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Item No: 7.2

Application: 191070

Applicant: Mr N Percival

Agent: Mr Phillip McIntosh, Melville Dunbar Associates

Proposal: Erect new business units (Class B1, B2 and B8) and associated parking

Location: Wakes Hall Business Centre, Colchester Road, Wakes Colne, CO6 2DY

Ward: Rural North

Officer: Lucy Mondon

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it constitutes major development where an objection has been received; Wakes Colne Parish Council has objected to the application.

2.0 Synopsis

- 2.1 The key issues explored below are: principle of development; landscape impact; highway matters; ecology; flood risk and drainage; design and layout; and amenity.
- 2.2 The report describes the site and its setting, the proposal itself, and the consultation responses received. Material planning matters are then considered together with issues raised in representations.
- 2.3 The planning merits of the case are assessed leading to the conclusion that the proposal is acceptable and that a conditional approval is recommended.

3.0 Site Description and Context

- 3.1 The site is an open area of grass (measuring 0.66 hectares) located to the north east of an existing business centre (Wakes Hall Business Centre), 330m outside the settlement boundary of Wakes Colne. A relatively young woodland has been planted to the eastern and southern boundaries. Immediately west of the site are some agricultural buildings.
- 3.2 The existing business centre comprises of 18 units, with a total floorspace of approximately 2,694sqm. Of the 18 units, 10 are used as offices, 7 are used as light industrial warehousing, and one unit is used by a chiropractor.
- 3.3 The site is accessed from Wakes Street to the south and this access also serves the existing Wakes Hall Business centre.
- 3.4 There are Grade II listed buildings in the vicinity of the site: a cart lodge (currently in office use as part of the business centre); Wakes Hall (to the south-west); Wakes Hall Lodge (to the south); Wakes Colne House (to the south-east); and Crow's Hall (to the north-east).
- 3.5 A Public Right of Way (PROW) 152_26 runs south from Wakes Street roughly opposite the site access.
- 3.6 The site is recorded as being Grade 2 agricultural land.

4.0 Description of the Proposal

- 4.1 The application seeks planning permission for the erection of 16 No. Class B1 (business), B2 (general industrial), and B8 (storage or distribution) units, with associated parking. The units would be 8.5m high (6.3m to eaves) and constructed in profiled metal sheeting, similar to the majority of buildings on the Wakes Hall Business Centre site. The proposal includes 66 car parking

spaces, of which 4 are accessible (disabled) spaces and 15 are capable of accommodating vans. A total of 32 cycle spaces are provided throughout the site.

- 4.2 The total floorspace proposed is 1,486sqm, with units 1-8 measuring 70sqm each and units 9-16 measuring 116sqm each. It is anticipated that the development would generate positions for 40 full-time employees.
- 4.3 The application is supported by the following documents:
- Application form
 - Agricultural Land Report
 - Arboricultural Impact Assessment (revised)
 - Covering Letter
 - Design and Access Statement
 - Drainage Strategy (plus additional information)
 - Drawings:
 - Access Road Survey (revised)
 - Elevations
 - Location Plan
 - Sections
 - Site Access (revised)
 - Site Frontage Landscape Masterplan
 - Site Layout (revised)
 - Vehicle Tracking (revised)
 - Landscape and Visual Impact Assessment
 - Planning Statement
 - Preliminary Ecological Assessment
 - Report upon the Identified Demand for Additional Employment Floor Space

5.0 Land Use Allocation

- 5.1 No allocation.

6.0 Relevant Planning History

- 6.1 There is no planning history for the application site. With regards to the existing business centre, planning permission was originally granted for the change of use of redundant agricultural buildings to B1 light industrial in 2003 (ref: C/COL/03/0418). Subsequent planning permissions were obtained to convert a cart lodge to office space (ref: F/COL/04/0421) and additional agricultural buildings to B1 light industrial (ref: 072505). One unit has since been converted to a chiropractor (ref: 051259).

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account 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. Particular to this application, the following policies are most relevant:

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- UR2 - Built Design and Character
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA4 - Roads and Traffic
- ENV1 - Environment
- ENV2 - Rural Communities

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
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP9 Employment Uses in the Countryside
- DP14 Historic Environment Assets
- DP17 Accessibility and Access
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes

7.4 Submission Colchester Borough Local Plan 2017-2033:

The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

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 is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as the relevant policies in section 2 are yet to undergo a full and final examination, they are not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

7.5 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 Strategy
- Sustainable Drainage Systems Design Guide
- Street Services Delivery Strategy
- Planning for Broadband 2016
- Managing Archaeology in Development.
- Developing a Landscape for the Future
- Planning Out Crime

8.0 Consultations

8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

8.2 Anglian Water:

Anglian Water confirm that there are no assets owned by Anglian Water, or those subject to an adoption agreement, within the development site boundary; the foul drainage from this development is in the catchment of Earls Colne Water Recycling Centre that will have available capacity for these flows. They also confirm that the sewerage system at present has available capacity for flows from the proposed development. The preferred method of surface water disposal would be via a sustainable drainage system (SUDs) with connection to sewer seen as the last option.

8.3 Arboricultural Officer:

No objection subject to the tree reports being conditioned. Following the receipt of further information, it is noted that in order to overcome the likely direct conflict between the trees and the built form that a 'fire break' will be cut into the woodland. This will reduce the conflict between the trees and the proposed buildings whilst maintaining the overall landscape value of the woodland and the screen it provides.

8.4 Archaeological Adviser:

No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.

8.5 Building Control:

No comments received.

8.6 Cadent Gas:

No comments received.

8.7 Contaminated Land Officer:

No comments.

8.8 Environment Agency:

No comments received.

8.9 Environmental Protection:

No objection. Recommended conditions for hours of demolition and construction; boundary noise levels; sound insulation on any building; control of fumes, smells, and odours; provision of electric charging points. Also, recommended informatives regarding no fires on site and control of pollution during demolition and construction works.

8.10 Highway Authority:

Following the receipt of further information and revisions, the Highway Authority has no objections to the proposals subject to conditions: provision of communal recycling/bin/refuse collection points; bicycle parking; provision of public transport information, walking and cycling, for employees and visitors to the site; provision of 2 new bus stops; and the provision of a footway to connect to the bus stops. Recommended informative regarding works affecting the highway.

The Highway Authority observes that the applicant has submitted additional drawings numbered MDA 1562-P002 Rev B, 1562- P010, 1562-P011 & Richard Jackson drawings numbered 49695/PP04 and 49695/PP03 Rev B which satisfies the previous concerns of the Highway Authority additionally Richard Jackson Drawing Numbered 49713/C/01 REV B. It is also noted that the proposed development site will not be offered for adoption into the highway network and will remain a Private Road in perpetuity.

8.11 Landscape Officer:

The Landscape Appraisal submitted as part of this application does not meet the Council's minimum standards for such Appraisals. It should be noted however that a Landscape Appraisal is not required as part of this application as the site is well screened and is not atypical of local landscape character.

It should be noted that in the absence of any agricultural land classification report the Natural England mapping indicates the site is located within an area of higher grade (2) agricultural land, with, if this is considered 'significant development' in planning terms, a requirement under the NPPF (clause 112) that *'Local planning authorities should take into account the*

economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'. [Case Officer Note: this part of the Framework has been updated and is now covered under paragraph 170]. If therefore the proposal is considered 'significant development' then it is recommended an Agricultural Land Classification Report be submitted as part of any revised proposals.

In conclusion, taking into account all relevant considerations and for the reasons set out above, this application cannot currently be supported on landscape grounds if the proposal is considered 'significant development', this as in order to fully consider the proposals the above point(s) will need to be satisfactorily addressed. If, however the proposal is not considered 'significant development' then there would be no objections to this application on landscape grounds.

Recommended conditions for landscape management plan and details of landscape works. Recommended informative relating to Council guidance.

8.12 Natural England:

Natural England's initial screening of this planning application has identified that this proposed development has the potential to adversely affect a Site of Special Scientific Interest (SSSI) designated for its woodland interest, i.e. the relevant Impact Risk Zones have been triggered.

Standing advice provided on ancient woodland and veteran trees; ancient woodland and veteran trees within the application site; how to find out more information about the special interest of the SSSI and its sensitivities; air quality during construction; increase in access; root compaction; tree surgery works; surface water runoff; foul water disposal; groundwater changes; and development buffering.

8.13 Planning Policy

Planning Policy have provided a detailed explanation of relevant adopted and emerging planning policy, which is set out in the main body of this report. The initial policy assessment of the proposal was that whilst the proposal has the potential to support rural employment needs in accordance with policy requirements. Further detail is required to ensure that it is sufficiently justified by evidence demonstrating its rural location is required and sustainable.

Following receipt of further supporting evidence, the Planning Policy conclusions are as follows:

Further to comments of 6 June 2019 noting the lack of supporting justification for expansion of the employment floorspace, it is considered that this point has been sufficiently addressed by the further information submitted. It is noted, however, that the acceptability of the increase in scale of the employment uses relies on the acceptability of the design, parking, and access provisions.

8.14 SUDs

Following the receipt of further information, no objection subject to conditions for a detailed surface water drainage scheme; a scheme to minimise the risk of offsite flooding during construction; and a maintenance and management scheme for the surface water drainage. Recommended informative should there be any discharge to a ditch and the requirement for ordinary watercourse consent.

8.15 Technical Fire Safety Service:

No comments received.

8.16 Transport Policy:

No comments received.

9.0 **Parish Council Response**

9.1 Wakes Colne Parish Council object to the application

- Increase in traffic and impact on the environment.
- Highways access design statement needs to be looked into in more depth, before granting permission.
- Need to look at the impact on the A1124 as a whole, especially between Earls Colne and Aldham, not just a small area from Boley Road to Lane Road.
The impact on traffic, additional access onto the busy A1124, which is a fast stretch of road, extra lorries making deliveries etc.
- Design statement is limited.
- The roof should be of non-reflective material to enable the units to blend in with the rural surroundings.
- Overdevelopment within a rural area.
- The bus stop on the opposite side of the road, is just a stop sign, no shelter or hardstanding for bus users to stand and wait.

10.0 **Representations from Notified Parties**

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. No comments have been received in respect of this application.

11.0 **Parking Provision**

11.1 The adopted parking standards vary depending upon the use (B1, B2, or B8). The parking standards for each use class (when taken as the total floorspace proposed) could the following parking spaces to maximum standards:

	B1 (Business)	B2 (General Industrial)	B8 (storage or Distribution)
Car parking spaces – maximum	50	30	10
Cycle Parking (staff) – minimum	15	6	3
Cycle Parking (visitors) – minimum	7	3	1
Powered two-wheeler (PTW) – minimum	4	4	4
Disabled spaces – minimum	3	3	3

11.2 The proposal includes 66 car parking spaces, of which 4 are accessible (disabled) spaces and 15 are capable of accommodating vans. A total of 32 cycle spaces are provided throughout the site. An assessment of car parking is set out in the main body of this report.

12.0 Accessibility

12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposal does not give rise to any concerns regarding discrimination or accessibility; the site is relatively flat, the buildings are accessed from ground level, and there is ample car parking in close proximity to the buildings.

13.0 Open Space Provisions

13.1 The proposal does not include any residential uses so no open space is required.

14.0 Air Quality

14.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones. Nonetheless, electric charging points for vehicles will be required by condition in the interests of sustainability and air quality by encouraging the use of ultra-low emission vehicles.

15.0 Planning Obligations

- 15.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. The Development Team concluded that no planning obligations were necessary.

16.0 Report

- 16.1 The main planning considerations in this case are: the principle of development; landscape impact (including trees); highway matters; ecology; flood risk and drainage; design and layout; and impact on neighbouring amenity.

Principle of Development

- 16.2 Paragraph 83 of the National Planning Policy Framework (the Framework) supports sustainable economic growth in rural areas and the expansion of all types of businesses through conversion and well-designed new buildings. The Framework goes on to state, at paragraph 84, that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it is important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).
- 16.3 Adopted Policy SD1 (Sustainable Development Locations) of the development plan requires growth to be located at the most accessible and sustainable locations in accordance with the settlement hierarchy. Policy ENV1 (Environment) requires the countryside to be conserved and enhanced. The policy includes criteria, which strictly control development in the countryside. The development plan is therefore supportive of rural businesses through policies ENV2 (Rural Communities) and DP9 (Employment Uses in the Countryside). Policy ENV2 is supportive of rural business schemes that are of an appropriate scale and which help meet local employment needs, minimise negative environmental impacts and harmonise with local character and surrounding natural environment. Policy DP9 is supportive of rural businesses which contribute to the local economy and help sustain rural communities. Schemes should be small scale and not harm the rural character of the area either by the nature and level of activity (including the amount of traffic) or other detrimental effects such as noise and pollution. Proposals for new buildings will only be supported in exceptional cases providing that a need is demonstrated.
- 16.4 In terms of emerging policy, Emerging Local Plan Policy SG1 (Colchester’s Spatial Strategy) states that new development in the countryside will only be permitted in exceptional circumstances to preserve the rural character of the borough and where it accords with policy OV2 which recognises that proposals for sustainable rural business may require a countryside location. In general, proposals for sustainable rural businesses will be supported if they are of an appropriate scale, meet a local employment need, minimise negative environmental impacts, and harmonise with the local character and surrounding

countryside. Policy DM6 (Economic Development in Rural Areas and the Countryside) carries forward the policies and criteria previously found in DP9 and detailed above.

16.5 The Framework and adopted, as well as emerging, development plan policies largely support rural businesses. The general support is however qualified by criteria to ensure it meets definitions of sustainability and suitability for a rural area. Key requirements for the development are as follows:

- Development should be sensitive to its surroundings;
- Development should not have an unacceptable impact on local roads;
- The development should exploit any opportunity to make the location more sustainable;
- The development should be small scale;
- The development should help local employment needs;
- Environmental impacts should be minimised;
- The development should have limited impact in terms of noise and pollution.

16.6 Planning Policy have confirmed that the proposal constitutes 'small-scale' development in its context. The need for the development has been adequately justified and the Applicant has confirmed that at least one business has had to reluctantly leave the existing business centre because they did not have the capacity to expand (which the proposed development would allow). The proposed development is considered to have the potential to support rural employment needs, essentially by virtue of it being sited in a rural location. The remaining matters are considered in the following sections of this report.

Landscape Impact

16.7 Core Strategy Policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment, countryside and coastline, with Development Plan Policy DP1 requiring development proposals to demonstrate that they, and any ancillary activities associated with them, will respect and enhance the character of the site, context and surroundings in terms of (inter alia) its landscape setting.

16.8 The application is supported by a Landscape and Visual Impact Assessment (LVIA). As advised by the Council Landscape Officer, an LVIA is not required for this scheme as 'the site is well screened and is not atypical of local landscape character'; Case Officer opinion is that it is nonetheless useful in contributing to the assessment of the proposal in terms of its landscape impact. The submitted LVIA makes the following conclusions:

The scheme is proposed as a small extension to the existing business park on open land which is no longer used for agricultural purposes. The proposed buildings are functional in their form and will be in keeping with the scale of existing buildings within the business park. Materials proposed will be red brick, and metal sheet cladding for the walls and roof. The existing semi-mature tree belt and woodland ensures that the visual impact of the new buildings will not materially impact upon the landscape. In any event there are a limited number of public vantage points which offer views of the site.

The site has no local or national landscape designations and forms part of the Colne River Valley Slopes, Landscape Character Area. Whilst the site is open land, it's contribution to the countryside is not of exceptional value. The proposal seeks to deliver modest additional development within the site which respects the existing built form of the business park. The proposal will maintain cross valley views and will be readily absorbed into the existing landscape structure without detriment to the appearance and character of the area.

16.9 The site is visually secluded in terms of public vantage points and is well-screened by the semi-mature woodland; it is also in close proximity to a number of existing agricultural and business centre buildings. The particular characteristics of the site mean that the proposed development would not have an immediate or significant impact on the landscape, and it would not appear out of place amongst existing development. A detailed landscape scheme would be required by condition to ensure that the development respects the character of its surroundings in terms of both hard and soft landscaping.

16.10 The main body of the Council's Landscape Officer comments refer to the Grade 2 Agricultural Land Classification of the site. Paragraph 170 of the National Planning Policy Framework (the Framework) states that planning decisions should contribute to and enhance the natural and local environment by recognising, inter alia, the economic and other benefits of the best and most versatile agricultural land (i.e. grade 1, 2, and 3a agricultural land classification). The site has been identified as being grade 2 agricultural land according to Defra mapping. This mapping is at a very high level so further assessment on a site-specific basis is often required in order to ascertain the true agricultural classification. In this case, further information has been submitted from an agricultural consultant with the submission considering the productivity and viability of the land. In this case, the small size and irregular shape of the land is considered to limit the maneuverability of modern (larger) farm equipment and machinery, as well as effect productivity. Further, the proximity of the site to woodland would restrict the ability to farm the land as the crop could not be sprayed with plant protection products (given the risk of wind drift), and there are areas of the site which suffer from impeded drainage. Given these particular circumstances, the agricultural consultant has concluded that 'when considering all aspects required for productive arable cropping, the land subject to this development proposal would not be considered amongst the Best and Most Versatile and is not suited to modern agricultural practices.' This pragmatic and logical assessment is accepted and the proposal is considered to be acceptable in terms of its impact on agricultural land on that basis. The proposed development is not considered to be 'significant' so it is not necessary to seek lower grade agricultural land for the development as recommended in the Framework.

Highway Matters

- 16.11 Core Strategy policy TA4 seeks to make the best use of the existing highway network and manage demand for road traffic. The policy makes it clear that new development will need to contribute towards transport infrastructure improvements to support the development itself and to enhance the broader network to mitigate impacts on existing communities. Development Plan policy DP17 requires all development to maintain the right and safe passage of all highways users. Development Plan policy DP19 relates to parking standards in association with the Vehicle Parking Standards SPD (see Section 11 of this report for details of parking requirements).
- 16.12 During the course of the application, and on the advice of the Highway Authority, the scheme was revised in order to ensure that there would be sufficient space for passing HGVs on the access and turning space within the development. Following these revisions, the Highway Authority have confirmed that they have no objections to the proposals subject to conditions. The conditions are, for the most part, focussed on encouraging sustainable modes of transport: bicycle parking; providing public transport information; providing bus stops and interconnecting footways. Whilst the site is in a location where more sustainable modes of transport are minimal, the requirements of the Highway Authority, and the applicant's willingness to accept these requirements, will improve these opportunities.
- 16.13 The parking provision proposed exceeds the minimum policy requirement for both cycle parking and disabled spaces. The proposed scheme does however exceed the maximum car parking allowance; given the rural location and limited public transport, it is accepted that there may be a greater need for car parking than in urban areas. The increased provision for cycle parking, as well as the other sustainable measures that would be secured by condition (i.e. providing bus stops in the vicinity of the site) would however improve the sustainability credentials of the site. The Parish Council have commented that the bus stop currently in the vicinity of the site is just a sign, with no shelter or hardstanding. The recommended condition will ensure that two new bus stops will be provided and that these will include footways, kerbing, signs, timetables, and surfacing; a marked improvement on the current informal arrangements. On balance, the improvements to public transport, which would also benefit the wider site, is considered to outweigh the additional car parking spaces which exceed the policy ceiling.
- 16.14 The Parish Council have also commented that the proposal would result in an increase in traffic and that there would be impacts on the A1124 as a whole. Paragraph 109 of the National Planning Policy Framework states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.' Further comments has been sought from the Highway Authority who has commented that the A1124 is classified as a Main Distributor Road for the carrying of traffic safely and efficiently between major centres within the County, so it would be difficult to object to the location of the proposed development on this road. As one would expect for a road between two

major centres, there are recorded Personal Injury Collisions along its route, but the majority of these are slight and there no fatalities recorded. The vehicular access to the sight from the highway is demonstrate to be fully functional for the largest vehicles and visibility/intervisibility is acceptable. Further, the size of each unit (116sqm at their largest) indicates that there would not be any heavy industrial manufacturing processing taking place; functional access throughout the site for all sized vehicles has been demonstrated, although a B1/B2 use class would generally result in small traffic generation in comparison to other uses. In conclusion, there is no evidence that would suggest that the development would result in an unacceptable or severe impact on highway safety.

Ecology

- 16.15 Section 40 of the Natural Environment and rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity and a core principle of the NPPF is that planning should contribute to conserving and enhancing the natural environment. Development Plan policy DP21 seeks to conserve or enhance biodiversity and geodiversity in the Borough. New developments are required to be supported by ecological surveys where appropriate, minimise the fragmentation of habitats, and maximise opportunities for the restoration, enhancement and connection of natural habitats.
- 16.16 The site is an open area of grassland, with tree belts to its northern, eastern and southern boundaries, and an existing business centre to its west. A Preliminary Ecological Assessment was submitted with the application, which assessed and confirmed the following:
- No part of the proposed development site has any type of statutory or non-statutory conservation designation.
 - The proposed development site however is within a zone of influence for Chalkney Woods Site of Special Scientific Interest to the south west. The proposed development will not reduce the size or conservation status of this designated site nor affect its management regimes or future ecological potential.
 - There is a Priority Habitat Deciduous Woodland to the north and Priority Habitat Flood Plain Grazing Marsh to the south east. The proposed development will not reduce the size or conservation status of these habitats nor affect their management regimes or future ecological potential.
 - The proposed development site is a managed open amenity grassland area with little sward structure or floristic diversity. Its associated biodiversity and conservation value is low. No associated faunal presence or absence survey efforts are required.
 - To the north of the site is an area of maturing broadleaf woodland plantation.
 - It is important that no illumination is directed towards or impacts upon this woodland or the recently planted (approximately 16 years) tree

belt to the east boundary. Bat friendly illumination guidelines have been included in this report.

- There is a pond off-site to the south west. Eco-Planning UK Ltd completed an E-D.N.A presence or absence survey - Great Crested Newt for this pond in 2017. There was no Great Crested Newt presence – there has been no change in the quality/amphibian suitability of the ponds habitat since the 2017 survey effort. Repeating the E-D.N.A presence or absence survey is not required.
- No other presence or absence faunal survey efforts are required.

16.17 It is considered necessary to minimise the illumination at the rear of the units (facing the woodland areas) as this could have a potential impact upon bat foraging/dispersal activity. This can be controlled via condition.

16.18 Natural England have provided detailed standing advice regarding Sites of Special Scientific Interest (SSSI) given the location of the site in relation to an SSSI site (Chalkney Woods). The proposal would not have a direct impact on the trees within this site and the Ecological Assessment has clarified that the proposed development would not reduce the size or conservation status of the SSSI. Natural England have not objected to the proposals.

16.19 Given the low biodiversity value of the site, and the ability to control lighting that could have an impact on bats, the proposal is not considered to have a detrimental impact on biodiversity or the wider natural environment.

Flood Risk and Drainage

16.20 Core Strategy Policy SD1 and Development Plan Policy DP20 require proposals to promote sustainability by minimising and/or mitigating pressure on (inter alia) areas at risk of flooding. Policy DP20 also requires all development proposals to incorporate measures for the conservation and sustainable use of water, including the appropriate use of SUDs for managing surface water runoff.

16.21 The site is located within Flood Zone 1 which means that there is low probability of flooding (less than 0.1%). The development itself is, therefore, unlikely to be susceptible to flooding. It is still important, however, to assess whether/how the development could affect flood risk elsewhere, such as surface water flooding. Essex County Council SUDs team, as Lead Local Flood Authority, have confirmed that, subject to a detailed surface water drainage scheme, the proposal would satisfactorily minimise the risk of surface water flooding, both during construction, as well as post-development of the site. The SUDs requirements can be secured by condition.

16.22 In terms of drainage, Anglian Water have confirmed that there is sufficient capacity for foul drainage from the proposed development.

16.23 The proposal is therefore considered to be acceptable in terms of flood risk and drainage.

Design and Layout

- 16.24 In considering the design and layout of the proposal, Core Strategy policy UR2 and Development Plan policy DP1 are relevant. These policies seek to secure high quality and inclusive design in all developments, respecting and enhancing the characteristics of the site, its context and surroundings.
- 16.25 The immediate setting for the site is the existing business centre. The buildings within the business centre are generally converted agricultural buildings, either brick built or, more predominantly, modern metal clad buildings. The proposed development, being buildings clad in profiled metal sheeting, would generally reflect the character of the adjacent business centre. The buildings would be arranged around a parking court so that the site is relatively well contained. The design and layout is considered to be appropriate for the business use and setting adjacent to an existing business centre.

Impact on Neighbouring Amenity

- 16.26 Development Plan policy DP1 requires all development to be designed to a high standard that protects existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, and daylight and sunlight.
- 16.27 The site is approximately 127m from the nearest residential property to the south of the site. Residential (over-55s) development has been approved approximately 115m south-west of the site at Wakes Hall. The Council's Environmental Protection team have confirmed that they have no objections to the proposals subject to conditions to control noise levels and fumes, smells, and odours. Impacts in respect of noise and disturbance is therefore considered to be acceptable.

Other Matters

- 16.28 Development Plan policy DP1 requires new development to undertake appropriate remediation of contaminated land. There are no contaminated land issues at this site. The Council's Contaminated Land Officer has confirmed that they have no comments to make.
- 16.29 Both Core Strategy Policy ENV1 and Development Plan Policy DP14 seek to conserve and enhance Colchester's historic Environment. Development Plan Policy DP14 makes it clear that development will not be permitted that will adversely affect a listed building, conservation area, historic park or garden, or important archaeological remains. Whilst there are listed buildings in the vicinity of the application site, the proposed development is not considered to have a material impact on the setting of these buildings due to the distance of separation and intervening built development.

- 16.30 The Agent has confirmed that they agree to the recommended pre-commencement conditions, as per the Town and Country Planning (Pre-commencement Conditions) Regulations 2018.

17.0 Conclusion

- 17.1 Returning to the central policy requirements for economic development in rural areas:
- Development should be sensitive to its surroundings: The proposal would not have a significant landscape impact given its scale and surrounding vegetation. It would be compatible with the existing built development in the adjacent business park.
 - Development should not have an unacceptable impact on local roads: The Highway Authority have confirmed that the proposal is acceptable in terms of the local road network.
 - The development should exploit any opportunity to make the location more sustainable: The proposed scheme will provide significant cycle parking and bus stop infrastructure that would promote more sustainable modes of transport over private car.
 - The development should be small scale: Planning Policy have confirmed that the proposal can be considered to be small-scale.
 - The development should help local employment needs: The development would be sited in a rural location and would therefore provide employment opportunities for local people, which is a benefit of the scheme.
 - Environmental impacts should be minimised: The proposal has been assessed in terms of its environmental impact, with conditions recommended where mitigation may be required.
 - The development should have limited impact in terms of noise and pollution: Conditions are recommended to ensure that noise and pollution are mitigated.
- 17.2 Other relevant material planning matters have been considered, with mitigation measures conditioned where necessary.
- 17.3 Whilst the proposal may exceed policy restricted car parking levels, it is considered to be in accordance with all other policy requirements and would have beneficial impacts in terms of providing opportunities for local employment, and improving the sustainability of the site, including for the existing business centre site and residential premises. The proposal is, therefore, considered to be acceptable subject to the recommended conditions below.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1. Time Limit for Full Permissions

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. Development to Accord With Approved Plans (qualified)*

With the exception of any provisions within the following conditions, the development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers:

Site Location Plan 1562-P Loc01

Site Layout 1562-P002 Rev B

Units 1-8 Elevations 1562-PL03

Units 9-12 Elevations 1562-PL04

Units 13-16 Elevations 1562-PL05

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

3. Permitted Development Removal

Notwithstanding the provisions of Article 3, Schedule 2, Part 6 Classes F, G, H, and J of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions or hardstanding shall be erected or carried out except in accordance with a subsequent planning permission.

Reason: In the interests of visual amenity and as any further development would need to be formally considered in respect of its impacts given the rural location.

4. Mezzanines

Notwithstanding the definition of development, the creation of any mezzanine level or intermediate floorspace within any building or part of a building within the development hereby approved is not permitted without the further grant of planning permission for the expansion of floorspace from the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of the permission and because the impacts of the proposal, along with necessary forms and levels of mitigation, have been assessed on this basis.

5. Lighting

Any external lighting shall be strictly in accordance with the Institute of Lighting Professionals (ILP) Guidance Note 8 Bats and Artificial Lighting (2018) and there shall be no illuminated directed towards the woodland or tree belt to the northern and eastern boundaries of the site.

Reason: In the interests of the rural nature of the site and associated ecology, particularly bats.

6. 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:

- Limiting discharge rates to 1.22l/s for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1:100 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment.

7. Scheme to minimise off-site flooding during construction

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site as a result

of dewatering and/or removal of topsoils. Construction may also lead to polluted water being allowed to leave the site.

8. Detailed Landscape Scheme

No works shall take place 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:

- Proposed finished levels or contours.
- Means of enclosure.
- Car parking layouts.
- Other vehicle and pedestrian access and circulation areas;
- Hard surfacing materials.
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.).
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.).
- Planting plans.
- Written specifications (including cultivation and other operations associated with plant and grass establishment).
- 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.

9. Site Boundary Noise Levels

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 facades of [or 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.

10. Sound Insulation on Any Building

Prior to the first use or occupation of the development as hereby permitted, the buildings shall have been constructed to provide sound insulation against internally generated noise in accordance with a scheme devised by a competent person and agreed, in writing, by the Local Planning Authority. The insulation shall be maintained as agreed 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.

11. Industrial Processes (Control of Fumes, Odours, Dust etc)

Prior to the first use or occupation of the development as hereby permitted, control measures shall be installed in accordance with a scheme devised by a competent person for the control of fumes, smells and odours, and dust that shall have been previously submitted to, and agreed in writing by, the Local Planning Authority. The control measures shall thereafter be retained and maintained to the agreed specification and working order.

Reason: To ensure that there is a scheme for the control of fumes, odours, dust, and smell in place so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, as there is insufficient detail within the submitted application.

12. Car Parking and Electric charging points

Prior to the first use or occupation of the development as hereby permitted the car parking spaces, as shown on drawing no. 1562-P002 - REV B, shall be provided and made available for use. Notwithstanding the submitted details, at least 3 No. car parking spaces shall be dedicated to electric vehicles (Fast Charging of at least 7.4 kW (32A)).

Reason: To ensure that adequate car parking is provided for the development and in the interests of sustainability and air quality by encouraging the use of ultra-low emission vehicles.

13. Refuse and Recycling

Prior to the first use or occupation of the development as hereby permitted, communal recycling/bin/refuse collection points shall be provided within 20m of the circulatory carriageways or adjacent to the highway boundary and additionally clear of all visibility splays at accesses and retained thereafter.

Reason: To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety.

14. Bicycle Parking

Prior to the first use or occupation of the development as hereby permitted, details of the provision for the parking of bicycles sufficient for all occupants of that development of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided

prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport.

15. Promotion of Public Transport

Prior to the first use or occupation of the development as hereby permitted, The Developer shall be responsible for the provision of details of public transport (timetables and locations of bus stops etc) and walking and cycling being available to all, prominently displayed and regularly updated and maintained in perpetuity within the site, which shall be approved by Local Planning Authority.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

16. Bus Stops and Footway

Prior to the first use or occupation of the development as hereby permitted the Applicant/Developer shall provide 2 No. new bus stops located in precise accordance with Richard Jackson Drawing Numbered 49713/C/01 REV B, together with the provision of footways, level entry kerbing standard kerbing, new posts and flags, timetables, carriageway markings, any adjustments in levels, surfacing, pram crossing and any accommodation works to the footway and carriageway channel being provided entirely at the applicant/Developer's expense to the specifications of the Highway Authority.

Reason: To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development.

17. SUDs Maintenance and Management Plan

Prior to the first use or occupation of the development as hereby permitted, a maintenance and management plan, detailing the maintenance arrangements (including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies) has been submitted to and agreed in writing by the Local Planning Authority. Should any part of the drainage system be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

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 and pollution and to ensure that the drainage system is maintained for the lifetime of the development.

18. Landscape Management Plan

Prior to the first use or occupation of the development as hereby permitted, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

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.

19.0 Informatives

19.1 The following informatives are also recommended:

1. **ZT0 – Advisory Note on Construction & Demolition**

The developer is referred to the attached advisory 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.ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

3. Informative on Any Application With a Site Notice

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

4. Environmental Informative

No fires on site at any time

5.Highway Informative

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 – Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

6.Landscape Informative

'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](#) under Landscape Consultancy by clicking the 'read our guidance' link).'

Please refer to the Notes for Applicant/Agent when instructing landscape consultant and/or before contacting the Council's Landscape Advisor (this is available on this CBC landscape [webpage](#) under Landscape Consultancy by clicking the 'read our guidance' link).