

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	30/09/22
Planning Development Manager authorisation:	JJ	30/09/2022
Admin checks / despatch completed	ER	30/09/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	30/09/2022

Application: 22/01115/VOC **Town / Parish:** Ardleigh Parish Council

Applicant: Evolve Business Centre (Colchester) Ltd

Address: Crown Business Centre Old Ipswich Road Ardleigh

Development: Variation of condition 2 of application 20/01372/FUL to reinstate the first-floor windows.

1. Town / Parish Council

Ardleigh Parish Council No comment
14.09.2022

2. Consultation Responses

N/A

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 associated car parking and landscaping.	Approved	17.06.2019
19/00681/DISCON	Discharge of condition 4 (Landscaping Scheme), condition 8 (Boundary Treatments), condition 11 (Archaeological Investigation),	Approved	17.05.2019

	condition 16 (Materials) and condition 17 (Noise) of approved application 17/02204/FUL for B1 and B8 units only.		
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	Withdrawn	09.02.2021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
20/01372/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	Approved	12.05.2021
22/00860/DISCON	Discharge of conditions 14 (Floodlighting) and 16 (Disabled Access) of application 18/02118/FUL.	Approved	14.06.2022
22/01133/DISCON	Discharge of condition 8B (Highways) of application 18/02118/FUL.	Current	

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

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

PPL10 Renewable Energy Generation

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

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

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 borough. 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 as a golf driving range, and is currently under construction following implementation of the development initially 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.

Description of Proposal

This application seeks planning permission for the variation of Condition 2 (approved plans) of reference 20/01372/FUL, which will see the re-instatement of first floor windows to the rear elevation that were initially granted within planning permission 18/02118/FUL but subsequently removed within the revised plans agreed under reference 20/01372/FUL.

In addition, a number of the elevations have had the façade to the barn facilities updated to show curtain walling above increased glazed entrances as opposed to just windows previously approved, and a small number of ground floor windows are introduced.

Site History

Under reference 18/02118/FUL planning permission was granted on this site for the construction of 90 B1 & B8 commercial units and the construction of five commercial office blocks with B1 use.

Following this in December 2020, under reference 20/01372/FUL, planning permission was then granted to vary Condition 2 (approved plans) of the original permission. This was to secure a number of design amendments, primarily to the proposed 90 commercial Evolve units, and specifically included the following alterations:

- 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

Assessment

1. Principle of Development

The principle of development has been established by the initial granting of application 18/02118/FUL, and the proposed changes do not affect the principle of development. Consideration instead turns to the details assessed below.

2. Design, Layout and Visual Impact

Paragraph 130 of the Framework 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 the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Policy SPL3 of Section 2 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or

enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features.

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 are minor in nature and do not significantly alter the design, layout and visual impact of that previously approved, and will therefore not be visually harmful.

2. Impact on Residential Amenity

The NPPF, at paragraph 130 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Adopted Policy SP7 of the Adopted Local Plan requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

There are no residential properties in close proximity to the site that will be negatively impacted upon as a result of the re-introduction of windows at certain first floor areas/levels, the proposed changes would therefore not result in any greater impact on the amenities of neighbouring residents, and there are therefore no objections in this regard.

3. 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 has been provided. The report identifies those trees that will be retained and those that would need to be removed in order to facilitate the development proposal. It also identifies 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 conclusions of the previous tree report are still relevant.

4. 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.

Other Considerations

Ardleigh Parish Council have no comments.

There have been no other letters of representation received.

Conclusion

The proposed development is a minor variation to the scheme previously approved under 20/01372/FUL, and will not result in any significant visual impacts, or any additional impacts to neighbouring amenities. Therefore the application is recommended for approval.

6. Recommendation

Approval.

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

20/01372/FUL:

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) 312 Rev. C, P (000) 313 Rev. C, P (000) 317 Rev. C, P (000) 318 Rev. A, P (000) 319 Rev. A and P (000) 402 Rev. D

22/01115/VOC:

P (000) 311 Rev. F, P (000) 314 Rev. F, P (000) 315 Rev. F and P (000) 316 Rev. E.

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

- 2 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.

- 3 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.

- 4 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.

- 5 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.

- 6 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.

- 7 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.

- 8 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.

- 9 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.

- 10 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.

- 11 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.

- 12 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.

- 13 The floodlighting shall be installed in full accordance with the details of the illumination scheme agreed within planning reference 22/00860/DISCON. Development shall only be carried out and maintained in accordance with these approved details.

Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area.

- 14 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.

- 15 The provisions to be made for disabled persons shall be in full accordance with the details approved within planning reference 22/00860/DISCON. Each phase of the development shall be carried out in accordance with these approved details.

Reason - To ensure there is suitable access within the site for disabled persons.

- 16 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.

- 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 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.

- 18 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.

- 19 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.

- 20 The development hereby permitted shall be carried out in accordance with the Extended Phase 1 Habitat Survey produced by D F Clark Bionomique Ltd (Ref. DFPC 3059) approved under 18/02118/FUL unless otherwise agreed in writing by the Local Planning Authority.

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

- 21 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.