

## DELEGATED DECISION OFFICER REPORT

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
File completed and officer recommendation:	NW	11/05/2021
Planning Development Manager authorisation:	JJ	12.05.2021
Admin checks / despatch completed	ER	12.05.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	12.05.2021

**Application:** 21/00185/FUL **Town / Parish:** Ardleigh Parish Council

**Applicant:** Mr Rutter

**Address:** Land at Crown Business Centre Old Ipswich Road Ardleigh

**Development:** Erection of single storey Office Building (Use Class B1a) with associated parking, cycle shelter and landscaping

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

Ms Clerk to Ardleigh  
Parish Council  
10.03.2021

This is a relatively modest development adjacent to an existing site where permission has been given which we hope will provide premises and employment opportunities for micro businesses. Small developments of this type received some support in our recent Neighbourhood Plan consultation.

Business use would seem to be more appropriate than housing on this site.

### **2. Consultation Responses**

ECC Highways Dept  
27.04.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. A site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. It is noted that the access to the proposed single storey building will be from the established vehicular access off Old Ipswich Road that serves the existing office building; the width of the access is in excess of 6 metres in width. The proposed and existing parking provision is adequate for the staff members that will be based on the site. 12 parking spaces including 2 blue badge parking spaces will be provided for the new office building therefore:

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

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1.

2. Prior to occupation of the development 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.

3. Prior to occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be provided clear of the highway and retained thereafter for that sole purpose.

Reason: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety in accordance with policy DM1.

4. The proposed development shall not be occupied until such time as 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 be retained in this form at all times. 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.

5. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

6. 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.

The above conditions are to 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.

Informative:

1: 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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester,  
CO7 7LT

2: Although not a requirement based on the supporting information, consideration should be given to producing a Workplace Travel Plan, prior to first occupation of the proposed development. The Developer may wish to contact the Travel Plan team via: [Travel.PlanTeam@essex.gov.uk](mailto:Travel.PlanTeam@essex.gov.uk) to seek some advice in the interests of reducing the need to travel by car and promoting sustainable development and transport as indicated in the Design and Access Statement.

3: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

4: 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.

16.02.2021

Environmental  
Protection  
17.02.2021

Prior to the commencement of any construction, demolition or ground works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, Environmental Protection. This should at minimum include the following where applicable.

o Noise Control

1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby businesses and residents.

6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

o Emission Control

1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

2) No materials produced as a result of the site development or clearance shall be burned on site.

3) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action

by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

Tree & Landscape Officer  
26.02.2021

The main body of the application site is currently being used as a car park and for the storage of materials.

No trees or other significant vegetation will be adversely affected by the development proposal.

There is little public benefit to be gained by new soft landscaping associated with the development proposal.

Building Control and Access Officer  
14.04.2021

Please clarify Fire Service Access.

### Third Party Representations

- None received.

### **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 construction of 5 commercial office blocks with B1 use with	Approved	17.06.2019

	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.	Withdrawn	09.02.2021
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.	Approved	23.12.2020
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
21/00185/FUL	Erection of single storey Office Building (Use Class B1a) with associated parking, cycle shelter and landscaping	Current	

21/30146/PREA PP Proposed addition of residential uses in place of commercial offices alongside small business units permitted by planning application 18/02118/FUL. Current

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

##### *Tendring District Local Plan 2007*

QL1	Spatial Strategy
QL2	Promoting Transport Choice
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
EN1	Landscape Character
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development

##### *Adopted section 1 of the Tendring District Local Plan 2013-2033*

Policies SP1, SP3 and SP7 are relevant

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

SPL1	Managing Growth
SPL3	Sustainable Design
PP13	The Rural Economy
PPL3	The Rural Landscape
CP1	Sustainable Transport and Accessibility

#### **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. In this latter regard, as of 26<sup>th</sup> January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

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 10<sup>th</sup> 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 has now formally adopted Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26<sup>th</sup> January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have 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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

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

### **Site Context**

The application site is a rectangular parcel of land set back 130 metres east of Old Ipswich Road in Ardleigh. The site is between the A12 to the north and A120 to the south, less than 1 mile from Colchester. The site measures some 40 metres in width by 90m in length, serviced by a 40 metre access road. This access road runs past 'The Crown', public house that is adjacent to Old Ipswich Road.

The host site contains a single building not visible from the street scene. The site was once a golf driving range and now operates as a small business park. This change occurred some 4 years ago, nevertheless this is a permitted change under new Use Class E. The grass 'landing area' for the old driving range has an extant permission 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'. (Ref: 18/02118/FUL). The host site (the golf driving range 'hitting area') subject of this application had an outline approval for 4 dwellings approved in 2015 (Ref: 15/00669/OUT). However, this has now lapsed.

The land is known as Crown Business Centre, the single building presently on site is occupied by a local company offering financial services to commercial companies.

The present building on site is single storey with a ridge height of some 5 metres. Measuring some 40m by 12m, surrounded by a gravel parking area. The existing office building provides 509 sqm of floor area. This building occupies approximately 20% of the overall space on site. The rest of the area is mostly parking with limited landscaping.

The area is not located within any settlement boundary within the adopted local plan or the emerging local plans.

The land is not within a conservation area or adjacent to any listed buildings.

## **Proposal**

The application seeks full planning permission for the erection of single storey Office Building (Use Class B1a) with associated parking, cycle shelter and landscaping.

The proposed office building is located on the eastern part of the site. The proposed building is single storey and provides a total floor area of 413 sqm.

The proposed building is designed in a C shape. It has a traditional character and appearance and features red stock brick plinth, wooden clad external walls and timber door and window frames. The proposed roof features a slate finish with contrasting ridge tiles.

A hipped roof design has been utilised with a low overall height of 4.9 metres provided.

The parking arrangements service both the existing building and the proposed building. The landscaping is to the north of the site.

## **Assessment**

The main considerations for this application are:

1. Principle of development
2. Policy ER7 - Business, Industrial and Warehouse Proposals
3. Policy ER11 – Conversion and Re-Use of Rural Buildings
4. Landscape
5. Highway Implications
6. Impact on the setting of a Listed Building
7. Other Matters

### **1. Principle of development**

Paragraph 83 of the National Planning Policy Framework (2019) states that planning policies and decision should enable the sustainable growth of all types of business in rural areas both through the conversion of existing buildings and well-designed new buildings.

With regards to the adopted Local Plan, one policies chiefly dictate the decision making on this application. Policy ER7 (Business, Industrial and Warehouse Proposals).

The preamble of saved Policy ER7 of the adopted Tendring District Local Plan 2007 explains how the Council wishes to support the growth of existing firms and will grant permission for extensions to establish business premises in rural locations providing they have an acceptable impact on visual amenity. Saved Policy ER7 also itself states that in rural locations permission may exceptionally be granted for extensions to existing business where new employment opportunities would be generated providing the proposal can be accommodated without an adverse impact on the landscape character of the countryside and satisfactory vehicular access and adequate car parking is provided.

Emerging Policy PP13 is concerned with supporting the rural economy and states that, to support growth in the rural economy the Council may grant planning permission for buildings that business related activities, subject to criteria.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development; economic, social and environmental. In this case, the expansion of the existing commercial use will have a positive impact on the local economy. With regards to the social impact the site is situated towards the edge of Colchester, where there is easy access to the main road network (A12 and A120) and there are bus stops in the nearby area which are easily accessible from the application site. The environmental role is about contributing to, protecting and enhancing the natural built and historic environment. The neighbouring site is used for commercial purposes and Old Ipswich Road has a number of commercial and leisure uses. The development would therefore not be out of character with the surrounding area.

Furthermore, paragraph 83 of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development and should support the sustainable growth and expansion of all types on business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.

In this instance, insofar as the principle of development is concerned, it is considered that the proposal is in accordance with the aims and aspirations of the policies mentioned above, in so far that it concerns the proposed expansion of an established rural business that would support rural economic growth. The detailed design aspects of the proposal are considered below.

## **2. Policy ER7 - Business, Industrial and Warehouse Proposals**

In considering proposals for the establishment, expansion or change of use to business, industrial or warehousing sites the Council will need to be satisfied that (a – h):

*a) the scale and nature of the proposal is appropriate to the locality, including its relationship with adjacent uses;*

The site is currently in commercial use, it is therefore considered that the proposed building would not have any adverse impact on the countryside. This view is reinforced by the single storey nature of the building with a ridge height of just 4.9 metres. The proposed building is located to the far south of the site, set back approximately 160m from the main road where it would not be prominent in the street scene. There would be a very limited noticeable change to the character of the area and the building and would be read in relation to the existing building which is of a similar character.

No objection is raised.

*b) there is no unacceptable impact on amenity in terms of appearance, noise, smell, dirt or other pollution;*

The building is located some 100 metres from the nearest residential dwelling. It is therefore considered that the proposal would not result in any adverse impact on residential amenity. The Environmental Protection department have confirmed no complaints have been received from the host site.

Due to the single storey nature of the building, there will be no noticeable impact in terms of appearance, subject to conditions restricting additional signage and lighting. With regards to noise, smell, dirt or any other pollution; it is stated that all the working practices will take place indoors only. This eventuality can be secured by condition also, as a result levels of pollution emitted from the building are considered to be minimal.

Given the previous use of the site was as a Driving Range and given the distance from any Residential Dwellings no restrictions on hours of use is suggested.

*c) satisfactory vehicular access and adequate car parking is provided. Major new industrial or warehousing sites including transport storage operations must have direct access onto the primary route network;*

As part of this criterion it is necessary to consider whether the proposal would occupy a sustainable location. The site is in a sustainable location in the countryside, the A12 is only 200 metres to the north and 600 metres from the A120 to the south, thereby quite accessible by private car.

There is adequate parking on site, the development indicates 26 car parking spaces, 2 powered two wheel spaces and 4 cycle spaces. This parking shall be used by occupiers of both buildings on site. ECC Highways have been consulted and offered no objections subject to conditions of the size of parking spaces, material and finish of the parking areas and a construction management plan. Officers agreed with the proposed conditions as this would limit off-site parking. Officers suggest a limit of 40 people employed on the site at any one time due to the level of car parking available.

The nearest bus stop is some 10 minutes walk away and the site is accessible on foot from the north borders of Colchester.

*d) mains water together with mains sewerage and/or adequate wastewater and trade effluent treatment facilities can be made available;*

W.C facilities will be provided within the building, this is shown on the plans, furthermore, mains water is available on site. Therefore, this criterion is met.

*e) the site has acceptable storage facilities. The open storage of goods, containers, waste materials or finished products will not be allowed where such activity is considered to be visually intrusive;*

This internal floor plan clearly shows the existing building is of an adequate size to store products within the main building. Furthermore, due to the angle of the building any proposed temporary outside storage to the south, would not be visible from the public realm. A condition is suggested that all works take place within the building itself. Therefore, this criterion is met.

*f) in relation to a change of use, that the existing premises are suitable for the purpose;*

The application is for a new build this heading is not relevant.

*g) in relation to new sites, the need for a comprehensive Design Brief, including a landscaping scheme has been considered and where necessary prepared;*

The proposal is not a new site and as such a Design Brief is not necessary. Therefore, this criterion is met.

*h) opportunities for promoting the movement of freight*

The application site is not far from the A12 and A120, which is a Trunk Road through the district and adequate to distribute freight. Therefore, this criterion is met.

#### **4. Landscape**

Paragraph 127 of the National Planning Policy Framework 2019 states that development should respond to local character and history, and reflect the identity of local surroundings.

Saved Policies QL7, QL9, QL11 and EN1 of the Tendring District Local Plan (2007) and Policies SPL3, PPL3 and PP13 of the emerging Tendring District Local Plan 2013 -2033 and Beyond Publication Draft (June 2017) seeks to ensure that development makes a positive contribution to the quality of the local environment and does not harm the appearance of the landscape. Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake.

Emerging Policy PPL3 of the Publication Draft states that the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance.

The Landscape Officer has been consulted on this application, the Officer commented that the main body of the application site is currently being used as a car park and for the storage of materials. Also, no trees or other significant vegetation will be adversely affected by the development proposal. The Officer concluded, 'there is little public benefit to be gained by new soft landscaping associated with the development proposal'.

Officers have undertaken a site visit. Due to the significant set back from the main road. Officers can understand this conclusion reached. However, there is an area to the north of the site that is included in the red line and this given the chance for more planting and screening to the Public House to the north. This would enable a biodiversity net gain as per (NPPF, Para 170(d) and Para 175(d)).

Also in relation to 'hard landscaping'. The existing boundary of the site is enclosed by a new 1.8 metre high close board fence to the northern, southern and eastern boundaries. A post and rail fence is on the western boundary. This fence type would have provided better transparency into the countryside on the other sides. However, Officers can accept that an element of noise reduction from the nearby A12 could have played a part in deciding to use a close boarded fence, together with onsite security. As such, Officers accept the close boarded fencing on this occasion with the southern side as post and rail fencing. This shall be included in the Landscaping condition.

Overall, the development shall not give rise to any significant harm to the visual appearance of the Countryside.

No lighting is proposed with the application, a condition shall be attached to the approval stating that permission is required for any additional lighting extra to what exists at present. This is to conserve the 'nocturnal character' of this countryside location.

Therefore, subject to conditions the proposal complies with Policy QL7, QL11, EN1 and COM21 together with paragraph 180(c) of the NPPF which is concerned with the impact of light pollution on dark landscape and nature conservation. Also, Policies SPL3, PPL3 and PP13 of the emerging local plan.

## **5. Highway Implications**

Essex County Highways have been consulted on this application and do not object to the application subject to planning condition including that the vehicle parking area shall be provided and marked out and the loading/unloading reception and storage of materials being clear of the highway, the size of the parking bays being up to adopted standards, and the provision of cycle storage. Officers agree with these requests.

As mentioned above, a total of 26 parking spaces are provided for both buildings, this is deemed acceptable given the total size of both buildings.

The application site is accessible via a pedestrian pavement. The proposal would use an existing means of access onto the Highway, the width of the access is in excess of 6 metres. The current closest bus stop to the site is located on Ipswich Road, Colchester adjacent to Cooper Mini Colchester. The bus stops provide services to Colchester and Ipswich via the number (93) and (93A) busses.

Overall, subject to condition, the proposal is not likely to cause any material harm to highway safety. The development is therefore considered in accordance with local policies TRA1a, TRA7 and emerging policy CP1, together with paragraph 108 and 109 of the NPPF which is concerned with highway sustainability and safety.

## **6. Impact on the setting of a Listed Building**

The host building is not located near to a Conservation Area, however, there are two Grade Two Listed Buildings located approximately 100 metres to the south of the site.

When a proposal affects a Listed Building, Officers are required by Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay 'special attention' to

the 'desirability of preserving' the setting of Listed Buildings. This sentiment is also reflected in NPPF chapter 16 and local policies, EN23 and emerging policy PPL9.

The proposed development is not deemed to cause any substantive harm to this heritage asset, either directly or in terms of affecting its setting. The nature of the proposal and the separation distance between the two are the main determinants in reaching this opinion. Any impacts would be 'less than substantial' and in terms of paragraph 196 of the NPPF. The proposal would provide 16 additional full time jobs and 4 part time which is a significant economic benefit which would outweigh the minor level of harm caused.

## **7. Other Matters**

- Drainage, as the site is located within Flood Zone 1 and not identified as an area with critical drainage problems, a flood risk assessment is not required.
- The Groundsure Screening report also indicates that there is low levels of contaminated land risks at the site. Environmental Protection have accepted these findings and recommend no further conditions relating to contamination.
- The existing building does not appear to have a bespoke application to become an 'Office' space. However, the changes to the Use Class system put a Driving Range (was D2) into use class E. This new Use Class allows for Office use. Therefore, what exists on site is permitted under Use Class E.
- Due to the fact that the site is currently used as a car park, it is not considered likely that there are any protected species in the immediate area of the host development.
- Waste is to be collected by a Private licenced waste contractor, this is considered suitable given the site circumstances.
- At the closest point from the existing building to the southern boundary is a distance of 3.5m. A fire engine is 2.3m wide and an ambulance is 2.4m. This clearance is considered wide enough for emergency vehicles to pass. The access road at its narrowest point is 3 metres wide, ECC Highways have not objected to the width of the access proposed.

## **Conclusion**

An expansion of the rural economy is welcomed with 16 new jobs being created, on a site that is already a 'bespoke' light industrial 'Business Park'. The proposals, subject to conditions are considered to be in accordance with the aims of the NPPF paragraphs 80, 83 and 84; and similarly local policies QL7, ER7 and ER11 of the adopted Local Plan and Policy PP13 of the emerging Local Plan.

In the absence of any significant material harm resulting from the development, the application is recommended for approval subject to the conditions outlined below.

## **Conditions**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- 1.0 Existing site plan
- 1.1 Proposed site plan
- 1.2 Proposed floor plan
- 1.3 Proposed front elevations
- 1.4 Proposed rear and side elevations
- 1.5 Location plan
- 1.6 Block plan

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

3. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:

#### Highways

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

#### Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby businesses and residents.

6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

#### Emission Control

1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

2) No materials produced as a result of the site development or clearance shall be burned on site.

3) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

4. Prior to occupation of the development 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.

5. Prior to occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be provided clear of the highway and retained thereafter for that sole purpose.

Reason: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety.

6. The proposed development shall not be occupied until such time as 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 be retained in this form at all times. 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.

7. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.



Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

8. 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.

9. There shall be no installation of any additional external lighting, unless the details have first been submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed and operated only in accordance with the approved details, and shall be removed at the same time as the cessation of the use hereby permitted. All external lighting shall be switched off no later than 7.30pm.

Reason: Due to the exposed position of the host building, in the interests of the visual amenities and residential amenities of the area and in the interests of highway safety, also to avoid light pollution in the Countryside.

10. Other than the details specifically approved as part of this application, there shall be no installation of any additional ventilation, air conditioning, refrigeration or mechanical extractor system within the development hereby approved, until the details of the scheme have first been submitted to and approved in writing by the Local Planning Authority.

The submitted details shall specify measures to control noise, dust and odour from the equipment. The equipment shall only be installed and maintained thereafter in full accordance with the approved details.

Reason: To control the noise, dust or odour emitted from the building in the interests of residential amenity.

11. No advertisements or signage whatsoever shall be displayed at the site or in connection with the development hereby approved without first gaining the express written consent of the Local Planning Authority.

Reason: Due in part to the exposed position of the host building, to protect the quality of the landscape and visual amenity, and also in the interest of highway safety.

12. The maximum number of staff permitted to work on the site at any one time must not exceed 40.

Reason: In the interests of Highway safety due to a lack of parking spaces on site.

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

Reason - In the interest of visual amenity and the character of the area.

14. All changes in ground levels in relation to the soft landscaping, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure that the development provides a satisfactory setting, in the interests of the character and appearance of the landscape and the visual amenity of the site.

15. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason To ensure that material of an acceptable quality appropriate to the area are used and insufficient information has been submitted in this regard,.

Informative:

1. 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.

2: Highways Informatives

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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester,  
CO7 7LT

3: Although not a requirement based on the supporting information, consideration should be given to producing a Workplace Travel Plan, prior to first occupation of the proposed

development. The Developer may wish to contact the Travel Plan team via: [Travel.PlanTeam@essex.gov.uk](mailto:Travel.PlanTeam@essex.gov.uk) to seek some advice in the interests of reducing the need to travel by car and promoting sustainable development and transport as indicated in the Design and Access Statement.

4: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

5: 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.

6. This application does not give formal planning permission of the existing building on site. The applicant is advised to submit a lawful development certificate to formalise the existing business operating adjacent to the host site. At present this separate commercial enterprise is operating without any formal planning permissions in place however the use is permitted under Class E of the (General Permitted Development) (England) Order 2015 as amended.

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