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Item No: 7.5

Application: 211878

Applicant: Marks Tey Ltd.

Agent: Mr Michael Ward

Proposal: Erection of building for use as builders' merchants (sui generis) and/or B8 storage and distribution use, ancillary office space, provision of external yard for use associated with builders' merchants and/or B8 storage and distribution use, with associated access, infrastructure and parking. Clearance of existing site and demolition of remaining buildings/structures.

Location: 228 Old London Road, Marks Tey, Colchester, CO6 1HD

Ward: Marks Tey & Layer

Officer: Majid Harouni

Recommendation: Approval

1.0 Reason for referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because of the Sui Generis nature of the application, the Parish Council's concerns and objections received.

2.0 Synopsis

- 2.1 This application seeks full planning permission for the demolition of the existing buildings on site and erection of a 999sqm building for use as a builder's merchants (sui generis) and or B8 use (storage and distribution) with ancillary office space, customers counter, external storage yard, associated access infrastructure, bicycle shelter, provision for 14 vehicle parking spaces including provision for 5% electric charging points, a disabled space and provision for 20 additional vehicle parking spaces along the eastern boundary of the application site for used by the wider Anderson commercial estate. In addition, provision has been made for ancillary HGV parking spaces, a cycle parking shelter for six bicycles and a refuse storage facility.
- 2.2 The builders' merchant compound would have two ingresses one for HGVs from the northern boundary from the southeast corner for smaller vehicles (cars/vans and bikes). Egress access for all vehicles would be from the southwest corner of the site onto the Old London Road.
- 2.3 The principle of the planning application, in delivering new commercial unit in a sustainable location with predominantly commercial and employment related use is supported. The site is allocated in the adopted plan within the Site Allocations DPD (2010) as an existing employment site. Appropriate uses being set out in Development Policy DP5. Whilst the proposal involves a modest amount of office floor and retail counter space, this is not considered to have a detrimental impact on the site's primary economic function in accordance with Core Strategy Policy CE1 (Centres and Employment Classification and Hierarchy) promotes economic development through the regeneration and intensification of previously developed land. Policy CE3 states that Employment Zones will accommodate business developments that are not suited to Mixed-Use Centres, including industry and warehousing.
- 2.4 The proposal is considered to introduce a well-designed and contextually appropriate building that would relate and enhance the remainder of the Anderson commercial site. The development would contribute to local employment opportunities and provide support for local building industry and wider Colchester economy in accordance with Development policies DP1 and DP5 of the adopted local Plan.
- 2.5 The proposed development is considered to have been designed to minimise the impact on neighbouring amenities and would not affect daylight, sunlight and privacy or outlook of neighbouring properties to an unacceptable extent. As such, the application is considered acceptable and in accordance with Development Policy DP1 (Design and Amenity) of the adopted local Plan

2.6 The proposal is considered to be in a sustainable location and measures have been designed and incorporated into the scheme to address sustainable urban drainage, ecology, landscaping and noise issues in accordance with planning policies. The proposal does not involve any off-site highway works.

2.7 The application is subsequently recommended for approval subject to planning conditions

3.0 Site Description and Context

3.1 The application site is an approximately square-shaped area of land measuring 1 hectare that forms part of a much larger (5 hectares) employment land area. The site contains a two-storey office building to the front and a large storage building to the rear together with the associated parking area.

3.2 The ingress vehicular accesses are proposed along the south-eastern and northern boundaries and egress along the south-western boundary.

3.3 To the east of the site, beyond the access road into the site, are residential dwellings, which are accessed from either Old London Road or The Crescent. Beyond this is an area of open land that also forms part of the Local Employment Zone allocation within the adopted Local Plan. To the south of the site is Old London Road and then the A12, and to the north is the wider commercial estate, beyond which is the railway line. To the west of the site is an area of open land that also forms part of the Local Employment Zone allocation. Beyond this is Palmers Farmhouse, a Grade II listed farm building and a horticultural nursery.

3.4 The site is not in an isolated location, public transport and railway station are within a short walking distance. The site is located in a highly accessible and sustainable location well served by sustainable transport modes and close to the A12/A120 trunk road network.

4.0 Description of the Proposal

4.1 This application seeks full planning permission for the erection of a building for use as a builders' merchants (sui generis) and/or B8 storage and distribution use with ancillary office space, provision of an external yard for use associated with the builders' merchants and/or B8 storage and distribution use, with associated access, infrastructure and parking

5.0 Land Use Allocation

5.1 The site forms part of the larger Anderson site Employment Use identified in Colchester Borough Council's adopted Site Allocations DPD (2010).

6.0 Relevant Planning History

6.1 The following applications are most relevant:

- Application LEX/154/71: To cover piece of land with Dutch barn type of timber storage shed – Approved on the 24th May 1971;
- Application COL/88/2290: Erection of two storey office building – Approved on the 3rd February 1989; Application 202058: Application for prior notification of proposed demolition – Approved on the 15th October 2020; and Application 200388: Redevelopment of site including demolition, refurbishment and new/replacement buildings for employment purposes (B1, B2 and B8), hard surfacing and parking – Withdrawn on 7th May 2021.
- 211788 the erection of four blocks to create 9 individual commercial units comprising industrial (Class E(c and g), B2 and B8) and provision for associated estate access, car parking, HGV parking, cycle shelter, refuse storage, residents parking, diversion of the existing PROW, landscaping, ecology mitigation, suds and off-site highway works under section 278 of the Highway Act. Application considered at 20/01/2022 Planning committee and deferred for discussion with the applicant about highway, overdevelopment of the site, landscaping and provision of pedestrian and cycle access from the east to A120.

7.0 Principal Policies

7.1 Regard has been given to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan consists of the Colchester Borough Core Strategy (adopted 2008, reviewed 2014), Development Policies (adopted 2010, reviewed 2014) and the Site Allocations (adopted 2010).

The National Planning Policy Framework (NPPF) must be considered in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. The following policies are most relevant to this application:

SD1 - Sustainable Development Locations

CE3 - Employment Zones

TA1 - Accessibility and Changing Travel Behaviour

TA2 - Walking and Cycling

TA3 - Public Transport

TA4 - Roads and Traffic

TA5 - Parking

ENV1 - Environment

ENV2 – Rural Community

ER1 - Energy, Resources, Waste, Water and Recycling

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity

DP2 Health Assessments

DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses

DP17 Accessibility and Access

DP18 Transport Infrastructure Proposals

DP19 Parking Standards

DP20 Flood Risk and Management of Surface Water Drainage

DP25 Renewable Energy

- 7.4 Adopted Local Plan and Emerging Local Plan

Submission Colchester Borough Local Plan 2017-2033:

Overview

The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan was examined with hearing sessions in April 2021 and consultations undertaken on suggested modifications in late 2021. Consultation responses on the modifications were reported to the Inspector and his final report is now awaited imminently. Section 2 of the Plan may then be formally adopted. Section 2 policies must be assessed on a case-by-case basis in accordance with NPPF paragraph 48 to determine the weight which can be attributed to each policy.

Core Strategy Policy SD1 is fully superseded by policies SP5 and SP6 of Section 1 Local Plan. Policies SD1 and CE1 are partially superseded by policies SP4 and SP5 in relation to the overall housing and employment requirement figures. The remaining elements of policies SD1 and CE1 are relevant for decision-making purposes.

Adopted Section 1 Local Plan

On 1st February 2021, Full Council resolved to adopt the modified Section 1 Local Plan in accordance with Section 23(2)(b) of the Planning and Compulsory Purchase Act 2004. The final version of the Adopted North Essex Authorities' Shared Strategic Section 1 Local Plan is on the council's website.

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. Section 2 of each plan contains policies and allocations addressing authority-specific issues.

Appendix A of the Section 1 Local Plan outlines those policies in the Core Strategy Focused Review 2014 which are superseded. Having regard to the strategic nature of the Section 1 Local Plan, policy SD2 of the Core Strategy is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 of the Core Strategy are affected in part. The hierarchy elements of policies SD1, H1 and CE1 remain valid, as given the strategic nature of policies SP3, SP4 and SP5 the only part of the policies that are superseded is in relation to the overall requirement figures.

The final section of Policy SD1 which outlines the presumption in favour of sustainable development is superseded by policy SP1 of the Section 1 Local Plan as this provides the current stance as per national policy.

All other Policies in the Core Strategy, Site Allocations and Development Management Policies and all other adopted policy which comprises the Development Plan remain relevant for decision-making purposes.

Emerging Section 2 Local Plan

Paragraph 48 of the Framework states that decision-makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan submitted in October 2017 is at an advanced stage, with Section 1 now adopted and Section 2 completed hearing sessions in April. The final Inspector's report is awaited on Part 2 of the ELP. Section 1 of the plan is therefore considered to carry full statutory weight.

- 7.5 CBLP Section 2 Site specific Policy SS11: Marks Tey has been subject to modifications by Inspector to include the land to the east of the former Andersons Timber Yard site as a Local Employment Area (Policy SS11: Marks Tey) following modifications suggested by the Inspector as part of the Section 2 CBLP examination. This reinstated the application site as an employment allocation. The modified policy now reads:

7.6 Policy SS11: Marks Tey

“14.192 The site known as Anderson’s has been retained as a Local Employment Area.

Growth within the Marks Tey area will largely be guided by the following documents in addition to this Local Plan:

The Anderson’s site is allocated as a Local Economic Area as shown on the Policies Map. This policy should be read in conjunction with the generic Neighbourhood Planning policy SG8.”

7.7 Other Emerging Local Plan Policies that are relevant include the following:

SP1 Presumption in Favour of sustainable development

SP4 Providing for Employment and Retail

SP5 Infrastructure and Connectivity

SP6 Place Shaping Principles

SG1 Colchester’s Spatial Strategy

SG3 Economic Growth Provision

DM6 Economic Development in Rural Areas and Countryside

DM15 Design and Amenity

DM23 Flood Risk and Water Management

7.8 Appendix 1 contains additional information regarding the Emerging Local Plan policies superseded by the Emerging Local Plan.

7.9 Marks Tey Parish Council has produced a Neighbourhood Plan which is now at an advanced stage.

Following the submission of the Marks Tey Neighbourhood Plan to the Council, the Plan was published, from 22 February to 5 April 2021, inviting representations, in accordance with The Neighbourhood Planning (General) Regulation 2012 - Regulation 16.

An Inspector was appointed by Colchester Borough Council with the consent of Marks Tey Parish Council, to independently examine the Marks Tey Neighbourhood Plan and to prepare a report of the examination.

The Examiner’s Report which was issued on 29 October 2021 concluded that subject to modifications recommended by the examiner being made, the Marks Tey Neighbourhood Plan met the Basic Conditions set out in legislation and should proceed to a referendum. A core objective of the plan states:

Business and Employment. Regenerating the main sites in the parish, particularly through environmental improvements including the London Road parade of retail businesses. **Also helping to turn the now closed Andersons timber merchants and surrounding area into a modern industrial area. (bold emphasis added).**

The NP contains a site specific policy as follows:

“POLICY MT15 – ANDERSON EMPLOYMENT SITE AND FORMER BY-PASS NURSERIES SITE

The Anderson Employment site shown on Map 6.10 is allocated for employment uses. Development is anticipated to come forward in 2028.

The following site-specific requirements apply:

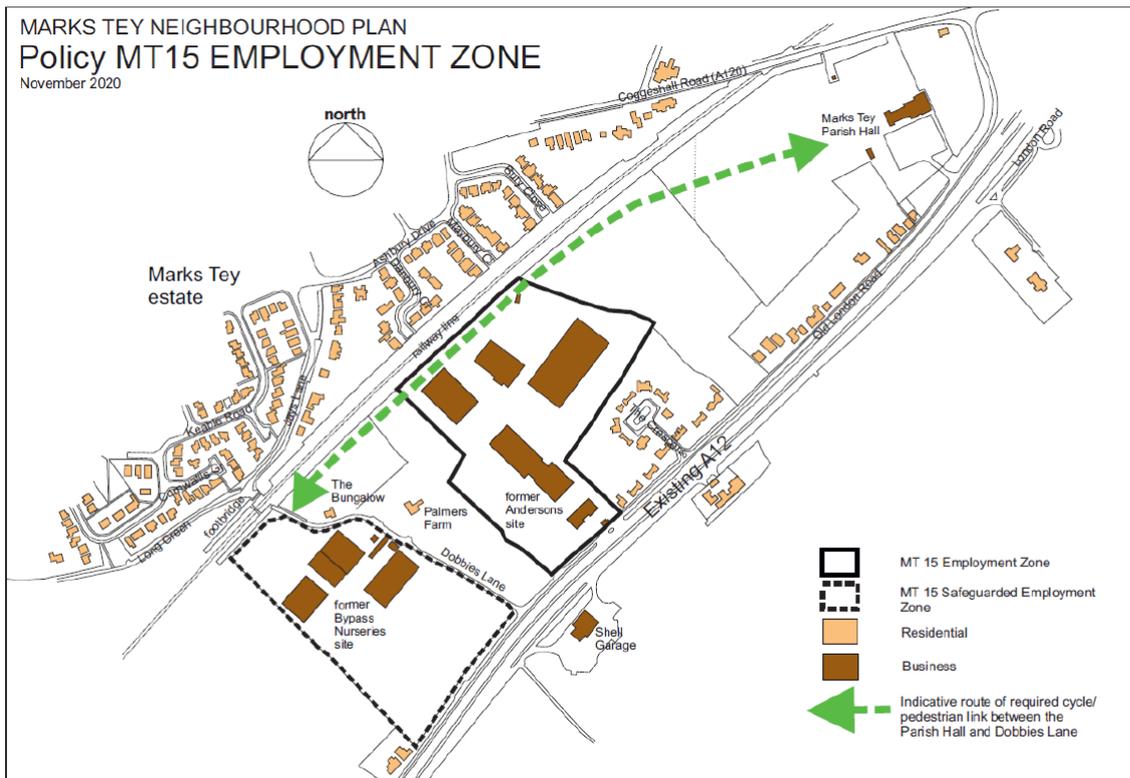
- all schemes must maintain or enhance residential amenity for neighbouring houses or for future occupiers of any new residential development;
- all schemes must incorporate a new pedestrian and cycle way connection providing a safe and attractive route from Marks Tey Parish Hall through to Dobbies Lane;
- access to and from the site is via an improved direct access on to the A12 and once the planned improvements to the A12 by Highways England have been implemented and the adjacent existing road has been detrunked; and
- provision of a work-place travel plan in line with Essex County Council guidance

Subject to any scheme not prejudicing the primary function of the site as employment sites, limited residential development will be allowed where this is needed to make redevelopment of this site viable.

The adjacent former By-Pass Nurseries site shown on Map 6.10 is safeguarded for employment use subject to those uses being consistent with the existing edge of settlement rural location. All schemes must maintain or enhance residential amenity and landscape character.”

It is considered the Draft NP is relevant and can be given some weight given its advanced stage, pending the referendum on the plan which has yet to be formally made. The examiner modified the policy to include the current application site within the allocation (see below and in the report section titled ‘Principle of Development’. In essence this modification was required to reflect the current allocation in the adopted and emerging Section 2 CBLP 2017-2033 (Policy SS11: Marks Tey).

The plan below is an extract from the Marks Tey NP policy which has since been updated to include the application site to the immediate east of the former Anderson’s site.



Map 6.10 - Policy MT15 – Anderson employment site and former by-pass nurseries site

As a direct consequence of this modification to the CBLP Section 2 Policy SS11, the Marks Tey Neighbourhood Plan examiner suggested that the MTNP policy MT15 should also be modified to include the land to the east of Anderson site as part of the policy allocation to achieve conformity with the current adopted site allocation in the adopted LDF Site Allocation DPD as a Local Employment Site and the Section 2 CBLP Local Economic Area allocation in the modified Policy SS11: Marks Tey. The MTNP was submitted to referendum on the 17 March 2022.

7.10 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

- The Essex Design Guide
- External Materials in New Developments
- EPOA Vehicle Parking Standards
- Sustainable Construction
- Cycling Delivery
- Sustainable Drainage Systems Design Guide
- Developing a Landscape for the Future
- Planning Out Crime
- Air Quality Management Guidance Note, Areas & Order

8.0 Consultations

8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below.

8.2 Landscape Officer

In order to better complement the rural edge character of the site, the existing native hedgerow enclosure along the A12 and to frame both access points and the built form, the landscape proposed to the site frontage should be amended to:

- 1- Realign the proposed 2.4m high paladin fencing back to follow a line directly along the front of the parking bays.
- 2- Plant up to the planting bed strip in front of the realigned paladin fencing with a native single species Hawthorn (*crataegus monogyna*) hedge, and proposed this be maintained at a minimum height of 2.5m,
- 3- Revise the 8 trees propose to the site to Acer Campe, to better complement existing field hedgerow tree cover.
- 4- Revised the proposed Emorsgate wildflower meadow mix alongside the front hedge to Emorsgate mix EH1. As a related point, delete the area of wildflower proposed along the northeast corner of the site as wildflower meadow areas would only be expected in suitably large, natural areas; perhaps substitute with native ground cover.

Conclusion:

This application cannot be supported on landscape grounds as it may cause harm to its landscape setting. To fully consider the proposals and mitigate the envisaged harm, the above points will need to be satisfactorily addressed.

It is requested that to minimise the impact of the proposal on the surrounding countryside and public highway, the site boundaries to be landscaped and by 2.4m high hedge. These are matters that can be secured as part of a detailed landscape scheme in compliance with conditions

8.3 Environmental Protection contamination

There is no objection to the proposal subject to the following conditions regarding contamination, operating time including delivery time and informative: The conditions have been negotiated by EP with the applicant to ensure that the operational needs and protection of amenity are reconciled.

8.4 Environmental protection amenity

Has no objection subject to the following conditions:

ZGA - *Restriction of Hours of Operation*

The use hereby permitted shall not be open to customers outside of the following times:

Weekdays: 06:30-18:00

Saturdays: 07:30-16:00

Sundays and Public Holidays: 10:00-16:00

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from people entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

ZGB - *Restricted Hours of Delivery*

No deliveries, excepting trade customers, shall be received at, or despatched from, the site outside of the following times:

Weekdays: 07:30-19:00 (with HGVs permitted to leave site from 06:00 from the south-west exit only)

Saturdays: 07:30-16:00

Sundays: 10:00-16:00 **(No HGV movements)**

Public Holidays: 10:00-16:00 **(Only site-based HGVs permitted to leave and return to site)**

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from delivery vehicles entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

Restriction of external activity

There shall be no external yard activity outside of the following times:

Weekdays: 06:30-19:00 (except for pre-loaded HGVs permitted to leave site from 06:00)

Saturdays: 07:30-16:00

Sundays and Public Holidays: 10:00-16:00

Restriction of car park

There shall be no use of the first 7 no parking bays to the Old London Rd elevation (defined as 40m from the gable end of the first residential property) before 07:00 am.

Trade collection area

The trade collection point shall be in the position marked on the approved plans.

Acoustic fencing

The acoustic fencing on the site perimeter shown on the approved plans shall be erected to a height of 3m and have a non-reflective coating on the section parallel to the nearest façade of the dwelling adjacent to the site entrance on the dwelling side.

A second acoustic fence 3m in height shall be erected between the front perimeter and the entrance gate adjacent to the car park, marked on the plan as a palisade fence.

Both acoustic fences shall be either a purpose-designed product or designed by a competent person and have a no-gap construction and minimum mass of 10kg/square metre and shall be maintained in good condition thereafter.

ZPA – Construction Method Statement

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

- the parking of vehicles of site operatives and visitors;
- hours of deliveries and hours of work;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control noise and vibration;
- measures to control the emission of dust and dirt during construction; and a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

ZPD - Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

Additional noise conditions:

HGVs and delivery vehicles shall use the entrance and exit shown on the approved plans.

The unloading area shall be located on the far south-west of the site as shown on the approved plans.

Forklift trucks shall be fitted with **white** noise 'smart' **reversing** alarms.

ZGG - Site Boundary Noise Levels (for fixed plant, equipment, machinery)

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dB(A) above the background levels determined at all boundaries near to noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

ZGR - *Light Pollution*

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS and be switched off when the business is not operating, except for low level security lighting.

Note: All luminaires should be directed downwards or shielded in order to reduce glare at nearby residential premises.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

Highway England

8.5 Offer no objection subject to the following conditions:

No part of the development hereby approved shall be brought into use unless and until the Travel Plan has been approved in writing by the Local Planning Authority who shall consult with Essex County Council as Highways Authority. The Travel Plan shall be in line with prevailing policy and best practice and shall as a minimum include:

- The identification of targets for trip reduction and modal Shift
- The methods employed to meet these targets
- The mechanisms for monitoring and review
- The mechanisms and review
- The penalties to be applied in the event that targets are not met
- The mechanisms for mitigation
- Implementation of the travel plan to an agreed timescale or timetable and its operation thereafter
- Mechanisms to secure variations to the Travel plan following monitoring and reviews

Reason: To ensure that the A12 and A120 trunk roads continue to serve their purpose as a part of a national system for through traffic in accordance with Section 10 of the Highways Act 1980, and to satisfy the reasonable requirements of road safety

A travel plan is required to encourage sustainable travel behaviour to and from the proposed development in accordance with national planning policy to encourage sustainable travel and to ensure that the A12 continue to serve its purpose as a part of a national system for through traffic in accordance with Section 10 of the Highways Act 1980, to satisfy the reasonable requirements of road safety.

Whilst not a condition of grant of permission the developer should, in conjunction with National Highways make every endeavour to close the existing substandard access between Old London Road and the A12, known locally as the Andersons access.

Initially, had no objection for the application to be approved subject to a condition seeking a travel plan and an informative regarding stopping up of Anderson access to A12. NH subsequently withdrew this requirement for a Travel Plan on the basis that as the site will employ less than 25 staff a travel plan would have very little impact, therefore they are content that the condition not be imposed in this case. However, NH suggest that the

developer should be encouraged to get staff to travel to and from the site by sustainable means.

Essex Highway Officer

- 8.6 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following requirement:

If there are 50 or more employees, no occupation of the development shall take place until a travel plan in accordance with Essex County Council guidance has been provided or completed.

Reason:

To ensure the application site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with Policy DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

The applicant has stated that this development will potentially employ only 25 full-time people.

Essex Ecology Officer

- 8.7 No comments received.

Archaeological Officer

- 8.8 There are no known archaeological sites of significance nearby as noted by the applicant's archaeological Desk Based Study. In this instance, no archaeological requirements are recommended.

Sustainable Urban Drainage Officer

- 8.9 Has no objection and recommends an informative to be added to any permission.

Anglia Water

- 8.10 No representation has been received.

Essex Fire and Rescue

- 8.11 Access for Fire Service Purposes is considered satisfactory subject to fire service access and water supplies for fire-fighting purposes to the proposed development being fully compliant with Building Regulation Approved Document B, B5 (This would include Fire Service vehicle access to building due to storage in the yard).

Natural England

- 8.12 Has no comment to make.

HSE Website Response

- 8.13 The proposed development site does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline; therefore, at present, HSE does not need to be consulted on any development on this site.

9.0 Parish Council Response

- 9.1 At present this area is served by a narrow road unsuitable for HGVs that are unable to pass. This application would significantly increase all vehicular movements adding to the already poor air quality.

With the impending changes to the A12 and junction of 25, Highway England have indicated that the proposed new road layout will further increase the traffic flow around the properties in Old London Road and will with the positioning of the new roundabout, dissect the existing housing. We have put forward proposals to Highway England to provide direct access to the former Andersons site but Highway England have rejected these on the ground of cost. As Bypass nurseries are served by the same stretch of narrow road the same would apply to both sites.

In view of this, we are unable to support any further developments in this area until infrastructure improvements have been made and measures are taken to improve air quality in this and the surrounding areas.

If this application is approved or goes to appeal the Parish Council would request working hour conditions, Monday to Friday 7:30 to 17:30 and Saturday 7:30 to 12:00 and no access on Sunday.

10.0 Representations from Notified Parties

- 10.1 The application has been advertised on-site and by individual neighbour notification to the owners and occupiers of the neighbouring properties.
- 10.2 Six letters of representation have been received expressing concern about the proposal. A summary of the material considerations is as follows:
- The proposal will generate a large number of HGV movements and the old London Road is not suitable for the proposed development.
 - The cumulative HGV movement of the existing uses together with the proposed development and the proposed phased 2 will impact the Old London Road and A12 highway safety.
 - The old London Road cannot cope with the proposed traffic
 - Use of direct access to the A12 is dangerous
 - The proposal will worsen the air quality and noise situation for the local residents.

11.0 Parking and cycling provision

11.1 The application forms part of a wider employment site with existing vehicular access from Old London Road. The proposal has made provision for 14 car parking spaces including 2 disabled spaces and provision for HGV parking for the sole use of the builder's merchant business. In addition, further 20 car parking spaces have been proposed along the site eastern boundary for the benefit of the users of the wider Anderson business site.

The proposal has also made provision for a cycle shelter for 6 bicycles.

12.0 Accessibility

12.1 The proposal has made provision for 2 disabled car parking spaces.

13.0 Air Quality

13.1 Having regard to the air quality impact assessment, there is no need for any further air quality mitigation other than the requirement for EV charging points.

14.0 Planning Obligations

14.1 This application is not classed as a "Major" application and therefore there is no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 of the Town and Country Planning Act 1990.

15.0 Report

Planning Appraisal

Principle of Development

15.1 The site is part of an existing commercial estate and allocated for employment use in both the adopted and emerging Local Plan for B1, B2 and B8 use. The Anderson commercial estate contains uses within Class E (formerly Class B1), B2 and B8.

15.2 Core Strategy Policies SD1 and CE1 set out that designated employment areas are expected to make a significant contribution towards the delivery of employment in the borough.

15.3 Core Strategy Policy CE3 in the sets out the appropriate land use within the employment zones and Development Policy DP5 of the local plan sets out the appropriate employment uses and protection of employment land. The Council employment policies seek to promote the regeneration of the borough through maintenance and promotion of existing employment provision in sustainable, accessible and appropriate locations.

15.4 The proposal is to develop the site as a builder's merchant that is regard a Sui Generis use. This type of use shares many characteristics with Class B8 use but also has unique characteristics due to the type of goods it stocks

and the level of outside storage which distinguishes it from warehouse and makes it a “sui generis” use. In this case the application is in respect of both B8 and builders’ merchant use. It appears that a potential occupier has already been identified for the site to use the site as a builders merchant should planning permission be granted.

- 15.5 It is considered that although the proposed use of the site as a builder’s merchant and Sui Generis use would not be within the B1, B2 and B8 uses as specified in the local plan policy, it is none the less a generic employment type use and would ensure the use of the land continue to contribute to employment generation and economy of Marks Tey and Colchester Borough. The applicant has stated that the proposed development would generate up to 25 full time jobs.
- 15.6 The proposed building comprises substantial warehouse space for the storage of building materials for sale. The storage areas are not accessible to the public. These areas constitute a B8 use class in line with the employment classification of policy CE3 of the Core Strategy and DP5 of the local plan.
- 15.7 The proposal includes a small office and trade counter element that will be ancillary and a small component of the operation to the builder’s merchant use. It is considered that their overall size in terms of floor area will not be significant to represent a Class E use. The overall use of the land would be sui generis as it is a mix of B8 and E use and would not result in conflict with employment Policies mentioned above and the site designation/allocation as an employment site in the existing local plan, emerging local plan and Marks Teys Neighbourhood Plan .
- 15.8 Open storage of building materials is also proposed to the north, east and west of the proposed building. The open storage is also considered warehousing/ B8 use.
- 15.9 To conclude on the principal issues, it is considered that the proposed sui generis use with ancillary office floor area and trade counter is primarily focused around storage and distribution activities and constitute an employment generating use that would fulfil the purpose of policies SD1, CE1 and CE3 of the Core Strategy and DP5 of the local plan as well as the provision of the paragraphs 80 and 81 of the NPPF and therefore the principle of the proposal is acceptable.

Design and Layout

- 15.10 Adopted local plan Policies UR2 and DP1 state that all development must be designed to a high standard, avoid unacceptable impact on amenity... The proposed building would be positioned along the south-east section of the site in a location approximately similar to the position of the existing two-storey office building (to be demolished) with designated car parking spaces and bicycle storage shelter in front of the proposed building and adjacent to the proposed non-HGV vehicles ingress along the south-eastern boundary of the site. HGV ingress access is proposed along the northern boundary and shared egress access along the southwestern corner of the site.

- 15.11 Additional car parking spaces are also proposed along the eastern boundary of the site for wider use by the Anderson estate as a whole.
- 15.12 The warehouse building would be one big box, broadly rectangular in appearance with a total floor area of 999sqm with no mezzanine floor area which would allow the floor to ceiling storage space.
- 15.13 The building will have a shallow pitched roof with a maximum ridge height of 10.3m and an eave height of about 8.7m.
- 15.14 The building is designed as a 'propped portal' to allow maximum flexibility in design for the end-user's operation. The treatment of rooflines and the use of colour have been carefully considered to draw the eye away from the overall height and mass which reduces the perception of scale.
- 15.15 The external materials proposed for the roof of the building would consist of a composite roofing panel in goose-wing grey. The external walls will be cladded with a half-round profile in ultra-Alaska grey and ultra-silver with all doors, flashings, and roller shutters in Anthracite Grey.
- 15.16 To give greater emphasis and prominence to the main customer access entrance section and south-east corner of the building, the external finished materials proposed would consist of a large glazed double door together with Ultra Alaska Grey composite cladding. Different cladding materials are used to add visual interest and break up the building's visual mass and bulk. Overall, the layouts, scale, design, and external appearance of the building reflects the commercial use and is appropriate in this commercial setting and would correspond in appearance, scale, size and height to other industrial buildings in the rest of the Anderson estate. As such, it is considered that the proposed building would be in keeping with the wider industrial estate setting.
- 15.17 The site will be enclosed by two types of boundary treatments. The frontage with the Old London Road and access to the Anderson estate will be enclosed by 2.4m tall black power coated paladin fencing and the remaining boundaries of the site will be enclosed by 2.4m tall steel palisade fencing. The proposed vehicular accesses to the site will have set back double gates. The proposed means of enclosure are satisfactory in this location and would provide security and comply with SPD Planning Out Crime.
- 15.18 Overall, the proposal is considered to be in compliance with Policies SD1, UR2, ENV1 and ENV2 of the Core Strategy, DP1 of the adopted local plan, adopted SPDs the Essex Design Guide SPD and External Materials in New Developments and paragraphs 124 and 127 of the NPPF subject to an appropriate condition regarding finished materials.

Impact upon residential amenity

- 15.19 Concerns have been expressed by the local residents about the increase in the volume of HGV movements, noise and negative impact on the local air quality from the proposal.
- 15.20 It is important to note that the site is allocated for employment use and has been in such use for a long period. It is a brownfield site with lawful use for substantial office and warehousing use as well as commercial vehicles storage use. The current lawful uses of the site, if resumed could potentially generate a greater number of vehicular movements, including transporter lorries, than the proposed development and as such neither the Essex Highway Officer nor National (formerly Highways England) have raised concern in this regard.
- 15.21 Concerning noise issues, it is also important to note that the site forms part of a wider long-established employment site with no operating time restriction on use. In addition, the site is located within a few meters of the busy A12 with high ambient background noise, particularly during the hours of 06:30 am to 08:00 pm during which the proposed builder's merchant is expected to operate. However, this issue has been discussed with the Council's Environmental Protection Team and it is agreed that it is highly likely that the development would generate noise including noise from forklift trucks, HGV loading and unloading of heavy materials. Given the employment nature of the rest of the site and existing noise levels of the surrounding uses, including sources of noise such as road traffic noise, it would not be possible to isolate the source of the noise from the proposed use in order to establish an effective and beneficial noise mitigation measure/barrier.
- However, in order to provide some degree of noise protection for the neighbouring residents of the properties beyond the eastern part of the application site a condition is recommended by the Environmental protection for erection of a noise barrier along the southeast corner of the site to mitigate noise from the proposed use and associated vehicular movements. This would be erected prior to the commencement of the use of the site and retained as such thereafter.
- 15.22 Regarding the air quality concern, it is considered the applicant's proposal to provide 5% electric charging points on-site, providing for 6 rack bicycle shelter and access to public transport would encourage reliance on non-polluting means of travel and public transport. These proposed steps would also help the development to meet climate change challenges and ensure the development is more sustainable.
- 15.23 It is considered based on the proposed measures and the air quality impact assessment there is no need for any further air quality mitigation steps.
- 15.24 It is also considered that no open-air storage and stacking of building materials should be allowed to project significantly above the height of the site's perimeter fence as this would appear visually intrusive and harmful to the character of the area and the setting of the nearby listed building. To mitigate this, it is recommended that a condition be imposed limiting the height of open storage and stacking on the site.

- 15.25 Furthermore, to ensure that the demolition and construction works do not adversely impact on the amenities of the nearby residents a construction environmental management condition is recommended.
- 15.26 Subject to the above condition the proposal is considered to be acceptable and in compliance with relevant policies DP1, DP14 and DP16 of the adopted local plan.

Highway Safety and Parking Provisions (including Cycling)

- 15.27 The application site is located within Anderson Business Estate and is a sustainable location. The site benefits from existing vehicular accesses with good visibility. Old London Road benefits from the pavement on one side of the road and street lighting. Although the application site is within a mile of a bus stop and railway station, it is unlikely that the majority of customers will walk to the application site to use the proposed builders merchants due to the bulky nature of the goods.
- 15.28 The proposal makes provision for separate vehicular access for cars/vans and HGV within Anderson estate. The proposed egress for both car/vans and HGV would be from the existing vehicular access along the southwest corner of the site frontage with the Old London Road. The proposed access arrangements are considered acceptable.
- 15.29 The proposed development would have no adverse impact upon the safe and efficient operation of the surrounding highway network, and there would be no significant transportation impact arising from the proposed development particularly when the trips generated by the last uses of the site (consisting of office use, warehousing, and vehicle storage use) are offset against the proposed trip generation and taken into account. This is confirmed by the Highway Authorities who have not raised objection to the proposed development.
- 15.30 National Highways initially suggested a condition be imposed seeking submission of a travel plan. However, the Essex CC highway officer has indicated that a Travel Plan should be sought when the development generates 50 or more employees. In this instance, the applicant has stated that the proposal would only generate up to 25 full-time jobs. As such it is not considered appropriate to seek a travel plan in this instance and NH also now agree with this approach based on the low numbers of staff.
- 15.31 There would not, therefore, be any conflict with Core Strategy Policy TA4 and Development policy DP18 of the adopted local plan.
- 15.32 The proposal makes provision for 14 on-site car parking spaces including a disabled space. In addition, provision is made for additional 20 car parking spaces, including two electric charging points, along the south-eastern boundary of the Anderson Estate and the application site for use by the occupiers of the commercial estate. In addition, provision has also been made for 3 HGV parking and cycle shelter for 6 bicycles. It is considered that the proposed parking provision would be in accordance with the relevant policy requirements of Policy TA5 of the Core Strategy and DP19 of the local plan. The cumulative number of car parking spaces proposed would help to deal with any unexpected parking demand; and

overall car parking spaces proposed would exceed theoretical parking requirements.

- 15.33 The proposal makes sufficient car parking, cycle parking, and electric vehicle charging points and internal manoeuvring for large vehicles on site. It is considered the proposal to be acceptable and in compliance with the provision of Policies DP17 and DP19 of the local plan.

Contamination

- 15.34 Phase 1 Desk Study and Phase 2 Site Investigation report have been submitted. The site had previous uses with a potential cause of contamination of the land. To mitigate any contamination not previously identified and removed from the site appropriate conditions are recommended in accordance with Policy DP2 of the local plan.

Drainage

- 15.35 The site falls within flood zone 1 and is not considered to be susceptible to surface water flooding.
- 15.36 The submitted Flood Risk Assessment documents have been considered by the SUDs officer and considered acceptable. An informative regarding implementation of SUDS has been recommended to be added if permission is granted.

Landscaping

- 15.37 There is no ground-level vegetation within the site. There are a number of existing trees along the eastern, southern and western boundaries of the site. There are also cluster of small groups of trees within the site that will be removed to provide open space for the development or because they are in poor condition. The proposal is supported by a landscape scheme that helps to soften the impact of the proposal. However, the landscape officer is not satisfied that the submitted landscaping strategy and the type of trees proposed are satisfactory. To ensure that a more suitable landscape scheme is submitted, an appropriately worded condition is recommended. Also, to ensure that the retaining trees are protected during the construction period an appropriate condition for the erection of protective fence outside of the root protection areas of these trees is recommended.
- 15.38 The landscape officer has suggested that the landscaping scheme should include 2 metre high hedging along the site road frontage, although such a screen will soften the site frontage, it would conflict with the sightline of the access and would be prejudicial to highway safety and as such is not promoted.
- 15.39 Overall, it is considered the proposed landscaping to be acceptable subject to conditions for the protection of retaining trees and ensuring that no storage within the root protection area of the trees takes place during and post-construction.

Ecology

- 15.40 Having regard to the previous uses and the extent of hard surfaced across the site; there is very limited scope for existing habitat and ecology on-site except along the western boundary area of the site.
- 15.41 As indicated above, the proposal will result in some trees to be retained and protected during the construction period. In addition, to ensure that no storage takes place within the root protection area of the trees along the western boundary an appropriate condition is recommended.
- 15.42 The above measures together with the implementation of a landscaping scheme would contribute to the ecology along the boundaries of the site. To ensure that tree removal is carried out to an acceptable standard and the remaining trees are protected during the construction period, further conditions are recommended.

Heritage

- 15.43 It is considered having regard to the previous uses on land it is unlikely that there will be any archaeology remaining on this site.
- 15.44 Beyond the northwest side of the application is a grade II listed farmhouse. It is considered that provided the height of open storage is restricted that the proposal would not harm the wider setting of the listed building given the industrialised nature of the existing site and intervening vegetation. A condition to restrict the height of any open storage is recommended to avoid any potentially harmful visual intrusion.

16.0 Conclusions and Reasons for Approval

- 16.1 The application site lies within an established and allocated employment estate as such the principle of the proposed use is acceptable. The design and scale of the warehouse building would complement the existing commercial building on the other parts of the Anderson site and thus wider surrounding area without causing harm to the character or appearance of the area or causing highway issues.
- 16.2 Overall it is considered the proposed development will reuse an employment land and bring new employment opportunities in accordance with the relevant policies of the Local Plan and can be properly characterised as sustainable development for the purposes of the NPPF.

17.0 Recommendation:

- 17.1 That Permission is then **GRANTED** subject to the following conditions, with delegated authority for officers to add or amend relevant conditions where necessary:

1. ZAA - Statutory Time Period

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. ZAM - Approved Drawings and Documents

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers PLO1 Rev F, PLO4 Rev V, PLO5 Rev E, PLO6 Rev F, PLO7 Rev E and 2137-WWA-XX-XX-DR-L-0700-PL04, MT-LE-GEN-XX-DR-CE-500 Rev D received 26/07/2021, 07/10/2021 and 18/11/2021.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

3. Non Standard Condition – External facing and roofing materials

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings PLO6 Rev F unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

4. Non Standard Condition – refuse and recycling

Prior to the first occupation of the development, the refuse and recycling storage facilities as shown on the approved plans PLO4 Rev V shall have been provided and made available to serve the development. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: To ensure that adequate facilities are provided for refuse and recycling storage and collection.

5. Non Standard Condition – Demolition and Construction hours]

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

Contaminated Land conditions

- 6.** No works shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must

be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with all relevant, current, best practice guidance, including the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

7. No works shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and then submitted to and agreed, in writing, by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

8. No works shall take place other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7 which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 8.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10. Prior to the first OCCUPATION/USE of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 9.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Delivery Hours

11. No deliveries, excepting trade customers, shall be received at, or despatched from, the site outside of the following times:

Weekdays: 07:30-19:00 (with HGVs permitted to leave site from 06:00 from the south-west exit only)

Saturdays: 07:30-16:00

Sundays: 10:00-16:00 **(No HGV movements)**

Public Holidays: 10:00-16:00 **(Only site-based HGVs permitted to enter and return to site)**

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from delivery vehicles entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

Operating Hours

- 12.** The use hereby permitted shall not be open to customers outside of the following times:

Weekdays: 06:30-18:00

Saturdays: 07:30-16:00

Sundays and Public Holidays: 10:00-16:00

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from people entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

- 13-**There shall be no external yard activity outside of the following times:

Weekdays: 06:30-19:00 (except for pre-loaded HGVs permitted to leave site from 06:00)

Saturdays: 07:30-16:00

Sundays and Public Holidays: 10:00-16:00

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

14- Non Standard Condition – Parking Bays

There shall be no use of the first 7 no parking bays to the Old London Rd elevation (defined as 40m from the gable end of the first residential property) before 07:00.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

15- Non Standard Condition – Slab level details

Prior to the commencement of development above slab level details of the trade collection point by customers shall be submitted in writing together with related drawings for approval by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained as such thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

16- Non Standard Condition – Acoustic Barrier

Prior to the commencement of development above slab level details of the acoustic fencing on the site perimeter to the height of 3m with a non-reflective coating on the section parallel to the nearest façade of the dwelling adjacent to the site entrance on the dwelling side together with a second acoustic fence 3m in height between the front perimeter and the entrance gate adjacent to the car park shall be submitted in writing together with any related drawings to the Local Planning Authority for approval. The approved acoustic fencing shall be installed prior to the commencement of the use of the development hereby permitted and shall be maintained in good condition thereafter.

Both acoustic fences shall be either a purpose-designed product or designed by a competent person and have a no-gap construction and minimum mass of 10kg/square metre.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise.

17- Non Standard Condition – Rating level of noise

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dB(A) above the background levels determined at all boundaries near to noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

Delivery Hours

18 - Non Standard Condition

HGVs and delivery vehicles shall use the entrance and exit shown on the approved plans.

The unloading area shall be located on the far south-west of the site as shown on the approved plans.

Forklift trucks shall be fitted with **white** noise 'smart' **reversing** alarms.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise.

19- Non Standard Condition – Construction Environmental Management

No works shall take place, including any demolition, until a Construction Environmental Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

- the parking of vehicles of site operatives and visitors;
- hours of deliveries and hours of work;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control noise and vibration;
- measures to control the emission of dust and dirt during construction; and a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details unless otherwise agreed in writing by the local planning authority”

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

20 Non Standard Condition – Lighting

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS and be switched off when the business is not operating, except for low level security lighting.

Note: All luminaires should be directed downwards or shielded in order to reduce glare at nearby residential premises.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

21. Non Standard Condition - Parking

The commercial unit hereby permitted shall not be occupied, until the area shown on Site layout plan PL04 Rev V, as vehicle parking spaces, motor bikes and bicycle shelter together with electric charging points shall have been provided, surfaced, and drained. Thereafter the parking, cycle spaces and electric charging points shall be kept available and operational for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (Order) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking and cycle storage spaces.

Reason: Development without provision of adequate accommodation for the parking of vehicles, motor bikes and bicycle storage is likely to lead to hazardous on-street parking and be contrary to Policy DP19 of the local plan.

22. Non Standard Condition – Landscape and long-term monitoring programme

Notwithstanding the landscaping scheme submitted, No works shall take place above slab level until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- Finished levels or contours, where notable changes are proposed.
- Hard surfacing materials.
- Earthworks (including the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform).
- Retained historic landscape features and any proposals for restoration.
- Planting plans (drainage and building foundation detailing shall take account of the position of the trees as so indicated).
- Make on-site sanctuary provision for reptiles'/wildlife mitigation.
- Written specifications.
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

- Implementation timetables and monitoring programs.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

23. Non Standard Condition - Tree protection

Prior to the commencement of development, the trees scheduled for retention as shown on the approved plan 2137WWA-XX-XX-DR-L-0700PL04 shall have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority. All agreed protective fencing shall thereafter be maintained during all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees within the site in the interest of amenity and ecology.

24. Non Standard Condition – Tree protection

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

25. Non Standard condition – SUDS

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and certified as technically acceptable in writing by the SUDs approval body or other suitably qualified person(s) . The certificate shall thereafter be submitted by the developer to the Local Planning Authority as part of the developer's application to discharge the condition. No development shall commence until the detailed scheme has been approved in writing by the Local Planning Authority. The approved scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

- Control of all surface water run-off generated within the development for all events up to and including the 1 in 100 year event inclusive climate change (40%).
- An appropriate amount of treatment in line with the CIRIA SuDS Manual C753.
- A drainage plan highlighting final conveyance and exceedance routes, location and sizing of storage features, discharge/infiltration rates and outfall/s from the site.

Reason: To prevent surface water flooding and to mitigate any environmental harm that may be caused to the local water environment.

26 – Non Standard Condition – External storage

No goods, materials or equipments shall be stored, stacked or deposited externally on the site to a height exceeding 4.5 metres as measured from any immediately adjacent ground level.

Reason: The external storage of goods in excess of this height would be visible from outside the site and would have a harmful visual impact on the surrounding areas including the wider setting of the nearby listed building.

Informatives

- 1) The developer is referred to the note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.
- 2) In accordance with paragraph 38 of the NPPF Colchester Borough Council takes a positive, proactive and creative approach to development proposals focused on solutions. The Council works with applicants/agents in a positive, proactive and creative and manner by:

Offering a pre-application advice service; Updating applicants/agents of any issues that may arise in the processing of their application;
Where possible suggesting solutions; and
Informing applicants/agents of any likely recommendation of refusal prior to a decision. In this instance, the applicant/agent was updated of any issues after the initial site visit.
- 3) 'Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance Note LIS/C (this available on this CBC landscape webpage: <https://www.colchester.gov.uk/info/cbc-article/?catid=which-application-form&id=KA-01169> under Landscape Consultancy by clicking the 'read our guidance' link)'.

4) We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protecting-environment>.
- 5) The applicant is advised that erection of any fixed racking storage structure(s) would require a separate planning permission and such rack(s) would be least visually impactful against the silhouette of the warehouse building northern and western flank elevations.]
- 6) The developer should, in conjunction with National Highways make every endeavour to close the existing substandard access between Old London Road and the A12, known locally as the Andersons access in the wider interests of highway safety.

