

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	SCE	22.12.2020
Planning Development Manager authorisation:	TF	22/12/2020
Admin checks / despatch completed	ER	23/12/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	23.12.2020

Application: 20/01372/FUL **Town / Parish:** Ardleigh Parish Council

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

Address: Crown Business Centre Old Ipswich Road Ardleigh

Development: 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.

1. Town / Parish Council

Ardleigh Parish Council Variation of existing permission, no comments no objection.
11.11.2020

2. Consultation Responses

TDC Building Control and No adverse comments at this time.
Access Officer
23.10.2020

3. Planning History

15/00669/OUT	Outline planning application with all matters reserved for the residential development of 0.2 ha of land to create 4 detached dwellings with associated garaging and parking (following demolition of existing B1a offices and driving range shelter).	Approved	18.12.2015
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
18/02118/FUL	The construction of 90 small B1 & B8 use commercial units with ancillary facilities, associated car parking and landscaping; and the	Approved	17.06.2019

	construction of 5 commercial office blocks with B1 use with associated car parking and landscaping.		
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
19/00850/DISCON	Discharge of condition 3 (site levels), condition 12 (surface water), condition 13 (flood scheme), condition 14 (maintenance plan) and condition 23 (foul water strategy) of approved application 17/02204/FUL.	Current	
20/00205/DISCON	Discharge of conditions 9 (Environmental Construction Method Statement) , 10 (Surface Water) , 11 (Run-Off) , 12 (Maintenance Plan) and 20 (Foul Water) for approval 18/02118/FUL.	Approved	21.12.2020
20/30036/PREAPP	Proposed demolition of existing office building and construction of 4 detached two storey office buildings.	Refused	19.06.2020
20/01372/FUL	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.	Current	
20/01414/DISCON	Discharge of conditions 3 (landscaping), 6 (landscape management plan) and 7 (boundary treatments) of approved application 18/02118/FUL.	Approved	17.11.2020

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

Tending 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

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) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26th January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

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 District. It is located immediately to the north of junction 29 of the A12 and the Crown Interchange to the north of the A120. 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 site is broadly rectangular and was previously used a golf driving range, construction has now begun on the development granted under application 18/02118/FUL.

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.

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.

Proposal

This application seeks to vary Condition No. 2 of planning permission 18/02118/FUL to secure a number of design amendments, primarily to the proposed 90 commercial Evolve units.

Planning permission 18/02118/FUL granted consent for 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. Condition No. 2 required the development to be carried out in accordance with the approved plans.

This application seeks to amend the approved plans to incorporate the following changes to the units towards the rear of the site:

- Small increase in building footprint to account for construction details (floor area of units to remain unchanged)
- A reduction in roof pitch
- Removal of first floor windows from rear elevation
- Change to cycle storage - the cycle storage was previously incorporated within the building; it is now proposed that they are under a shelter adjacent to the building.
- Changes to fenestration to central/break out building
- Changes to toilet block and cycle parking next to T1 Oak
- Changes to cladding type
- First floor window heights adjusted to suit modular construction from front elevation
- Punched timber frames removed from front elevation
- Horizontal masking ban added to the front elevation

A proposed substation has been added adjacent to the main access from Old Ipswich Road - this would be permitted development so has not been assessed as part of this application.

Principle of Development

The principle of development has been established by the granting of application 18/02118/FUL, the proposed changes do not affect this.

Design, Layout and Visual Impact

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.

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.

The proposed changes do not significantly alter the design, layout and visual impact of that previously approved.

Impact on Residential Amenity

The proposed changes would not result in any greater impact on the amenities of neighbouring residents.

Impact on Trees

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 previous application a detailed tree survey and report was provided. The report identified those trees that would be retained and those that would need to be removed in order to facilitate the development proposal. It also identified 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.

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. The proposed changes do not bring the development closer to the trees and therefore it is considered that the conclusion of the previous tree report are still relevant.

Highway Safety/Parking

The highway and parking arrangement has not changed from what was previously approved. The cycle parking has changed in that it will be covered by shelters rather than be incorporated within the building. However, the numbers still remain the same.

Biodiversity

The previous application was subject to a condition that required the development to be carried out in accordance with the mitigation measures set out in the Phase 1 Habitat Survey. This condition will be re-imposed.

6. **Recommendation**

Approval - Full

7. **Conditions / Reasons for Refusal**

- 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. DFCEP 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.

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.

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.

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

If so, please specify:

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