

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	05/08/2020
Planning Development Manager authorisation:	TF	05/08/2020
Admin checks / despatch completed	CC	06/08/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	06/08/2020

**Application:** 19/01939/OUT **Town / Parish:** Ardleigh Parish Council

**Applicant:** Mr S Williams - SRC Aggregates and Hills Building Group

**Address:** Land at Crown Quarry Old Ipswich Road Ardleigh

**Development:** Proposed small business park development of B1, B2 and B8 storage. The construction of a new internal access from the existing access road, relocation of the existing temporary quarry office to a new building together with associated car / cycle parking.

### **1. Town / Parish Council**

Ardleigh Parish Council  
12.02.2020

The Parish Council was generally accepting of this application for small offices with adequate parking. This was on the understanding that public access around the perimeter of the new reservoir would not be compromised

### **2. Consultation Responses**

ECC Schools Service  
12.02.2020

Thank you for providing details of the above outline planning application for the redevelopment of the site to provide a small business park, requiring 100 - 150 full time staff. With reference to 'Employment Densities' published by the Homes and Communities' Agency in 2010 I have calculated that the proposed development would generate 6 EY&C pupils.

Please note that any developer contribution figures referred to in this letter are calculations only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation.

#### Early Years and Childcare

The proposed development is located within the Ardleigh & Little Bromley ward (postcode C07 7QR). According to latest available childcare sufficiency data, there is a surplus of unfilled spaces.

Essex County Council has statutory duty under the Childcare Act 2006 to ensure that there is sufficient and accessible high-quality early years and childcare provision to meet local demand. This includes provision of childcare places for children aged between 0-5 years as well as wrap around provision for school aged children (5-11 or 19 with additional needs).

As there are sufficient places available in the area; a developers' contribution towards new childcare places will not be required for this application.

Primary Education

This proposed development will not attract an education contribution in relation to primary education needs.

#### Secondary Education

This proposed development will not attract an education contribution in relation to secondary education needs.

In view of the above, a contribution toward education provision will not be required.

Thank you for consulting this authority in respect of this application.

Colchester Borough  
Council

No comments received

Essex County Council  
Archaeology  
19.02.2020

The above planning application has been identified as having the potential to harm non-designated heritage assets with archaeological interest.

The site lies immediately adjacent to Crown Quarry where archaeological investigations over the last 10 years have revealed multi-period archaeological evidence. Of significance are the remains of an extensive Late Iron Age (mid-1st century BC to mid-1st century AD) settlement spanning the head of an east-west valley which includes a large D shaped enclosure and annexe which was likely used for industrial activity.

The medieval and later remains relate to a field system and enclosures predating the existing field pattern. Part of the proposed development site was evaluated by archaeological trial trenching as part of the investigations for the quarry, these revealed Roman and Medieval activity which is likely to extend into the proposed development area.

The following recommendations are made in line with the Department for Communities and Local Government National Planning Policy Framework:

#### RECOMMENDATION: A Programme of Archaeological evaluation

1. No development or preliminary ground-works can commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority.
2. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ, shall be submitted to the local planning authority.
3. No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the local planning authority.
4. Following completion of the archaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum,

and submission of a publication report.

Further Recommendations:

A professional team of archaeologists should undertake the archaeological work. In the first instance a programme of trial trenching investigation will be required. A brief outlining the level of archaeological investigation will be issued from this office on request. Tendring District Council should inform the applicant of the recommendation and its financial implications.

If you have any questions about this advice, please do not hesitate to contact me.

Tree & Landscape Officer  
19.03.2020

The main body of the application site is set to grass and does not contain any trees or other significant vegetation.

The western boundary of the land benefits from existing landscape screening that appears to have been planted in association with the wider use of the surrounding land for mineral extraction and enlargement of Ardleigh Reservoir. On or close to the boundary there are two mature Oaks that are significant positive features in their setting.

The Northern boundary of the site abuts Wick Lane. On land, that appears to be part of the highway, there is a row of trees that feature prominently in their setting within the boundary hedgerow. The trees are Oak with a single Ash and a Holly. The trees are situated in a gappy hedgerow comprising primarily of Blackthorn. The hedgerow and trees are an important element of the character of Wick Lane which is recognised by its designation as a 'Protected Lane. It is likely that the hedgerow falls within the scope of the Hedgerow Regulations 1997 which will afford formal legal protection to the hedgerow and the trees contained therein.

In order to show the extent of the constraint that the trees are on the development potential of the land the applicant has provided a Tree Survey and Report. This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations.

The information shows that the proposed development would be outside the Root Protection Areas (RPA's) of T1 and T2 ' as numbered in the tree report and in this respect the development proposal will not adversely affect the health or long term viability of those trees.

In terms of the trees on the northern boundary the site the Site Plan and the Tree Constraints Plan (TCP) appears to show metalled surfacing and a turning area within the RPA of the trees numbered G2 on the TCP.

Taking into account the visual amenity value of the trees and the potential impact of the development proposal on the roots of the trees within G2 it is considered expedient to make the trees the subject of a new Tree Preservation Order (TPO) T1 and T2 Oaks will be included in the TPO for completeness and as a precautionary measure.

The TPO reference is TPO/20/01 Land at the junction of Wick Lane and Old Ipswich Road, Ardleigh.

The applicant will need to show that the development of the land can take place without causing harm to protected trees in G2. They will need to show that there is no development within the RPA of the protected trees and demonstrate how retained trees will be physically protected for the duration of the construction phase of any development for which planning permission may be granted.

Should planning permission be likely to be granted then a condition should be attached to secure details of new soft landscaping to maximise planting potential in order to soften, screen and enhance the appearance of the development

ECC Highways Dept  
01.05.2020

Essex County Council in their capacity as Highway Authority has thoroughly assessed the highways and transportation information submitted in support of the above planning application. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework in particular, the following aspects were considered: access and safety; capacity; the opportunities for sustainable transport; and highway mitigation measures, therefore the conclusions of the Highway Authority are as follows:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

Prior to commencement:

No development shall take place until the following have been provided or completed:

a. Construction Traffic Management Plan, which shall be adhered to during the construction phase of development, shall be submitted to and approved in writing by the Local Planning Authority.

The Plan should include details regarding any temporary traffic management/signage and wheel cleaning facilities for the duration of the construction phase to prevent the deposition of mud or other debris onto the highway network/public areas, turning and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site

Reason: In the interests of highway safety and efficiency.

Prior to occupation

No occupation of the development shall take place until the following have been provided or completed:

1. A financial contribution of £5,000 (index linked) towards the proposed introduction of waiting restrictions as per drawing no. T-OIR, dated 2 March 2020 along Old Ipswich Road and Turnpike Close.

Reason: To control the location of service vehicle movements to the site to minimize inconsiderate parking in the interests of highway safety and Policy DM1.

Note: the financial contribution will form part of a Section 106 contribution which will be for the North Essex Parking Partnership.

2. A financial contribution of £10,000 (to be index linked) towards future bus stop infrastructure within Old Ipswich Road (to be provided

within 50m north of the site access and 125m south of the site access to the Quarry) to include but not restricted to bus stop cage markings, Kassel Kerbs and bus timetable information and any minor improvements to the existing footway linking the bus stop to the site. The time limit on the measures being provided will be 5 years from the first occupation of phase 1 or 2 of the site (whichever comes first) the money (£10,000) will be returned to the applicant if a diverted bus route is not secured at the end of the 5 year period for Old Ipswich Road.

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.

Note: Condition 2 requires a Legal Agreement between the Applicant/ Developer and the Highway Authority using the powers in Section 106 of the 1990 Town & Country Planning Act.

3. The Developer will provide a free minibus service; in principal, it will operate between the site and the Colchester Park and Ride and to and from the nearest bus stops (Old Ipswich Road - Balcerne Gate) during the AM and PM peak periods; the service and route will be agreed and finalised by both the developer and ECC as part of the Workplace Travel Plan. Provision of this service including the routing and frequency will be dependent on the demand for the service which will be monitored through the Workplace Travel Plan and employee surveys.

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.

Note: Should in the future, bus service 93 (or any other service) be re-routed along Old Ipswich Road before the end of the 5 year period and that service coincides with the AM and PM peaks for the minibus servicing this development, the developer will work with ECC's Travel Plan team to review the service through the Travel Plan and employee surveys to consider whether the minibus service can be terminated.

4. A provision of a new footway measuring no less than 2m in width either side of the existing junction and encompassing each kerb radii with associated tactile paving for any crossing points. On the north side this shall be extended to tie in with the proposed bus stop.

Reason: To make adequate provision within the highway for the movement and safety of the additional pedestrian traffic generated as a result of the proposed development in accordance with policy DM1, DM9, DM10 and DM17.

Note: Condition 4 requires a Legal Agreement between the Applicant/ Developer and the Highway Authority using the powers in Section 278 of the Highways Act, 1980.

5. The provision of a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority 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 in accordance with policy DM1.

6. 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. The vehicle parking area and associated turning area shall always be retained in this form. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

7. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

8. The submission of a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years. It shall be accompanied by a monitoring fee of £6,000 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5-year period.

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.

The above requirements should be imposed by way of negative planning conditions or a planning obligation and ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

#### NOTES:

(i) Internal Layout - Full details of the internal roads and footways (including layout, levels, gradients, surfacing, and means of surface water drainage, construction details and any lighting requirements) will be agreed during the Reserved Matters application.

(ii) The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority.

#### Informative:

1: Commuted Sums - Any signal equipment/structures/non-standard materials/trees/public rights of way through the site proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction.

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.

(Continued...)

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

ECC SuDS Consultee  
24.01.2020

Lead Local Flood Authority position

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:

#### Condition 1

No works except demolition 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:

- Verification of the suitability of infiltration of surface water for the development. This should be based on detailed infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. There should also be detailed ground water monitoring within winter months to ensure that there is a sufficient depth between the highest average ground water level and the base of any infiltrating feature.
- If infiltration is proven to be unviable then discharge rates should be limited to the 1 in 1 year greenfield runoff rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. Relevant permissions to discharge from the site into any outfall should be demonstrated.
- 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.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of 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. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

#### 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.

#### Condition 2

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 state 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.

#### Condition 3

Prior to occupation 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 prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

#### Condition 4

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.

Essex Wildlife Trust

No comments received

### 3. Planning History

04/02244/CMTR	Winning and working of minerals, removal of surplus soils and the erection of a low profile processing plant, concrete batching plant and ancillary buildings (including a workshop). Interim restoration to lakes and subsequent construction of a public water storage reservoir as an extension to the Ardleigh Reservoir with landscaping and an area of public open space.(ESS/57/04/TEN)	Determination	25.03.2010
10/00710/CMTR	Changes to the plant and operations area to incorporate improved visual screening and increase areas for stockpiling. (ESS/57/04/TEN - 04/02244/CMTR).	Determination	18.08.2010
10/00718/CMTR	Condition No: 2, 7, 9, 10, 15, 16, 18, 20, 22, 23, 25, 27, 31, 36, 39, 40 and 43. Details relating to: Working Scheme/Plan (2), Road Design (7), Road Signs (9), Footpath Diversion (10), Noise Monitoring Locations (15), Reversing Alarms (16), Lighting (18), Advanced Planting (20),	Determination	12.11.2010

	Protection to retained trees and hedgerow (22), Soil Movements (23), Bund Construction (25), Machine Movements (27), Archaeology (31), Ecology (36), Plant (39), Dust (40), and Habitat Compliant Water (43).		
15/01571/CMTR	Condition LA1 - relating to Ground Water Monitoring July 11 to Dec 12	Determination	28.10.2015
15/01671/CMTR	Noise monitoring.	Determination	12.11.2015
16/01209/CMTR	Noise monitoring.	Determination	13.08.2016
17/00018/CMTR	Retrospective application for a change of use to allow importation of inert materials for treatment to produce recycled construction materials.	Determination	11.01.2017
17/00201/CMTR	Retrospective application for a change of use to allow importation of Inert Materials for treatment to produce recycled construction materials.	Determination	20.02.2017
17/01464/CMTR	Details pursuant to Condition 45 - Interim Restoration Scheme: of planning application ESS/57/04/TEN (Winning & Working of minerals, removal of surplus soils & erection of a low profile processing plant concrete batching plant & ancillary buildings (inc a workshop). Interim restoration to lakes & subsequent construct of a public water storage).	Determination	12.09.2017
19/00778/CMTR	Details pursuant to (water monitoring) obligation within Legal Agreement associated with ESS/57/04/TEN.	Determination	06.06.2019
19/01939/OUT	Proposed small business park development of B1, B2 and B8 storage. The construction of a new internal access from the existing access road, relocation of the existing temporary quarry office to a new building together with associated car / cycle parking.	Current	
20/00139/CMTR	Continuation of winning and	Determination	14.02.2020

working of minerals associated with on the construction of a public water storage reservoir without compliance with condition 2 (approved details) and condition 39 (no additional buildings, fixed plant or machinery) attached to application ref: ESS/57/04/TEN to allow changes to operational areas, the phasing of the development and the shape and capacity of the completed reservoir; and the installation and use of a bagging facility.

#### **4. Relevant Policies / Government Guidance**

*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
SPL3	Sustainable Design
SP4	Providing for Employment & Retail
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 (2019) 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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can

carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The area of land subject to this planning application relates to land adjacent to Old Ipswich Road, approximately 5km to the northeast of Colchester Town Centre, and 2.8 kilometres (km) west of the village of Ardleigh in Essex. The site lies approximately 1km north of the Crown Interchange which connects the A12 with the A120. Both of these roads are strategic roads in the national route hierarchy. The site extends to 2.76 hectares.

The site is bound by Old Ipswich Road to the west. The northern and eastern boundaries of the site are marked by the existing access road to Crown Quarry which is initially perpendicular to Old Ipswich Road and then curves to head in a broadly southerly direction. There are currently no physical boundaries marking the southern side of the site. However, in the future when the quarrying has been completed, and reservoir constructed, there will be an extensive planting scheme as conditioned as part of the planned reservoir planning permission (LPA ref: 04/02244/CMTR).

Land to the south, outside of the site, primarily comprises land used for storage and commercial use. Planning permission has been granted for commercial development comprising 90 small B1 and B8 units with 5 commercial office blocks on land to the south of the site. Land to the north outside the site comprises of HGV repairs, internal and outside storage and distribution.

The site is transversed by the existing access road to Crown Quarry which is initially perpendicular to Old Ipswich Road and then curves to head in a broadly southerly direction.

The site is generally flat and currently comprises primarily managed grassland. In the south of the site are manmade grass bunds, associated with the Crown Quarry. Together with land to the east, the north part of the Site, north of the Crown Quarry access road is currently used for car boot sales, under Planning Application 06/00069/FUL.

The closest bus stops to the site are on the western and eastern sides of Ipswich Road (A1232) around 1km (12 minute walk distance) to the south of the application site. They are served by three daily bus routes which provide services to Ipswich and Colchester via East Bergholt.

The site is located within Flood Zone 1 and therefore at low risk of flooding. Further detail is set out in the Flood Risk Assessment accompanying the application.

### Proposal

This planning application seeks outline planning permission with all matters reserved for a small business park development. The description of development reads as follows:

Proposed small business park development of B1, B2 and B8 storage, new internal accesses from the existing access road, relocation of the existing temporary quarry office to a new building, together with associated car/cycle parking.

The application is submitted in outline and therefore the layout has not yet been fixed. However, the site is split into two parcels of land either side of the existing access road to Crown Quarry.

It is proposed that the buildings will be no more than 2-3 storeys high and would be largely screened from the west and north by existing landscaping.

Access to the north of the site would be provided from three new access points from the existing access road.

### Principle

In order to make provision for new employment, the Council has allocated land for Class B1 light industrial uses (but not Class B1a office use) in accordance with Policy ER1 of the adopted Local Plan, at a number of strategic locations throughout the District, there being a presumption that office use should be directed towards town centres. This is reinforced by Policy ER2 which states that '*within these (employment) areas, Class B1a uses will not be permitted*'.

The emerging Local Plan, however adopts a more flexible approach by not segregating B1(a) Office use from the wider 'B' use classes. Policy PP7 of the emerging Local Plan seeks to establish allocations of employment land that incorporate both B1(a) and B1 uses. The policy states that additional sites suitable for small and medium sized businesses will be considered on a site by site basis.

Whilst it is accepted that this site lies outside settlement boundaries, this site is considered to be a sustainable location for development. It is in close proximity to the A12 to A120 junction and close to Colchester. The site is not isolated with a significant number of commercial uses extending along the Old Ipswich Road and Turnpike Close, including Apex 12 Business Park north of the Crown Interchange together with storage and depot uses, a hotel and Crown Public House. Immediately, south of the Site is DTE Scaffolding which comprises offices together with storage.

Moreover the proposals would provide much needed commercial accommodation within the District and comply with the provisions of the National Planning Policy Framework by meeting the three strands of sustainability, namely;

Economic - provision of a range of good quality commercial space in a District where there is acknowledged demand, job creation during the construction phase of approx. 50 jobs and long term job creation from the development of approx. 100-150 jobs.

Social - providing local job opportunities, representing social benefits for residents in a District where there is higher than average unemployment and out-commuting and being within a sustainable location on the edge of Colchester in close proximity to local transport links and facilities/services.

Environmental - making effective use of previously developed land and opportunities for landscaping by enhancing, reinforcing and extending the boundary vegetation with indigenous species to increase the diversity of canopy heights and habitat range, benefitting biodiversity.

As such the development is considered to represent sustainable development and given the character of the area and proximity to transport links the development is acceptable in principle.

### Layout/Design

As stated above layout is a reserved matter so is not considered at this stage. However, the planning application includes an indicative plan to show how the proposals could be accommodated within this site.

On the northern parcel of land it shows three maintenance buildings in the north of the site accessed from a new internal access road from the existing access road to Crown Quarry. The new head office and associated parking is proposed in the centre of the site. The relocated quarry office and associated parking is proposed in the south east corner of the site, south of the new access road.

On the southern parcel of land it shows two office buildings, four workshops and a store with car parking in the centre of the site.

The layout and spacing of the buildings will be assessed fully at reserved matters stage. However, the indicative layout provided shows that the quantum and scale of development proposed can be accommodated on the site in a manner which is sympathetic to the character and appearance of the area whilst providing sufficient onsite parking and screening landscaping.

In terms of appearance this is also a reserved matter. However, it is proposed that building materials and form will reflect a rural vernacular sympathetic to the character of the locality.

### Landscape Impact/Trees

The main body of the application site is set to grass and does not contain any trees or other significant vegetation.

The western boundary of the land benefits from existing landscape screening that appears to have been planted in association with the wider use of the surrounding land for mineral extraction and enlargement of Ardleigh Reservoir. On or close to the boundary there are two mature Oaks that are significant positive features in their setting.

The northern boundary of the site abuts Wick Lane. On land, that appears to be part of the highway, there is a row of trees that feature prominently in their setting within the boundary hedgerow. The trees are Oak with a single Ash and a Holly. The trees are situated in an intermittent hedgerow comprising primarily of Blackthorn. The hedgerow and trees are an important element of the character of Wick Lane which is recognised by its designation as a 'Protected Lane. It is likely that the hedgerow falls within the scope of the Hedgerow Regulations 1997 which will afford formal legal protection to the hedgerow and the trees contained therein.

In order to show the extent of the constraint that the trees are on the development potential of the land the applicant has provided a Tree Survey and Report. This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations. The information shows that the proposed development would be outside the Root Protection Areas (RPA's) of T1 and T2 ' as numbered in the tree report and in this respect the development proposal will not adversely affect the health or long term viability of those trees.

In terms of the trees on the northern boundary the site, the Site Plan and the Tree Constraints Plan (TCP) appear to show metalled surfacing and a turning area within the RPA of the trees numbered G2 on the TCP. Taking into account the visual amenity value of the trees and the potential impact of the development proposal on the roots of the trees within G2 it is considered expedient to make the trees the subject of a new Tree Preservation Order (TPO) T1 and T2 Oaks will be included in the TPO for completeness and as a precautionary measure. The TPO reference is TPO/20/01 Land at the junction of Wick Lane and Old Ipswich Road, Ardleigh.

The applicant will need to show that the development of the land can take place without causing harm to protected trees in G2. They will need to show that there is no development within the RPA of the protected trees and demonstrate how retained trees will be physically protected for the duration of the construction phase of any development for which planning permission may be granted. These details will be secured via condition. Soft landscaping to maximise planting potential in order to soften, screen and enhance the appearance of the development will be secured at reserved matters stage.

Overall the development would not result in any harm to the landscape character of the area.

### Highways

Again access is a reserved matter, however it is proposed that the development will involve two new internal junctions providing access to two linked car parking areas in the south of the site. Three new internal junctions would be provided to the north of the site. All vehicles will enter via

the existing junction from the Old Ipswich Road which has been identified as having visibility splays that can be accommodated within highway land.

It is proposed that parking will be provided to accord with the Council's parking standards. The exact number of parking spaces will be established at the reserved matters stage.

For the proposed development the submitted transport statement shows that the development will result in around low vehicle movements within the AM peak hour (0800-0900) and PM peak hour (1700-1800). The Old Ipswich Road is lightly trafficked and it is not considered that the proposed development will result in a material impact on the surrounding highway network.

ECC-Highways have reviewed the submitted information and have no objections subject to the following being secured either via legal agreement or conditions where necessary;

The submission of a Construction Traffic Management Plan, which shall be adhered to during the construction phase of development, shall be submitted to and approved in writing by the Local Planning Authority.

- A financial contribution of £5,000 (index linked) towards the proposed introduction of waiting restrictions as per drawing no. T-OIR, dated 2 March 2020 along Old Ipswich Road and Turnpike Close.

- A financial contribution of £10,000 (to be index linked) towards future bus stop infrastructure within Old Ipswich Road

- The provision of a free minibus service; which in principal, will operate between the site and the Colchester Park and Ride and to and from the nearest bus stops (Old Ipswich Road - Balkerne Gate) during the AM and PM peak periods

- The provision of a new footway measuring no less than 2m in width either side of the existing junction and encompassing each kerb radii with associated tactile paving for any crossing points. On the north side this shall be extended to tie in with the proposed bus stop.

- The provision of a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

- The vehicle parking areas/cycle and powered two-wheeler parking being provided prior to first occupation/use of the site

- The submission of a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years. It shall be accompanied by a monitoring fee of £6,000 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5-year period.

The waiting restrictions contribution, bus infrastructure contribution, travel plan submission/monitoring fee and footway improvements have been secured via a completed unilateral undertaking. The other highway requirements outlined above will be secured via conditions.

### Residential Amenities

The closest residential properties to the application site are situated on the opposite side of the A12 approximately 100m from the site. As a result the development would not cause any harm to residential amenity.

### Ecology

A Preliminary Ecological Assessment accompanies this planning application. This report reveals that no part of the proposed development site has any type of statutory or non-statutory



conservation designation. It identifies conservation sites in the vicinity but concludes that the proposals will not reduce the size or affect the conservation designation of these sites. Nor will they reduce their ecological importance or future management or create any new accesses to these conservation sites.

The site predominantly comprises an improved grassland that is mown/managed and it has limited sward structure and poor floristic diversity, with a low conservation value under this management regime. These areas are a more structurally/floristically mixed habitat than the managed mown grassland of the wider site. A reptile survey carried out identified the presence of a low population of grass snake. Suitable habitat for reptiles will be secured via condition.

### Drainage

A Flood Risk Assessment has been prepared and is submitted in support of the planning application. The site falls within Flood Zone 1, an area with a low probability for flooding.

The report includes an outline surface water drainage strategy for the site which sets out how the proposals will prevent off-site flood risk. On the south of the site, it proposes soakaways and a permeable sub-base to capture, treat and discharge the surface water run-off from the site's impermeable areas. In the north of the site, permeable paving/infiltration blanket sub-base and an infiltration basin is proposed to capture, treat and discharge the surface water run-off from the site's impermeable areas.

ECC-SUDS Team have reviewed the drainage strategy and have no objections subject to the inclusion of conditions securing the technical details of the scheme and its on-going maintenance.

### Other Considerations

ECC-Archaeology Team have requested a condition securing a full programme of works given the likelihood of deposits on the site. This will be secured via condition.

ECC-Schools have not requested any contributions.

Comments have been received from ECC-Minerals and Waste Team in respect of the compatibility of the development with the on-going mineral extraction work to the east of the site and approved restoration scheme which includes open space and parking within the site.

These comments have been considered and it is agreed that as this application is in outline form with all matters reserved public access and parking facilities associated with the restoration of the quarrying operations and reservoir access can be secured at reserved matters stage in liaison with Essex County Council Minerals and Waste Team. It is also noted that the comments from ECC state that the applicants have applied to vary the quarrying permission to relocate the parking facilities. As such it is considered that the development would not compromise the overriding restoration of the quarrying operations.

Ardleigh Parish Council are generally accepting of this application for small offices with adequate parking. This was on the understanding that public access around the perimeter of the new reservoir would not be compromised.

No further letters of representation have been received.

## **6. Recommendation**

Approval

## **7. Conditions**

- 1 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 3 No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the appearance, scale, access, layout and landscaping have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

- 4 No development shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development unless otherwise agreed, in writing, at a later date with the Local Planning Authority.

Reason - To ensure that materials of an acceptable quality appropriate to the area are used.

- 5 No lighting shall be installed until details of the illumination scheme have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.

Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area and in the interests of local resident's amenity.

- 6 The buildings shall be used for Class B1 (Light Industry), B2 (General Industry) and B8 (Storage and Distribution) and for no other purpose including any other use of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the interests sustainability, highway safety and visual amenity.

- 7 The development shall not come into use until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be brought into use until works have been carried out in accordance with the surface water strategy so approved.

Reason - To prevent environmental and amenity problems arising from flooding.

- 8 No works except demolition shall takes 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:

- Verification of the suitability of infiltration of surface water for the development. This should be based on detailed infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. There should also be detailed ground water monitoring within winter months to ensure that there is a sufficient depth between the highest average ground water level and the base of any infiltrating feature.

- If infiltration is proven to be unviable then discharge rates should be limited to the 1 in 1 year greenfield runoff rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. Relevant permissions to discharge from the site into any outfall should be demonstrated.
- 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.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of 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. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

#### 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.

- 9 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 state 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.

- 10 Prior to occupation 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 prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 11 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.

- 12 No development or preliminary ground-works can commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the Planning Authority.

Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ, shall be submitted to the Local Planning Authority.

No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the Local Planning Authority.

Following completion of the archaeological fieldwork, the applicant will submit to the Local Planning Authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the Planning Authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason - To safeguard potential archaeological deposits on the site.

- 13 No development shall take place until a Construction Traffic Management Plan, which shall be adhered to during the construction phase of development, has been submitted to and approved in writing by the Local Planning Authority.

The Plan should include details regarding any temporary traffic management/signage and wheel cleaning facilities for the duration of the construction phase to prevent the deposition of mud or other debris onto the highway network/public areas, turning and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site.

Reason - In the interests of highway safety and efficiency.

- 14 No occupation of the development shall take place until the Developer has provided a free minibus service that will operate between the site and the Colchester Park and Ride and to and from the nearest bus stops (Old Ipswich Road - Balkerne Gate) during the AM and PM peak periods; the service and route will be agreed and finalised by both the developer and

ECC as part of the Workplace Travel Plan. Provision of this service including the routing and frequency will be dependent on the demand for the service which will be monitored through the Workplace Travel Plan and employee surveys.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 15 No occupation of the development shall take place until the vehicle parking areas including any parking spaces for the mobility impaired, have been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall always be retained in this form. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason - To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

- 16 No occupation of the development shall take place until cycle and powered two-wheeler parking has been provided in accordance with the EPOA Parking Standards. The approved facilities shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason - To ensure appropriate cycle and powered two-wheeler parking is provided in the interest of highway safety and amenity.

- 17 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Assessment (ECO Planning - UK - 15th July 2019) and Reptile Survey Presence or Absence Survey (ECO Planning - UK - 5th August 2019) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason - To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 18 Prior to commencement of works a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement/mitigation measures contained within the Preliminary Ecological Assessment (ECO Planning - UK - 15th July 2019) and Reptile Survey Presence or Absence Survey (ECO Planning - UK - 5th August 2019) shall be submitted to and approved in writing by the Local Planning Authority.

The enhancement/mitigation measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason - To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 19 Prior to the commencement of works details of the tree/hedgerow protection measures to safeguard those protected trees/hedgerows at the northern end of the site shall be provided to and approved, in writing, by the Local Planning Authority.

The approved measures shall be adhered to at all times during the construction process.

Reason - To safeguard the protected tree/hedgerow in the interests of visual amenity and biodiversity.

## 8. Informatives

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Commuted Sums - Any signal equipment/structures/non-standard materials/trees/public rights of way through the site proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction.

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.

(Continued...)

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

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.

### Legal Agreement Informative

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement.

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