

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	27/09/2022
Planning Development Manager authorisation:	JJ	27/09/2022
Admin checks / despatch completed	CC	28.09.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	28/09/2022

Application: 22/01042/DETAIL **Town / Parish:** Mistley Parish Council

Applicant: Tungsten - Tungsten Colchester Ltd

Address: Land South West of Horsley Cross Roundabout Clacton Road Horsley Cross

Development: Reserved matters application for the erection of 8 commercial units (7 buildings) on the eastern section of the site along with the internal spine road and strategic landscaping considering appearance, scale, layout and landscape, pursuant to outline planning consent 19/01706/OUT.

1. Town / Parish Council

Mistley Parish Council At its Planning Committee Meeting on the 4 August 2022, the
04.08.2022 Parish Council recommended approval.

2. Consultation Responses

ECC Highways Dept From a highway and transportation perspective the impact of the
21.09.2022 proposal is acceptable to Highway Authority subject to the following
mitigation and conditions:

1. Prior to the occupation of any of the proposed development the internal road and footway layouts shall be provided in principle and accord with Drawing numbers:

- PA-400 Rev. C Proposed site layout plan
- PA-403 Rev. B Proposed external furniture plan
- PA-404 Rev. B Proposed surface finishes plan

Reason: To ensure that vehicles using the site do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

2. Any phase of the proposed development shall not be occupied until such time as the vehicle parking areas 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.

3. Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the boundary, shall be provided on both sides of each vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity.

These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1

4. The applicant should ensure that vehicles can enter and leave the highway in a forward gear. As per the Essex Parking Standards (Parking Standards: Design and Good Practice, Sept 2009) 6 metres should be provided behind each parking space to allow for manoeuvring. Alternatively, the applicant should submit a tracking diagram (swept path analysis) demonstrating that vehicles can manoeuvre on-site.

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.

5. Each vehicular parking space shall have maximum 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 powered two-wheeler/cycle parking facilities as shown on drawing no. PA-403 Rev. B are to be provided prior to the first occupation of the development and retained at all times.

Reason: To ensure appropriate powered two-wheeler and bicycle parking is provided in accordance with Policy DM8.

7. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

8. Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety in accordance with Policy DM1.

9. Any gates provided at any car park access points shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway / cycleway or where no provision of footway/cycleway is present, the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety in accordance with policy DM1.

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

Environmental Protection
25.07.2022 I have reviewed the above application and have no adverse comment to make.

Waste Management
25.07.2022 No comments.

Tree & Landscape Officer
26.07.2022 The application site comprises grassland in agricultural use although it is not currently being cropped. There are several trees and hedgerows primarily on the perimeter of the site.

In terms of soft landscaping the applicant has submitted an Illustrative landscape Masterplan. Ordinarily such a plan would not be sufficient to deal with landscaping issues and a detailed soft landscaping scheme for the whole site would be required.

However, in this case, the plan provided includes information relating to plant species, specification and planting densities ' consequently the information provided is sufficient to secure a good level of soft landscaping that will help to soften and screen the development and assist with its assimilation into its setting.

3. Planning History

13/00745/OUT	Development of site to provide a new industrial park with up to 28,280m ² of floorspace for B2 and B8 uses, a bus depot and 30m high telecommunications mast. All with associated access, landscaping, parking and highway improvements.	Approved	04.08.2014
14/01296/DETAIL	Erection of 30m telecommunications mast.	Approved	01.12.2014
17/01310/DETAIL	Submission of reserved matters pursuant to outline planning permission 13/00745/OUT with details pursuant to Conditions 1 (appearance, landscaping, layout and scale), 3 (Strategic Phasing Plan), 4 (Design Code), 5 (phasing arrangements), 6 (levels), in part 7 (external materials), in part 12 (roundabout), 15 (landscaping), 18 (loading, turning and parking) and in part Schedule 7 (details of an air quality monitoring programme) of Legal Agreement for the development of the site to provide a new industrial park for B2 and B8 uses.	Approved	04.05.2018

19/01706/OUT	Outline planning application for employment development, comprising Phase 1 for 15,350 sqm of B2 development rising to a maximum building height of 21.7m and Phase 2 for up to 18,117 sqm of B1c / B2 and B8 uses rising to a maximum building height of 12m, together with associated access, landscaping, parking and drainage pond.	Approved	12.11.2020
19/01898/DISCON	Discharge of conditions 11 (wheel cleaning) and 21(dust management) for approved application 13/00745/OUT, and condition 2 (Construction Method Statement) for approved application 14/01296/DETAIL.	Approved	07.02.2020
20/00538/LUPRO P	Certificate of Lawfulness confirming that continued and future development of the site under the following planning permission would be lawful following its lawful implementation. Planning permission dated 4 August 2014, granted under reference 13/00745/OUT, involving "Development of site to provide a new industrial park with up to 28,280 m2 of floorspace for B2 and B8 uses, a bus depot and 30m high telecommunications mast. All with associated access, landscaping, parking and highway improvements".		15.06.2020
22/00410/NMA	Non-material amendment to planning permission 19/01706/OUT to alter, Condition 22 to all changes in ground levels, hard and soft landscaping, planting, seeding or turfing shown on the landscaping details approved pursuant to Conditions 1, 3, 4 and 5 of this planning permission for each phase shall be carried out during the first planting and seeding season, October - March inclusive, following the occupation of the development of that phase or in such other planting season as shall first have been agreed, in writing, by the Local Planning Authority having had regard to the Strategic Phasing Plan, Condition 24 to the	Approved	04.04.2022

reserved matters submission for each phase shall include full written details of the areas to be provided for the loading, unloading, turning and parking of vehicles, including adequate cycle and disabled parking spaces. No building shall be occupied within that phase until the approved details have been implemented. The approved areas shall be retained and kept available for their specified purpose thereafter, Condition 26 to the reserved matters submission for each phase shall include full written details for the storage of refuse and or other waste. No building shall be occupied within that phase until the approved details have been implemented. The approved areas shall be retained and kept available for their specified purpose thereafter and Condition 36 no development within the relevant phase shall be occupied until full written details of measures to control odours, including extraction systems, within that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

22/00774/NMA	<p>Non-material amendment sought to 19/01706/OUT for a minor increase in building heights and floorspace including; the revision of the outline planning permission description to 'Outline planning application for employment development, comprising Phase 1 for 15,350 sqm of B2 development rising to a maximum building height of 21.7m and Phase 2 for up to 18,750 sqm2 of B1c / B2 and B8 uses rising to a maximum building height of 13.82m, together with associated access, landscaping, parking and drainage pond' and changes to Condition 8 of the outline permission to reflect the proposed revisions to the finished heights of the buildings and increases in floorspace.</p>	Approved	31.05.2022
22/01042/DETAIL	<p>Reserved matters application for the erection of 8 commercial units (7 buildings) on the eastern section of the site along with the internal</p>	Current	

spine road and strategic landscaping considering appearance, scale, layout and landscape, pursuant to outline planning consent 19/01706/OUT.

22/01047/FUL	Proposed erection of three buildings (use classes Eg (iii), B2 and B8), a new access and highway works, parking and servicing and hard and soft landscaping.	Current
22/01103/DISCON	Discharge of conditions 3, (Strategic phasing plan) 4, (Design code) 10, (Written details of the illumination works) 12, (Construction traffic management plan) 33 (Scheme to minimise the potential impact of the development on wildlife present on site) and 35 (Strategic phase plan) of application 19/01706/OUT.	Current

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

SPL1 Managing Growth

SPL3 Sustainable Design

PP6 Employment Sites

PP7 Employment Allocations

PP13 The Rural Economy

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL10 Renewable Energy Generation

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

DI1 Infrastructure Delivery and Impact Mitigation

Local Planning Guidance

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The whole site is approximately 11.2 ha and is presently open agricultural land, with part of the site having previously been used for weekly car boot sales during the months of March to October. It is in a rural area in the centre of the District and to the immediate south west of the A120/B1035 roundabout at Horsley Cross. Colchester is about 8 miles to the west and Harwich is about 9 miles to the east.

There is a small cluster of buildings, including The Cross Inn pub; a farm and some cottages to the north and to the south is Kelly's Poultry Farm, but most notable in terms of its visual impact is the nearby water tower. The A120 is duelled for a short section either side of the roundabout and the B1035 is a single carriageway road.

The surrounding landscape within the immediate vicinity of the site is characterised by large open fields, occasionally broken up by small groups of/or individual buildings. The site is near the top of a plateau and is roughly rectangular in shape. It has a northern boundary with the A120; a southern boundary to Kelly's Farm; the eastern boundary is shared with the B1035; and the western boundary to Holland Brook (this part of the site is crossed by electricity pylons). There is a fall of approximately 15 metres between the middle of the site and the western boundary.

The site is largely devoid of any significant vegetation, but there are some existing trees adjacent to the A120 roundabout and extending for a short distance down the B1035, in addition to where adjoining the A120 closer to the brook.

The site is the subject of outline planning permission for a large scale employment use, which was approved in 2020 under planning reference 19/01706/OUT.

In response to market demand for units of a greater scale and footprint on the eastern parcel of the site, a non-material minor amendment application (22/00774/NMA) was recently approved to allow an increase in building height of up to 13.82 metres and to allow a cumulate floor area of 18,750 sqm² on this section of the site.

Proposal

The current reserved matters application seeks approval for the appearance, scale, layout and landscaping for 8 commercial units (7 buildings) on the eastern section of the site along with the internal spine road. The western section is currently the subject of a separate full application.

The building heights range between 10m (approx.) and 13.82m and will be of a barrelled roof design. A range of buildings sizes have been proposed with the smallest having a footprint of 1,100 sqm and the largest having a footprint of 4,407 sqm. The units will feature a varied pallet of materials, including glazed sections. Each unit will also be provided with dedicated parking and service provision and the whole site will benefit from strategic, and on-plot landscaping.

Principle

The application site designated as an allocated employment site under policy PP7 in the Tendring District Local Plan 2013-2033 and Beyond (Section 2). Furthermore, as outlined above the principle acceptability of the proposal, along with details of access were agreed at the outline stage under planning reference 19/01706/OUT, therefore the only issues for consideration as part of this submission are matters relating to layout, appearance, scale and landscaping for the development proposed on the eastern section of the site, along with the layout of the internal access road and the site wide landscaping.

Design/Layout

Paragraph 130 of the National Planning Policy Framework (NPPF) (2021) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings, create a unique sense of place.

In this respect the layout proposed closely follows the indicative plans provided at outline stage and responds appropriately to the physical constraints of the site. As such the layout shows the 8 buildings predominantly set along a horizontal north/south axis on either side of the proposed spine road. The 2 no. units located at the eastern end of the site are both located to the north of the proposed access onto Clacton Road behind a proposed landscape buffer. These units are arranged parallel to each other with the parking and service yard areas sited in between. The set back from the highway combined with the landscape buffer will assist in reducing the overall prominence of these units when viewed from the east and south.

The layout also proposes that individual building footprint increases with depth and their longest elevations face internally, thereby reducing their presence in views from the A120 and rural edge to the north. The presence of large bunds with landscaping to the northern edge of the site will also assist in reducing views of the development along the A120.

Overall it is considered, that in terms of layout, this first phase of development has sought to respond to the physical constraints of the site and surrounding landscape in an acceptable manner.

In terms of the detailed design, the units would all comprise of a rectangular footprint under a barrelled roof form. The use of glazing to define the entrances and variations in terms of the cladding proposed assists in breaking up the overall massing of the units and promotes a contemporary appearance that is consistent throughout the development. The use of dark cladding (brown and black) also helps to assimilate the appearance of the units in this predominantly rural setting.

Boundary treatment is proposed predominantly in the form of 2.4m high paladin fencing, knee high post and rail fencing and 3m high acoustic timber fencing. All boundary enclosures have been set within soft landscaping to further reduce and soften their appearance.

Consequently, the design approach is considered to be acceptable and represents an appropriate response to the local context and intended function of the buildings.

Scale

The site falls from east to west and as a result the development proposes units of varying scale, increasing in height the further west they are sited.

The units will have a minimum height of 10.5m and a maximum height of just over 13.5m. These heights are within the revised parameters of the outline permission (as approved under planning reference 22/00774/NMA) and will result in a scheme with a relatively uniform scale when viewed from the highway to the east.

Consequently, the scale of the units proposed is consistent with the approach at outline stage and, with the implementation of the landscape buffers/planting, it is accepted that the development would not appear unduly prominent in wider views.

Landscaping

The proposed landscaping scheme proposes the following features;

- Landscaped bund to the north to screen the development in views from the A120 to the north;
- Clusters of tree planting along the site boundaries and hedgerow/shrub planting within the development to enhance views from within the scheme and to soften parking/service areas ;
- Western areas of the site will be retained in an undeveloped form to enable the creation of drainage features, ecological mitigation zones and a suitable undeveloped buffer to provide a sufficient transition from the development into the wider countryside to the west; and
- formal planting along the eastern road frontage to signal the entrance to the development, but also to soften the presence of the new built form from the highway.

The submitted landscaping scheme is consistent with the approach promoted at outlined stage and assists to screen the development in important views from the north and south. The Council's Trees and Landscaping Officer has reviewed the information and confirms that, 'the plan provided includes information relating to plant species, specification and planting densities and that consequently the information provided is sufficient to secure a good level of soft landscaping that will help to soften and screen the development and assist with its assimilation into its setting'.

Highways

Whilst access was approved at outline stage, ECC-Highways have reviewed the internal layout and have no objections subject to the development being carried out in accordance with the approved plans, parking/cycle/turning areas being constructed prior to the building to which they relate being first occupied, visibility splays being provided, lighting being positioned as to not cause dazzle to road users, gates being inward opening and the position of proposed planting in relation to the highway.

Where not covered by the original outline consent conditions will be used to secure these requirements.

In respect of parking provision, each unit would be served by its own dedicated parking area and service yard. The parking quantum proposed for each individual unit is sufficient to accord with the requirements of the Council's Parking Standards.

Other Considerations

The Council's Environmental Protection Team have no objections to the development.

Mistley Parish Council recommends approval of the application. No further letters of representation have been received.

Conclusion

The proposed development is considered to be well-designed and laid out and, with the implementation of the soft landscaping and ecological enhancement measures, any adverse impacts associated with the development of this rural site would be reduced to an acceptable level. The application proposals therefore accord with local and national planning policy aimed at ensuring visually attractive developments as a result of good architecture, layout and appropriate and effective landscaping.

6. Recommendation

Approval

7. Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans/documents;

- P6-200C
- P6-102B
- P5-200C
- P5-102B
- P3-200B
- P3-102A
- P21-2389_01
- P2-200B
- P2-102A
- P11-102B
- P10-102A
- P1-200C
- P1-102B
- PA-403B
- PA-404B
- PA-402B
- PA-400C
- P6-101C
- P6-100C
- P5-101C
- P5-100C
- P3-101B
- P3-100B
- P2-101B
- P2-100B
- P11-200E
- P11-101C
- P11-100C
- P10-200C
- P10-101B
- P10-100B
- P1-101C
- P1-100C
- Design Code Document - 2606 DC Rev A.

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

2 All changes in ground levels (including propose bunds), hard landscaping, planting, seeding or turfing shown the approved landscaping details drawing no. P21-2389_01 (Proposed Landscaping Plan) 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 the implementation of the approved scheme and adequate maintenance of the landscaping for a period of five years in the interests of the character of the area.

- 3 No building shall be occupied until such time as the related vehicle parking and turning areas indicated on the approved plans, including any parking spaces for the mobility impaired, have 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.

- 4 Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the boundary, shall be provided on both sides of each vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason - To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

- 5 No building shall be occupied until the related powered two-wheeler/cycle parking facilities as shown on drawing no. PA-403 Rev. B are provided. These parking facilities shall be retained, as approved, at all times.

Reason - To ensure appropriate powered two-wheeler and bicycle parking is provided in the interests of sustainability.

- 6 Any gates provided at any car park access points shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway / cycleway or where no provision of footway/cycleway is present, the carriageway.

Reason - To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety.

- 7 Prior to the commencement of development details of the construction methodology and timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority.

This shall incorporate the following information:-

- a) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
- b) Details of the storage of construction materials on site, including details of their siting and maximum storage height.
- c) Details of how construction and worker traffic and parking shall be managed (including temporary road works entrance and exit/ construction traffic signage).
- d) Details of the scheduled timing/phasing of development for the overall construction period.
- e) Details of any wheel washing to be undertaken, management and location it is intended to take place.
- f) Details of the siting of any on site compounds and portaloo's.
- g) Registration and details of a Considerate Constructors Scheme.

The said methodology shall be implemented and shall operate as approved at all times during construction.

Reason - To minimise detriment to general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

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.

Highway 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

The areas directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road.

The same dimensions should be used in situations where the footway is located adjacent to the carriageway. In paved areas, whether the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

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.

<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? If so, please specify:</p>	<p>YES</p>	<p>NO</p>