3 hectares in area, and lies on the eastern side of Old Ipswich Road, in the north-west corner of the borough. It is located immediately to the north of junction 29 of the A12 and the Crown Interchange to the north of the A120.
- 1.4 The principle of B1 and B8 commercial development on this site has been established by the granting of application 17/02204/FUL at Planning Committee in July 2018 that gave permission for the erection of 79 small B1 and B8 commercial units and 5 commercial office blocks with B1 use with associate car parking and landscaping.
- 1.5 It is considered that the development will integrate well with its surroundings, would not be out of character with the surrounding area or result in any adverse visual impact and subject to a sympathetic scheme, landscape content would enhance the setting of development and given the sterile nature of the existing land use, contribute positively to future biodiversity.
- 1.6 There are a small number of existing residential properties in the vicinity none are so close as to be affected by the development.
- 1.7 The proposed development of land could take place without causing harm to the retained trees or without having a negative impact on the local tree population.
- 1.8 Overall the site provides sufficient off-street parking in accordance with the Council's Adopted Parking Standards and the proposal does not result in any highway safety issues.

Recommendation:

That the Head of Planning be authorised to grant planning permission for the development subject to the conditions stated in section 8.2.

2. Planning Policy

The following Local and National Planning Policies are relevant to this planning application.

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1	Spatial Strategy
QL3	Minimising and Managing Flood Risk
QL4	Supply of Land for Employment Development
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
COM1	Access for All
COM20	Air Pollution/ Air Quality
COM21	Light Pollution
COM22	Noise Pollution
COM23	General Pollution
EN1	Landscape Character
EN6	Biodiversity
EN6A	Protected Species
EN11A	Protection of International Sites European Sites and RAMSAR Sites
EN11B	Protection of National Sites SSSI's, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites
TR1A	Development Affecting Highways
TR2	Travel Plans
TR3A	Provision for Walking
TR5	Provision for Cycling
TR7	Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SP3 Meeting Housing Needs

PP6 Employment Sites

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

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

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) 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 48 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.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. 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 48 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

14/01787/OUT	Mixed use development incorporating a hotel and approximately 4,000 sqm B1 floor space with associated access	Refused	11.03.2015
--------------	---	---------	------------

arrangements.

15/00985/OUT	Mixed use development incorporating a hotel and approximately 4,000 sqm B1 floor space with associated access arrangements.	Approved	30.11.2015
17/02204/FUL	The construction of 91 small B1 & B8 use commercial units with ancillary facilities, associated car parking and landscaping; and the construction of 5 commercial office blocks with B1 use with associated car parking and landscaping.	Approved	14.08.2018
19/00681/DISCON	Discharge of condition 4 (Landscaping Scheme), condition 8 (Boundary Treatments), condition 11 (Archaeological Investigation), condition 16 (Materials) and condition 17 (Noise) of approved application 17/02204/FUL for B1 and B8 units only.	Approved	17.05.2019

4. Consultations

ECC Highways Dept

The tracking drawings do not show that those tracked vehicles can remain on the designated carriageways without overruns and may be reliant upon parking spaces being empty for a clear path through.

The parking spaces are not dimensionally in accordance with the current Parking standards and the provision for the B8 units only accommodates one vehicle per unit which is expected to be a car and not Private Light Goods (PLG) or Heavy Goods Vehicles (HGV).

The margin between these spaces and the standard car parking spaces or physical constraints appears to be less than that which accommodates efficient and convenient access manoeuvres into or out and may also be reliant upon adjacent spaces being vacant. These being matters for the Council to consider.

Furthermore, the Highway Authority is advised that there is and will not be any future proposal for the roads or footways of this development site to be offered for adoption into the highway network and that all rights and responsibilities will remain private in perpetuity.

As such, the Highway Authority makes the recommendation of the following mitigation and conditions:

1. The proposed vehicular access and visibility splays shall be provided in complete accord with the details

shown in Drawing Numbered 8010-P (000)111 Revision H (amended block plan) and drawing annotated "proposed site access".

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 12m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3. Prior to the first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Business Travel Plan and coordinator, including the initial commitments; and amended and supplemented under the provisions of a yearly report. The Business Travel Plan shall include a commitment to provide a Travel Plan co-ordinator within the development site to give advice to the new occupiers of the development.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative1: 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 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

ECC SuDS Consultee

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning

application, we do not object to the granting of planning permission based on the following conditions:

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 2.1l/s for the 1:1 year storm event, 2.3l/s for the 1:30 year storm event, and 2.6l/s for the 1:100 plus +40% climate change storm event.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- Storage should half empty within 24 hours wherever possible. If the storage required to achieve this via infiltration or a restricted runoff rate is considered to make the development unviable, a longer half emptying time may be acceptable. An assessment of the performance of the system and the consequences of consecutive rainfall events occurring should be provided. Subject to agreement, ensuring the drain down in 24 hours provides room for a subsequent 1 in 10 year event may be considered acceptable
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and

may lead to increased flood risk and pollution hazard from the site.

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

- The National Planning Policy Framework paragraph 163 and paragraph 170 states that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.
- Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.
- Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

- To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.
- Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These

must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

ECC Schools Service

If the floor space now being proposed is less than the original application, then no contribution will be required.

**Essex County Council
Archaeology**

The applicants have proceeded to carry out the required archaeological investigation and submit a report prior to the application being decided.

No further work will be required for the above site and no conditions are now necessary for the above application.

Natural England

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which Bullock Wood Site of Special Scientific Interest has been notified and has no objection.

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.

Highways England

Offer no objection; a large Transport Assessment was submitted with the application this has been reviewed and we are content the proposal will not have a significant affect upon the Strategic Road Network.

4. Representations

- 4.1 One letter has been received on behalf of Lodge Park, a business park accommodating small and medium sized enterprises located less than 1 mile from the application. The letter raises concern that the existing on-street parking situation will be made worse by the proposed application and cause a safety issue. Reference is also made to an application at Apex 12 being dealt with by Colchester Borough Council proposed parking provision which exceeds ECC standard by 15% in order to endeavour to contain all parking within the site, to prevent an exacerbation of the existing parking problems.

5. **Assessment**

Site Context

- 5.1 The site extends to 2.3 hectares in area, and lies on the eastern side of Old Ipswich Road, in the north-west corner of the borough. It is located immediately to the north of junction 29 of the A12 and the Crown Interchange to the north of the A120.
- 5.2 The site is broadly rectangular and was previously used a golf driving range. A row of mature deciduous trees, subject to a Tree Preservation Order, lie on a south-north axis through the middle of the site. The western boundary of the site is bordered by conifer trees, with an access gate onto Old Ipswich Road, the remainder of the site is laid to grass.
- 5.3 Immediately to the north, the site abuts a narrow belt of native species trees beyond which is an access road leading to two large industrial sheds (Crow Farm). Further north, a number of commercial buildings and compounds, line the eastern side of Ipswich Road.
- 5.4 To the west, the southern portion of the site is bordered by The Crown Inn and its associated car park. The remaining boundary lies adjacent to Old Ipswich Road, a 'B' category road and its grass verge.
- 5.5 A range of small single storey business units (Crown Business Centre) are situated to the south of the site. The Business Centre is accessed to the west off Old Ipswich Road and immediately to the south of The Crown Hotel, a public house and restaurant, close to a slip road onto the A12. The site is currently subject to an application for 4 detached dwellings (18/01840/OUT). Further to the south, sporadic mixed uses, including a small number of houses and garaging within Tendring District and a contemporary Business Park (Apex 12) and hotel within Colchester Borough, line Old Ipswich Road.
- 5.6 The eastern boundary of the site is defined by a post and wire fence. An earth bund just outside of this boundary delineates the limit of land further to the east designated for an extension to Ardleigh Reservoir.

Planning History

- 5.7 Planning permission has already been granted on the site for 79 small B1 (Offices (not professional and financial services); research and development of products and process and light industry appropriate in a residential area) and B8 (storage or distribution) commercial units and 5 commercial office blocks with B1 use with associate car parking and landscaping, under application 17/02204/FUL. This proposal originally sought permission for 91 small B1 and B8 commercial units, but following concerns raised by the Planning Committee was amended to retain an existing Oak Tree.

Proposal

- 5.8 This application seeks planning permission for the construction of 90 small B1 and B8 use commercial units and 5 commercial office blocks with B1 use with associate car parking and landscaping.
- 5.9 5 no. detached two storey office blocks are proposed within the western (front part) of the site. Each building would comprise 8 no. offices with a floor area of approx. 95 sq. metres (4 no. offices on each floor). Toilet facilities are proposed on each floor adjacent to a central stairwell. This area of the proposed development is referred to as Phase 2; as part of this phase a total of 203 car parking spaces are provided plus 14 disabled car parking space, together with 10 powered two wheeled vehicle parking spaces and 56 cycle parking spaces. Communal bin stores are provided throughout.

- 5.10 The buildings would be constructed using dark grey coloured 'Dura' vertical clad elevations to first floor elevations above white rendered ground floor elevations, all below a shallow pitch aluminium roof. Full height horizontal timber cladding would be used for feature walling to highlight the entrance/exit. Windows and doors are proposed to be dark grey or black coloured aluminium with two storey high curtain glazing in certain locations.
- 5.11 Landscaping is proposed around along the front and side boundaries of the site and towards the centre of the site.
- 5.12 Phase 1 of the development comprises of 90 small B1 and B8 commercial units arranged in a 'mews' formation towards the east of the site. The proposed units would be two storey in height and arranged in rows facing each other with parking in between. The proposed units would range in size from approx. 33 sq. metres to 112 sq. metres. They would be constructed using full height 'Dura' cladding in grey below a dark grey colour shall pitch corrugated roofing. Timber window and doors are proposed. Communal toilets refuse storage facilities and ancillary space would be provided within this part of the development, rather than within individual units. The units would provide flexible accommodation as occupants would choose whether to exchange upper floors for mezzanines or have them removed altogether.
- 5.13 This current proposal seeks to amend the proposal to increase the number of small B1 and B8 commercial units to the rear of the site whilst still retaining the Oak Tree.

Principle of Development

- 5.14 The principle of B1 and B8 commercial development on this site has been established by the granting of application 17/02204/FUL that gave permission for the erection of 79 small B1 and B8 commercial units and 5 commercial office blocks with B1 use with associate car parking and landscaping. The application is an extant permission which can still be implemented.

Design, Layout and Visual Impact

- 5.15 The character of the area is influenced by the variety of development in relatively close proximity to the site. This includes some residential development, but predominantly commercial ribbon development, straddling Old Ipswich Road and by the proximity of the site to the A12 Ipswich Road.
- 5.16 The site is relatively well screened. There is a dense, mature conifer screen to the western boundary, mature native tree planting to the north and built development comprising the Crown Hotel and Crown Business Centre to the south.
- 5.17 Although the site is exposed to long range views from the east, in landscape terms, public views of the site are limited to partially glimpsed views through hedgerows skirting Crown Lane to the south west and a public footpath which has been temporarily diverted during mineral extraction operations.
- 5.18 It is considered that the scale, massing and height of the development would not be so intrusive as to impact detrimentally upon skyline vistas, long range views or upon the surrounding landscape.
- 5.19 The standard of design would be high, utilising aesthetically simple architectural forms, textures and colours to provide an identity that would not be significantly at odds with its surroundings, while juxtaposing built form with new landscape provision and existing protected site trees.

- 5.20 It is considered that the development will integrate well with its surroundings and not be out of character with the surrounding area or result in any adverse visual impact. The proposal does involve the removal of a small Oak and a section of hedgerow to allow access, but would not be significantly harmful to the appearance of the area. The majority of the existing conifer hedge and trees along the site frontage will be cut back and retained.
- 5.21 Details of the proposed landscape details have not been submitted with the application and consequently this will need to be addressed by means of condition. It is considered that subject to a sympathetic scheme, landscape content would enhance the setting of development and given the sterile nature of the existing land use, contribute positively to future biodiversity.

Impact on Residential Amenity

- 5.22 Although there are a small number of existing residential properties in the vicinity, none are so close as to be affected by the development.
- 5.23 15/00985/OUT granted the erection of 4 detached dwellings on the adjacent site, whilst this consent has now expired there is a current application currently under consideration (App. No.18/01840/OUT). Given that the principle of small scale residential development has previously been established it is considered that regard should be given to the relationship between the two sites.
- 5.24 The proposal includes a building approx. 2 metres from the boundary with this site; the proposed building is two storey in height, measuring approx. 37.5 metres in length and will have windows facing towards the site at both ground floor and first floor level. This relationship has the potential to create an adverse impact, but given that the previous application expired and the application pending consideration is in outline form only (which means that approval for the location of the proposed dwellings is not being sought), it is considered that this should only be given limited weight. In any event there would be scope for landscaping screening to both sites of the common boundary to reinforce the existing screening. It is considered that the granting of this permission would not sterilise the potential development opportunities of the adjacent site.
- 5.25 The use proposed for the buildings to the front of the site is B1 use which includes offices (not professional and financial services); research and development of products and process and light industry appropriate in a residential area. The proposed 90 units at the rear of the site are proposed to be a mixture of B1 and B8 uses which is storage or distribution. B1 uses by virtue of their definition are uses which would not result in any adverse impact on nearby residential amenities and given the units proposed for B8 use are relatively small it is not considered that this would generate a level of activity that would result in any adverse impact on residential amenity.
- 5.26 A Noise Survey has been submitted as part of the application; this concludes that external plant noise limits have been specified to ensure any proposed plant does not result in significant adverse impact on nearby sensitive receivers; construction noise limits are also proposed to avoid adverse impact on nearby sensitive receivers and vehicular activity has also been assessed and is confirmed to offer no significant noise impact in relation to the existing noise levels at the nearest off-site receptors. The Councils Environmental Protection Team have assessed this report and raise no objection. However, to ensure that this report is adhered to a condition is proposed.
- 5.27 Conditions are also recommended to secure details of any artificial lighting to ensure that this would not be intrusive and a construction method statement to ensure that there is minimal disruption during the construction phase.

Impact on Trees

- 5.28 A row of mature trees, subject to a Tree Preservation Order (TPO), lie on a south-north axis through the middle of the site and a tall conifer hedge with a small Oak tree runs along the western boundary of the site. As part of the application a detailed tree survey and report has been provided. The report identifies those trees that will be retained and those that would need to be removed in order to facilitate the development proposal. It also identifies where specialist construction techniques would need to be used to avoid causing harm to trees by way of disturbance of the ground within their Root Protection Areas.
- 5.29 The report also identifies works to be carried out to trees on the site, an informative is recommended to advise the applicant that none of these works which relate to the TPO Trees, unless consent has been granted under the terms and conditions of the TPO.
- 5.30 The site layout makes provision for the retention and physical protection of the most important trees on the land, including the Oak Tree that the previous scheme was amended to retain.
- 5.31 It is considered that the tree report demonstrates that the proposed development of land could take place without causing harm to the retained trees or without having a negative impact on the local tree population.

Highway Safety/Parking

- 5.32 In highway terms the proposal remains predominately as previous approved with the exception of the relocation of some cycle parking; provision of additional disabled visitor parking and the area around the Oak Tree to the south of the site where the additional units are proposed.
- 5.33 Whilst highway comments are noted in respect of the accessibility of the site for Private Light Goods or Heavy Goods Vehicles and the efficient and convenient use of the parking spaces this was previously approved and remains unchanged.
- 5.34 The parking sizes for the additional parking spaces and the area of the site which has been amended meets Essex County Council standards.
- 5.35 To be in accordance with the Essex County Council Parking Standards the proposed B1 units to the front of the site would generate the need for a maximum of 133 off-street parking spaces; 7 disabled parking spaces; a minimum of 60 cycle parking spaces and 7 spaces for powered two-wheeled vehicles. The total provision for these units is 203 parking spaces plus 14 disabled spaces, 56 cycle parking spaces and 10 spaces for powered two-wheeled vehicles. Within this area of the site 77 extra car parking spaces and 3 extra powered two-wheeled vehicle spaces are provided above what is required by the standards. There is a deficit of 4 no. cycle parking spaces but this is not considered sufficient to warrant a reason for refusal and could be accommodated within the site if cycle parking became an issue once in operation.
- 5.36 The parking requirements as set out in the Essex County Council Parking Standards are dependant of the proposed use of the units. If the remaining 90 units were to all to be B1 use then this would generate a need for a maximum of 132 parking spaces, plus 6 disabled spaces; a minimum 58 cycle parking and 7 spaces for powered two-wheeled vehicles. If the units were all to be B8 use that there would be a need for a maximum of 27 parking spaces, plus 6 disabled spaces; a minimum of 12 cycle parking space and 7 spaces for powered two-wheeled vehicles. This area of the proposed development provides 100 parking spaces, plus 6 disabled spaces and 48 cycle parking spaces. It is reasonable to consider within this part of the site there would be a mixture of B1 and B8 uses and therefore the parking provision is considered to be acceptable, especially given as the front of the site provides parking significantly in excess of the required standards. It is therefore

considered that overall the site provides sufficient off-street parking in accordance with the Council's Adopted Parking Standards.

- 5.37 A letter of representation received makes reference to a nearby development that exceeds ECC parking standards in order to prevent exacerbation of existing parking problems. All that can be required of a development is that adequate parking is provided in accordance with the standards, a higher standard cannot be requested to overcome an existing problem.
- 5.38 Essex County Council Highways recommend 3 conditions to cover vehicular access and visibility splays, no unbound materials and the provision and implementation of a Travel Plan. A condition to cover vehicular access and visibility is not required as this would be covered under the approved plan condition. The other requirement will be secured by condition.
- 5.39 As part of the previous consent a condition was imposed to require upgrading of two bus stops in Old Ipswich Road and the provision of a 2 metre wide footway from the proposed site access along the eastern side of Old Ipswich Road to the pedestrian access to the Crown Inn Public House, then crossing to the existing footway on the western side of Old Ipswich Road utilising the central island; it is considered that these are still necessary, especially given that the proposed development is increase the number of units and therefore the number of users of the site.

Biodiversity

- 5.40 A Phase 1 Habitat Survey has been carried out this sets out recommendations relating to nesting birds, bats, amphibians and reptiles which would minimise the impact of the development on these species. These recommendations are precautionary as the site has limited habitat for amphibians and reptiles and the majority of trees are to be retained which provide suitable foraging habitat for bats and nesting birds. A condition is recommended to ensure that the development is carried out in accordance with the suggested mitigation measures.

Flood Risk and Drainage

- 5.41 A Flood Risk Assessment and Drainage Report have been submitted. It has been confirmed that the site is located in Flood Zone 1 and there are no records of on-site flooding or off-site impact relating to the site.
- 5.42 Essex County Council SuDS in their role as Local Lead Flood Authority team has assessed the supporting documents and have not raised objection subject to conditions requiring submission of a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development. Safeguards against off site flooding during the construction phase and requirements for future maintenance are also to be conditioned.

6. Conclusion

- 6.1 The principle of commercial development on this site has been established and, subject to the inclusion of the conditions contained within the recommendation there is not considered to be any adverse impacts in respect of visual amenity, neighbour's amenities, ecology or any highway safety concerns. Therefore the application is recommended for approval.

7. Recommendation

7.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives.

7.2 Conditions and Reasons

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: P (000) 010 Rev. A, P (000) 111 Rev. H, P (000) 112 Rev. B, P (000) 113 Rev. A, P (000) 211 Rev. A, P (000) 212 Rev. A, P (000) 213 Rev. A, P (000) 311 Rev. A, P (000) 312 Rev. A, P (000) 313 Rev. A, P (000) 314 Rev. B, P (000) 315 Rev. A, P (000) 316 Rev. A, P (000) 317 Rev. A, P (000) 318 Rev. A, P (000) 319 Rev. A and P (000) 402 Rev. B.

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

3. No above ground development shall commence on any phase until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping works for that Phase, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction.

Reason - To ensure a satisfactory standard of landscaping and the protection of retained trees.

4. Any trees dying, being removed or being seriously damaged as a result of the failure to comply with condition 3 shall be replaced in the next planting season (October - March inclusive) with others of similar size and species unless the Local Planning Authority agrees in writing to a variation.

Reason - To enable new and existing landscaping to be protected and retained in the interests of visual amenity.

5. The development hereby permitted shall be carried out in accordance with the Arboricultural Impact Assessment by Hallwood Associates (Ref. 10024 APIII 3.0) unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the protection of retained trees in the interests of visual amenity and good arboricultural practice.

6. No above ground development shall commence on any phase until a Landscape Management Plan has been submitted to, and approved in writing by the Local Planning Authority for that phase. The Landscape Management Plan(s) shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved, in writing, by the local planning authority prior to the first occupation of the development. The landscape management plan shall be carried out as approved in accordance with the details and timescales in the plan.

Reason - To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

7. No above ground development shall commence on any phase until details have been submitted to the Local Planning Authority showing boundary treatment (walls fences, hedgerows) for that phase. The approved details shall be implemented as approved prior to occupation of the first unit of development and maintained in the approved form.

Reason - To ensure a satisfactory form of boundary treatment.

8. No occupation of any phase of the development shall take place until the following have been provided or completed:
 - a) Upgrading to current Essex County Council specification of the two bus stops located in Old Ipswich Road to the south of the proposal site. Upgrade to include but not be limited to the infrastructure necessary to enable future installation of real time passenger information;
 - b) A minimum 2m wide footway from the proposed site access along the eastern side of Old Ipswich Road to the pedestrian access to the Crown Inn Public House, then crossing to the existing footway on the western side of Old Ipswich Road utilising the central island;
 - c) A travel plan which once approved shall be complied with at all times.

Reason - To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

9. No phase of the development shall take place before an Environmental Construction Method Statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement.

Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel cleaning facilities during the excavation, site preparation and construction stages of the development. The method statement shall also include details of the loading and unloading of plant and materials, hours of construction, dust suppression strategy, routing of delivery vehicles, measures to control noise and lighting, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

Reason - To ensure that development is carried out in a controlled manner in the interests of highway safety, while minimising impacts on the surrounding residential properties and the natural environment.

10. No phase of the approved development shall take place until a detailed surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
 - Limiting discharge rates to 2.1l/s for the 1:1 year storm event, 2.3l/s for the 1:30 year storm event, and 2.6l/s for the 1:100 plus +40% climate change storm event.

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- Storage should half empty within 24 hours wherever possible. If the storage required to achieve this via infiltration or a restricted runoff rate is considered to make the development unviable, a longer half emptying time may be acceptable. An assessment of the performance of the system and the consequences of consecutive rainfall events occurring should be provided. Subject to agreement, ensuring the drain down in 24 hours provides room for a subsequent 1 in 10 year event may be considered acceptable
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

11. No phase of the approved development shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority for that phase. All phases of the development shall subsequently be implemented as approved.

Reason – To ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

12. No phase of the approved development shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies of that phase, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason - To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

13. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason - To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

14. No floodlighting shall be installed in any phase of the development 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 and maintained 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

15. The development hereby permitted shall be carried out in accordance with the Environmental Noise Survey and Noise Impact Assessment produced by paceconsult (ref. PC-18-0328-RP1) unless otherwise agreed in writing by the Local Planning Authority.

Reason - To protect neighbouring development from intrusive commercial noise.

16. No phase of the development shall be occupied until a scheme showing the provision to be made for disabled person in that phase has been submitted to and approved by the Local Planning Authority. Each phase of the development shall be carried out in accordance with the approved details.

Reason - to ensure there is suitable access within the site for disabled persons.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), permitted development rights are hereby removed in respect of Schedule 2 Part 7 Class H (Industrial Buildings) relating to those buildings lying within 20m of the southern boundary of the site.

Reason - To protect the amenity of neighbouring occupiers to the south.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), permitted development rights are hereby removed in respect of Schedule 2 Part 7 Class F (Office buildings) and relating to those buildings lying within 20m of the southern boundary of the site.

Reason - To protect the amenity of neighbouring occupiers to the south.

19. Unless otherwise authorised in writing by the Local Planning Authority there shall be no external storage, stacking or deposition of goods on the site.

Reason - The external storage of goods would detract from the visual amenity of the area.

20. No phase of the development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings within the Phase shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason - To prevent environmental and amenity problems arising from foul water.

21. The development hereby permitted shall be carried out in accordance with the Extended Phase 1 Habitat Survey produced by D F Clark Bionomique Ltd (Ref. DFCEP 3059) unless otherwise agreed in writing by the Local Planning Authority.

Reason – To ensure the proposal does not adversely affect protected species.

22. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 12m of the highway boundary.

Reason - To ensure that loose materials are not brought out onto the highway.

7.3 Informatives

1. Please be advised that no works to the TPO trees shall take place unless consent has been granted under the terms and conditions of the TPO, by the Local Planning Authority.
2. 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 - Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.
3. The Highway Authority has advised that there is and will not be any future proposal for the roads or footways of this development site to be offered for adoption into the highway network and that all rights and responsibilities will remain private in perpetuity.

8. Additional Considerations

Public Sector Equality Duty (PSED)

- 4.1 In making your decision you must have regard to the 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 to:
 - 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 and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
 - C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 4.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 4.3 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 4.4 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 4.5 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.

- 4.6 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 4.7 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

9. Background Papers

None.