



TENDRING DISTRICT COUNCIL

Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

AGENT: Mr Ed Kemsley - Peacock and Smith
8 Baltic Street
Clerkenwell
London
EC1Y 0UP

APPLICANT: Mr Jon Cooper - Evolve Business Centre (Colchester) Ltd
C/O Agent

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 20/01372/FUL **DATE REGISTERED:** 1st October 2020

Proposed Development and Location of the Land:

**Variation of condition 2 (approved plans) of planning permission 18/02118/FUL to secure a number of design amendments, primarily to the proposed 90 commercial Evolve units.
Crown Business Centre Old Ipswich Road Ardleigh Colchester**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY GRANT PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted, subject to the following conditions;

- 1 The development hereby permitted shall be begun before the 17th June 2022.

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. J, P (000) 112 Rev. D, P (000) 113 Rev. A, P (000) 211 Rev. C, P (000) 212 Rev. C, P (000) 213 Rev. A, P (000) 311 Rev. D, P (000) 312 Rev. C, P (000) 313 Rev. C, P (000) 314 Rev. E, P (000) 315 Rev. D, P (000) 316 Rev. D, P (000) 317 Rev. C, P (000) 318 Rev. A, P (000) 319 Rev. A and P (000) 402 Rev. D

Reason - For the avoidance of doubt and in the interests of proper planning.
- 3 The development hereby permitted shall be carried out in accordance with Drawing Nos. MR19-125/101 Rev. A, MR19-125-102 Rev. A, MR19-125/103 Rev. A, MR19-125/105 Rev. A, MR19-125/106 Rev. A and MR19-125/107 Rev. A approved under 20/01414/DISCON, unless otherwise agreed in writing by the Local Planning Authority.

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) approved under 18/02118/FUL 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 The development hereby permitted shall be carried out in accordance with Drawing Nos. MR19-125/104 Rev. A and MR19-125/108 Rev. A approved under 20/01414/DISCON and the landscaping shall be managed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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 The development hereby permitted shall be carried out in accordance with Drawing No. L0564L05 approved under 20/01414/DISCON unless otherwise agreed in writing by the Local Planning Authority. 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) 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;

b) 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 The development hereby permitted shall be carried out in accordance with the Environmental Construction Method Statement as approved under 20/00205/DISCON unless otherwise agreed in writing by the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement.

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 The development hereby permitted shall be carried out in accordance with the surface water drainage scheme approved under 20/00205/DISCON, unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface

water from the site.

- 11 The development hereby permitted shall be carried out in accordance with the details to minimise the risk of offsite flooding caused by surface water run-off and ground water during construction works approved under 20/00205/DISCON, unless otherwise agreed in writing by the Local Planning Authority.

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

- 12 The development hereby permitted shall be carried out in accordance with Drainage Maintenance Plan approved under 20/00205/DISCON, unless otherwise agreed in writing by the Local Planning Authority.

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) approved under 18/02118/FUL 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 The development hereby permitted shall be carried out in accordance with the foul water strategy approved under 20/00205/DISCON unless otherwise agreed in writing by the Local Planning Authority. No building shall be occupied until the approved works have been carried out.

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. DFPC 3059) approved under 18/02118/FUL unless otherwise agreed in writing by the Local Planning Authority.

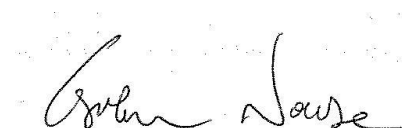
Reason - To ensure the proposal does not adversely affect protected species.

- 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.

DATED: 23rd December 2020

SIGNED:



Graham Nourse
Assistant Director
Planning Service

IMPORTANT INFORMATION :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

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

SPL3 Sustainable Design

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

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.

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.

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.

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.

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
 - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.