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**Item No:** 7.2

**Application:** 232206

**Applicant:** P.G Rix Farms Ltd

**Agent:** Kevin Coleman

**Proposal:** Construction of Processing, Packing and Dispatch Building, with associated access, hardstanding, drainage, services and landscaping.

**Location:** Lodge Farm, Boxted Road, Great Horkesley, Essex, CO6 4AP

**Ward:** Rural North

**Officer:** Chris Harden

**Recommendation:** Approval

## **1.0 Reason for Referral to the Planning Committee**

1.1 This application is referred to the Planning Committee because it has been called in by Cllr Darius Laws who states “Residents are concerned about the sale and massing of this development as well as the light pollution on the edge of the Dedham Vale AONB with its recent efforts to improve 'dark skies'.”

## **2.0 Synopsis**

2.1 The key issues for consideration are the principle of the proposal and its visual impact upon the countryside and impacts upon highway safety, residential amenity, wildlife, vegetation and flood risk.

2.2 The application is subsequently recommended for approval. There is Local Plan and National Policy Support for supporting the rural economy subject to careful consideration of all planning impacts. There is an existing farm complex and this building will result in significant benefits to the business.

2.3 The building can be screened by existing and additional landscaping and has been kept as low as operationally possible and will be finished in dark green, all of which helps to minimise its visual impact within the countryside and nearby AONB.

2.4 The proposed development would not result in any significant increase in vehicular movements to and from the site and consequently complies with NPPF Paragraph 115 which 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.” There remains adequate parking and manoeuvring provision on site.

2.5 Conditions controlling delivery times and noise at the boundaries and lighting will avoid any significant adverse impact upon neighbouring residential amenity from noise and disturbance and glare. It is considered that the building is in a location far enough from neighbouring residences and of a scale that would not result in an overbearing impact, loss of light or significant loss of outlook to the nearest residents. Whilst the building would be partly visible from nearby residences, the loss of a view is not a justifiable reason for refusal as there is not a right to a view as a material planning consideration.

2.6 There would be no significant impact upon wildlife and vegetation and there are no objections on flood risk grounds subject to appropriate conditions. An archaeological condition will be applied.

## **3.0 Site Description and Context**

3.1 The site lies within the countryside and is part of Lodge Farm which is part of P.G. Rix Farms Ltd. PG Rix (Farms) Ltd is a major supplier of allium food crops (onions, shallots, garlic). The site area itself is part of a well-maintained grassed area which lies adjacent to an existing hard surfaced storage area and existing farm building related to the business. A complex of farm buildings also related to the business also lies to the North and West. The site is surrounded on the side and front boundaries by hedging and trees. The site lies outside

the Dedham Vale AONB, the boundary of which is approximately 650m to the North.

#### **4.0 Description of the Proposal**

4.1 The application proposes the construction of a processing, packing and dispatch building, with associated access, hardstanding, drainage, services and landscaping in conjunction with the existing site. The Total Gross new internal floorspace proposed is 3,740 metres. The building measures approximately 43 metres in width and with a frontage length of 84 and rear length of 92 metres. The height to the ridge of the building has been reduced from 9.96 to 9.525.

4.2 The following documents have been submitted with the application:

- Design and Access and Planning Statement
- Flood Risk Assessment
- Landscape Appraisal
- Arboricultural Impact Assessment
- Ecological Appraisal
- Archaeology Evaluation
- Noise Impact Assessment
- Vehicle Tracking Plan

4.3 In support of the application, the applicant makes the following points:

- PG Rix (Farms) Ltd is a major supplier of allium food crops (onions, shallots, garlic) for the domestic food market, processing 30% of the UK crop, farming in total around 2,650 hectares around the Essex/Suffolk borders.
- Its affiliated supply company, Stourgarden, are significant local employers, with major contracts including supplying 100% of onions for both Tesco and McDonalds in the UK. However, in order to continue servicing these contracts and meeting client requirements, the farm needs to make a significant investment in further automation of its handling, packing and dispatch operation.
- Automated processes require a greater floorspace, and more modern premises are required to facilitate hygiene, maintenance and cleaning, hence the need for the additional building. Greater automation in agriculture ... is as important now as ever, as the UK seeks to gain greater food security and less reliance on imported foods (less than half of UK consumption is produced at home...)
- Efficiency in production and supply is a key factor in combating food-price inflation – the investment in technology in this case (around £5.75m for the equipment and building) will assist in minimising supply costs and therefore helping with food prices for consumers.
- Lodge Farm is a ‘field to store’ operation – the processing and packaging plant is an essential part of the operation of transferring locally grown food from the ground and into supermarkets quickly and efficiently.

- The new processing/pack area is replacing the existing, which will be turned to storage. The reason more storage space is needed is in large part due to the need to store different products separately. So the new processing/pack area is not new floorspace as such, it is a replacement of the existing facility. It has a larger footprint, because as explained this is needed for automation, but the existing prep area is over two stories. The main net change in floorspace at the farm is actually therefore related primarily to additional storage space, not additional processing/pack space.
- the issue is not so much the volume of produce dispatched, but the speed with which fluctuations in client requirements can be responded to, and the efficiency (i.e., the price) at which produce can be supplied, which is needed to maintain contracts.
- Application provides the means to ensure that customer orders can be satisfied quickly and efficiently, and that produce can be stored to meet modern requirements. The facility is not therefore expected to materially affect vehicle movements associated with the site.
- Height of the main preparation area is set by the scale of the machinery to be housed within it. The purpose of the building is to provide the housing for the processing equipment, and the floor to ceiling height in the preparation area has to be sufficient for the equipment to be operated. This height establishes the eaves level at the rear of the building. The eaves level at the front of the building is lower, but still needs to be high enough for the loading bays. The remaining space in the roof is required for service runs (including the air conditioning ducting).
- Drainage design has shown that we cannot set the building any lower. The falls necessary to convey surface water to the ditch on the boundary of the site are already at the minimum level, so any lower of the finished floor level would render the site incapable of being drained.
- The table below shows the most recent permissions granted at the site for other buildings (and the existing prep building), listed in order of height. Both the extensions to the onion box stores granted in 2014 and the new optical grading building granted in 2018 (which sits immediately north of the site for this application) are materially taller, and in addition, the optical grading building is located on higher land.

	<b>Eaves</b>	<b>Ridge</b>	<b>Permissic</b>
Existing Prep Factory	8.8	12.2	
Box Stores	8.707	11.8	132245
Optical Grading Shed	7.7	10.8	180632
<b>Proposed Building</b>	<b>7.725</b>	<b>9.96</b>	
<b>Amended design</b>	<b>7.725</b>	<b>9.525</b>	
Booker Building	6	8.47	210573

## 5.0 Land Use Allocation

### 5.1 Part Countryside, Part Employment

## 6.0 Relevant Planning History

6.1 Lodge Farm has an extensive planning history for various farm buildings and facilities dating from the 1960s. The most recent planning history is as follows (all approvals):

210573 Proposed agricultural steel portal framed grading building and relocation of existing gas tanks -Approved

110310 Steel portal framed side extension building clad with insulated sheeting.

112249 Application for prior notification of agricultural or forestry development - proposed building.

112471 Installation of photovoltaic modules on the roof of the sprayer store

120589 Erect a two storey extension with new quality control room on ground floor and conference room on first floor. Erect a new single storey entrance porch.

132245 Proposed agricultural steel portal framed end extension to provide additional boxed onion storage.

132246 Proposed agricultural steel portal framed end extension to provide additional storage and packing facilities including welfare.

162139 Extension to form additional welfare and office space

180632 Proposed agricultural steel portal framed grading and compost buildings.

110310	Steel portal framed side extension building clad with insulated sheeting.
112249	Application for prior notification of agricultural or forestry development - proposed building.
112471	Installation of photovoltaic modules on the roof of the sprayer store
120589	Erect a two storey extension with new quality control room on ground floor and conference room on first floor. Erect a new single storey entrance porch.
132245	Proposed agricultural steel portal framed end extension to provide additional boxed onion storage.
132246	Proposed agricultural steel portal framed end extension to provide additional storage and packing facilities including welfare.
162139	Extension to form additional welfare and office space
180632	Proposed agricultural steel portal framed grading and compost buildings.

## 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 Local Plan 2017-2033 Section 1

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. The Section 1 Local Plan was adopted on 1 February 2021. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP5 Employment
- SP6 Infrastructure & Connectivity
- SP7 Place Shaping Principles

### 7.3 Local Plan 2017-2033 Section 2

Section 2 of the Colchester Local Plan was adopted in July 2022. The following policies are of relevance to the determination of the current application:

SG1 Colchester's Spatial Strategy  
SG3 Economic Growth Provision

SG4 Local Economic Areas  
SG7 Infrastructure Delivery and Impact Mitigation  
SG8 Neighbourhood Plan  
ENV1 Environment  
ENV 4 Dedham Vale AONB  
NV3 Green Infrastructure  
ENV5 Pollution and Contaminated Land  
CC1 Climate Change  
OV2 Countryside  
DM1 Health and Wellbeing  
DM6 Economic Development in Rural Areas and the Countryside  
DM7 Agricultural Development and Diversification  
DM15 Design and Amenity  
DM16 Historic Environment  
DM20 Promoting Sustainable Transport and Changing Travel Behaviour  
DM21 Sustainable Access to development  
DM22 Parking  
DM23 Flood Risk and Water Management  
DM24 Sustainable Urban Drainage Systems  
DM25 Renewable Energy, Water Waste and Recycling

- 7.4 Some “allocated sites” also have specific policies applicable to them. The adopted local plan policies set out below are of direct relevance to the decision making process:

N/A

- 7.5 The Neighbourhood Plan for Great Horkeley is only in its Emerging stage with an area designated so has no weight at present.

- 7.6 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  
Open Space, Sport and Recreation  
Sustainable Construction  
Cycling Delivery Strategy  
Urban Place Supplement  
Sustainable Drainage Systems Design Guide  
Street Services Delivery Strategy  
Planning for Broadband 2016  
Managing Archaeology in Development.  
Developing a Landscape for the Future  
ECC's Development & Public Rights of Way  
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. More information may be set out on our website.

## 8.2 Highway Authority states (précised):

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

The development shall not be occupied until such time as a car turning facility and off street parking has been provided for current and future employees and visitors, in accord with current Parking Standards. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Prior to commencement of the proposed development, details of the provision for parking of powered two wheelers and bicycles of a design that 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.

Prior to the first beneficial use of the proposed development the applicant shall provide a traffic management plan that should include but is not limited to:

1. Additional permanent signage within the site located in clear view and prominently displayed indicating all HGV Traffic should turn out of the site towards the A134 The Causeway and no access towards Queens Head Road
2. A route plan for all drivers and haulage operators detailing the route to and from the site is from and to the A134 The Causeway being issued to all drivers and vehicles attending the site and to avoid the vehicular HGV use of Queens Head Road and Holly Lane.
3. Additional permanent signage within the site located in clear view and prominently displayed directing HGV traffic to and from the loading and unloading facilities to avoid congestion and obstruction to opposing vehicles

Informative1:

## 8.3 Landscape officer:

1.0 Comments:

1.1 The landscape content/aspect of the strategic proposals lodged on 27/09/2023 under drawing 23.5395.01.A would appear satisfactory.

2.0 Conclusion:

2.1 In conclusion; there are no objections to this application on landscape grounds in principle.

4.0 Recommended Landscape Condition(s) & Informative:

4.1 The following condition(s) is/are recommended:



*Bespoke:*

*Z00 – The landscape details as shown on the approved drawing(s) 23.5395.01.A lodged on 27/09/2023 shall be carried out in full prior to the end of the first planting/seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority and its implementation shall be in compliance with the recommendations set out in the relevant British Standards current at the time of submission. Any hard or soft landscape works which, within a period of 5 years of being implemented fail, are removed or seriously damaged or seriously diseased shall be replaced, like for like, in the next planting season with others of similar specification/size/species/mix, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.*

*Reason: In order to ensure that the landscape is implemented in accordance with the detail submitted within the application.*

#### 8.4 AONB Team states:

The site lies to the east of the main Lodge Farm complex on the north side of Boxted Road Great Horkesley. The site lies outside the Dedham Vale AONB. The boundary to the Dedham Vale AONB is approximately 650m to the north of the application site. Despite the large size of the proposed building, there is limited intervisibility between the AONB and the application site due to intervening hedges, trees and existing farm buildings. Impacts from this scheme on the natural beauty, particularly, landscape quality and scenic quality of the Dedham Vale AONB are unlikely to be major.

It is noted that a number of concerns have been raised about light pollution from this development.

The AONB team has recently commissioned new Lighting Guidance for the Dedham Vale and Suffolk Coast & Heaths AONBs. This includes lighting guidance for domestic and non-domestic developments and may be helpful for mitigating lighting impacts if this is considered to be an issue by your planning authority. Please refer to the following link -

<https://www.dedhamvalestourvalley.org/wp-content/uploads/2023/08/Lighting-Guidance-in-National-Landscapes.pdf>

#### 8.5 Environmental Protection states (precised):

Should planning permission be granted Environmental Protection wish to make the following comments (conditions):-

ZPA – Construction Method Statement

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.

#### ZGA - \*Restriction of Hours of Operation\*

The use hereby permitted shall not OPERATE/BE OPEN TO CUSTOMERS outside of the following times:

Weekdays: 07:30-18:30

Saturdays: 07:30-18:30

Sundays and Public Holidays: Restricted to current permission for remainder of site.

#### ZGB - \*Restricted Hours of Delivery\*

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

Weekdays: 07:30-21:00

Saturdays: 07:30-18:30

Sundays and Public Holidays: Restricted to current permission.

#### ZGG - 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 -5dB(A) above the background levels determined at all facades of 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.

#### External openings

There shall be no windows or doors on the facades facing residential properties.

#### ZGN - Industrial Processes (if applicable for Control of Fumes, Odours, Dust etc)

Prior to the first use of the development 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.

#### 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 current ILP Guidance Note For The Reduction of Obtrusive Light for zone E2 RURAL (low district brightness – sparsely inhabited rural areas, village or relatively dark outer suburban locations), E3 SUBURBAN (medium district brightness – well inhabited rural areas, small town centres, suburban locations); E4 URBAN (high district brightness – town/city centres with high levels of night -time activity).

Note: There shouldn't be regular lighting on the sides of the building facing residential properties.

#### 8.6 Contaminated land officer states:

Should planning permission be granted for this application, the Environmental Protection Team would have no objections with regards to contaminated land.

#### 8.7 Tree officer states:

1.1 Regarding the proposed development and AIA provided:

1.2 I am in agreement with the tree report provided.

2.0 Conclusion

2.1 In conclusion, I am satisfied with the arboricultural content of the proposal

3.0 Recommendation

3.1 Agreement to the landscape aspect of the application subject to condition

5.0 Recommended Landscape Conditions:

Make the tree report an approved document (including plans).

#### 8.8 Essex Count Council SUDS team states (precised):

Assessment and the associated documents which accompanied the planning application, we **do not object** to the granting of planning permission based on the following:

Condition 1 The development permitted by this planning permission shall be carried out and maintained in accordance with the approved Flood Risk Assessment and Surface Water Drainage Strategy, ref 2308-843, rev A, by K Welham Ltd/Ingent consultants, dated December 2023 and the following mitigation measures detailed within the FRA:

- Limiting the discharge from the site to 2.2l/s
- Providing attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of 45% climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- To ensure the effective treatment of surface water runoff to prevent pollution. We also have the following advisory comments:

- 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/protectingenvironment>

Prior to deciding this application you should give due consideration to the issue(s) below.

It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

#### INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The

applicant should seek consent where appropriate from other downstream riparian landowners.

#### 8.9 Ecology Consultant Essex County Council Place Services: (précised)

**No objection** subject to securing biodiversity mitigation and enhancement measures.

“A lighting scheme should also be conditioned to ensure that bats and other light sensitive species are not discouraged from using the area. The scheme should ensure that no light spill luminates the vegetative areas on site.

we recommend that applicant should discuss this matter with the LPA to determine whether a 10% measurable biodiversity net gain should be demonstrated for this application. This is also required to demonstrate measurable biodiversity net gains, as outlined under Paragraph 174d of the National Planning Policy Framework (2023).

Recommended conditions

#### 1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (James Blake Associates Ltd, September2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

#### 2. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall thereafter be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

### 3. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

#### 8.10 Consultant Archaeologist states:

The proposed development occupies an area of archaeological cropmarks recorded in the Colchester HER (MCC4815).

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 205), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

In this case, a trial-trenched archaeological evaluation will be required to establish the archaeological potential of the site. Decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation.

It should be noted that this application is supported by a Written Scheme of Investigation for Archaeological Evaluation prepared by Archaeology-South East in August 2023, which I have already approved pre-application. It is understood that the fieldwork will be undertaken imminently.

The following archaeological condition (Z00) is recommended in order to secure the required fieldwork and any archaeological mitigation required:

No works shall take place until the implementation of a programme of archaeological work has been secured.....,

#### 8.11 Natural England states: "NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Natural England's generic advice on other natural environment issues is set out at Annex A.

The proposed development is for a site within or close to a nationally designated landscape namely (Dedham Vale) AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal."

## **9.0 Parish Council Response**

### **9.1 The Parish Council have stated:**

"Great Horkesley Parish Council objects to the Lodge Farm application, noting that there is widespread local opposition, and holding the view that the scale and size of this proposed development is unsuitable for the location and an over-development of such, at 10m high the proposed building will even tower over the others on the site, believed to be some 6m high. It is doubtful that the trees proposed to screen the building could ever do so effectively; the much lower shed on the south side of the Lodge Farm complex is one of the oldest but still clearly visible from the Essex Way and other public places within the village. The Applicant essentially wishes to build a factory in a rural location in close proximity to the Dedham Vale AONB, very near to residences, and accessed via country lanes which already are unsuitable for HGV traffic which a site visit would immediately show.

The Parish Council is concerned about the vast size of the proposed building which will not be in keeping with the local rural landscape and in particular the height of such which will adversely impact nearby homes. There is already significant building infrastructure on site and the scale and massing of the buildings is of real concern. The specific location of the proposed building within the site is also of concern given its very close proximity to residences and the explanation as to why it cannot be located closer to the Applicant's own family residence at Lodge Farm due to fire risk lacks credibility without any fire officer report. The close proximity to residences causes a very real concern as to obstruction of light, light pollution and noise pollution. The Parish Council is concerned as to the feasibility of attenuating noise once the plant is operating which is glossed over in the study supplied with the application; this needs to be determined in advance of consent being granted.

The Parish Council is particularly concerned about vehicular movements at the site, which already generates too high a volume of HGV traffic unsuitable for the narrow access roads. It is not clear whether there will be an increase in traffic, which seems likely given the scale of investment proposed. It also seems likely that the facility will enable the use of larger vehicles which will damage local roads even more than at present. Bosted Road is too narrow to safely and properly accommodate HGV vehicles; only the power company poles have prevented the verges from being completely destroyed. At the junction with the A134 the surface is in constant need of repair, the verges are worn away on both sides and the pavement along the A134 opposite has been destroyed by

the HGVs swinging out and mounting it as they turn. Surveys of A134 traffic (in connection with development elsewhere) have shown that it is already carrying more HGVs than usual for a road of this type. This is a road which runs through the centre of the village and in many places has only one narrow pavement. It is used by pedestrians and cyclists including those attending local schools, increasing so since the Trinity School at Chesterwell has opened; this school will continue to expand for another four years. The city council intend that there should be more housing in Great Horkesley so it should not at the same time be permitting what seems like industrial development which will increase HGV traffic on the road on which existing and new residents should be able to walk and cycle safely.

The Parish Council is concerned that this site has already reached, if not exceeded, what is appropriate for what was once a rural farm location accessed via a narrow country lane. Enough is enough. The claim that this building must be on the Lodge Farm site, because that's where the company headquarters is, should be rigorously examined. The factory proposed to be built here ought to more suitably and sustainably be built on employment land with good public transport connections and suitable road infrastructure for HGVs, including easy access to the A12; better transport links will also better serve its employees who currently can only realistically travel by car due to lack of local public transport options and safe pedestrian and cycle access. The applicant needs to find a way of splitting the business between two sites.

## **10.0 Representations from Notified Parties**

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

**11 letters of objection and 8 other letters** have been received which raise the following points:

- Additional cars and vehicles passing through village and Boxted Road.
- Boxted Road narrow- passing points needed.
- Local Road network already struggles. Detrimental to highway safety.
- Need alternative access before any new large scale development allowed.
- Building is gigantic in size and scale and very difficult to camouflage into local environment.
- Building may block sunlight (create large shadow's) on neighbouring adjacent properties. Will alter our outlook. Overbearing.
- Rix Farm franchise is thriving business and although this building plan may future proof the business for the next decade, if it continues to grow at its current rate - where does it expand next?
- Would a brand new 'state of the art' factory be better option away from the current site/AONB and closer to better transport links/A12 etc? Does not require rural location.
- Increased Light and Traffic noise.



- Discarded Onion Skins are left to rot for a season on Broad Lane before being buried on the adjacent land -could this factory create further pollution and waste?
- Large Tractors and HGV's are ruining the road junction onto the A134 this will only get worse.
- LP Planning rules state that any buildings in the local area must enhance the local and natural environment – can this be said of this building? Contrary to Policies OV2, SG1,ENV1, DM15.
- Could building be partially buried/sunken into the ground which would make it more thermal efficient and hopefully reduce need for constant air conditioning.
- Expansion plan is currently clunky and awkward in shape and form. Massive building. Incongruous in countryside. Eyesore. More akin to logistics hub and industrial structure.
- Landscape appraisal unfocused. Impact on AONB.
- No appraisal has been made of the impact on the most affected sensitive receptor (Lodge Farm Cottage).
- Noise report does not include plant and machinery. No mention of sound barriers. Noise from refrigeration trailers.
- This is a 364 day operation. 07:30 to 18:30 including weekends and Bank Holidays.
- Industrial unit is less than 80 metres from my home not the current 320 metres. Only 14 metres from residential properties.
- Headlight glare.
- Possible odour pollution.
- Devalue our property.
- Not accord with Development Plan.
- Stourgarden has quadrupled in last 8 years.
- Only 30% production produced locally.

## **11.0 Parking Provision**

11.1 Manoeuvring area shown within service yard on this site. Existing parking provision elsewhere in the complex.

## **12.0 Accessibility**

12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposed development does not raise any issues of discrimination; the site is accessible by a number of modes of transport (car, bus, cycle, foot) and accessible car parking can be provided. There would be level access into the building.

## **13.0 Open Space Provisions**

13.1 N/A

## **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.

## 15.0 Planning Obligations

15.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. It was considered that no Planning Obligations should be sought.

## 16.0 Report

### Principle:

16.1 In terms of the principle of the proposal, Para 88 of the NPPF aims to support a prosperous rural economy.

It states that:

Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;

Para 89 of the NPPF goes on to note:

89. 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 will be 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).

16.2 The Government Food Strategy of June 2022 notes:

The food and drink industry has an important role to play in the government’s levelling up agenda. It is the UK’s largest manufacturing industry, bigger than the aerospace and automotive industries combined. UK agri-food and seafood sectors create over £120 billion of value for the economy every year and employ over 4 million people. Working with government, they underpin our food security: demonstrating great resilience when dealing with disruption at national and international levels, particularly in the context of the COVID-19 pandemic and most recently through the conflict in Ukraine.

16.3 Policy DM7 of the Local Plan provides that:

*Agricultural Development and Diversification*  
*The Local Planning Authority will support and encourage appropriate farm diversification proposals where they help support the rural economy, are compatible*

*with the rural environment and help to sustain the existing agricultural enterprise without the need for subdivision of the holding or separate enterprises unrelated to the existing agricultural use.*

- 16.4 Local Plan policies SP5 and SG3 aim to encourage and retain economic uses. Policy OV2 acknowledges that some businesses require a rural location and Policy DM6 is also supportive of rural businesses subject to them being appropriate to the rural area, particularly in terms of scale.

*Policy DM6: Economic Development in Rural Areas and the Countryside states:*

*The Local Planning Authority will protect Local Economic Areas in rural Colchester that provide an economic function both on allocated sites shown on the policies maps and at other rural locations that provide a similar function.*

*D) New rural employment buildings: Proposals will only be supported in exceptional cases where there are no appropriate existing buildings, there is no available employment land in the locality and a site/area specific business need has been adequately demonstrated.*

*(E) Expansion of an existing business: Proposals to expand an existing employment use into the countryside will only be supported in exceptional cases where there is no space for the required use on the existing site, the need has been adequately demonstrated, and the proposals are essential to the operation of an established business on the site. Consideration must be given to the relocation of the business to available land within a Strategic or Local Economic Area or alternative rural site providing an economic function and in a more sustainable location. In all cases, any new development will be expected to have adequate landscape mitigation to compensate for any additional impact upon the surrounding countryside.*

- 16.5 The application proposes rural/agricultural development, directly supporting the ongoing viability of the existing business, enhancing the rural economy and viability. The proposed development would continue to support employment opportunities, as well as providing for sustainable an agricultural/rural business. The applicant has clearly outlined why the building of this scale and in this location is required i.e.

- Protecting existing local labour by enabling the farm to continue to meet customer requirements for price and speed of supply;
- The scale of investment will help to secure the sub-region as a premier location for home grown allium produce;
- More modern premises for the processing and packaging facility helps to facilitate both hygiene and further automation, which help to keep production costs (and therefore resulting food costs) lower;
- The scale of investment provides opportunities for reducing reliance on imported produce;
- More modern premises with investment in insulation and renewable energy assists in reducing the carbon impact of production;

- Eases space pressure within the Packhouse for storage of separate products/organic and non-organic products, meaning storage space is increased without the need for additional buildings;
- Facilitates “whole crop utilisation” as the new processing and packing facility is able to utilise even the smallest produce, which is currently too small for effective processing by hand, and so is disposed of as waste.

16.6 It is considered that the above requirements justify the principle of this building in this location, having regard to the NPPF which supports the rural economy and the above Local Plan policies which recognise the need to support appropriate agricultural and employment activities of appropriate scale and in a satisfactory location, including when related to an existing business. Accordingly it is considered that the principle of a new building related to the existing business can be supported.

16.7 However, careful assessment on the detailed planning merits of the proposal will need to be made including the positioning, scale and design of the building, its landscape impact and any impact upon highway safety, neighbouring residential amenity, wildlife and flood risk.

Design, Scale and Form and Visual Impact upon the character of the countryside:

16.8 With regard to the design, scale and visual impact of the proposal, Policies SP7 and DM15 of the Local Plan provide that development must respect and enhance the character of the site, its context and surroundings in terms of architectural approach, height, size, scale, form and massing. Policy ENV 1 aims to conserve and enhance the natural environment.

16.9 The abovementioned Policies OV2 and DM6 emphasise proposals should be of an appropriate scale for the countryside, with DM6 and DM7 confirming there should be adequate landscape mitigation to compensate for any additional impact upon the surrounding countryside.

16.10 Whilst this building is clearly large, it is quite well related to the existing complex, being adjacent to the existing access road and directly to the South of an existing hard surfaced storage area and its associated building. It is also East of the existing farm complex. It would be quite well screened by significant existing boundary vegetation and the site of the proposed building has previously been the subject of additional structural landscaping to the boundaries. As per the separately submitted Landscape Assessment, additional structural planting is proposed to the south-west of the site to complete the enhanced planting around the periphery of the site, alongside additional landscape measures within the site. This will include filling in some of the existing gaps in the frontage hedging.

16.11 The building has been kept as low as possible whilst allowing it to function for the required purpose, as detailed earlier. Accordingly it has been reduced by nearly half a metre in height, which is a modest reduction but nevertheless visually beneficial. The table shown earlier of various heights of buildings in the existing farm complex shows that this proposed building is lower than some of those

buildings and is also lower than most modern packhouses which typically have a 10 m working height. To help put the height into context, 9.5 m in height is similar to a tall 2 storey dwelling.

- 16.12 The building will be finished predominantly in dark green colours which will help it blend into the countryside and the surrounding vegetation. The Landscape Officer has raised no objections subject to the implementation of a landscaping scheme. The site lies 650m to the North of the Dedham AONB and the AONB team has raised no objections given there is "limited intervisibility between the AONB and the application site due to intervening hedges, trees and existing farm buildings". Accordingly, it is acknowledged that impacts from this scheme on the natural beauty, particularly, landscape quality and scenic quality of the Dedham Vale AONB are unlikely to be major.
- 16.13 With regard to lighting, the agent has confirmed that the lighting is expected to be minimal. Unlike the yard to the south of the box stores and optical grading buildings, the agent has confirmed that hard surfacing to the front of the proposed building will only be used for HGV access and servicing and will not be a working yard, and "therefore only very minimal health and safety lighting would be required to the exterior. The loading bays themselves would need to be lit but that lighting is effectively internal to the building. The only other lighting likely to be required is minimum security lighting." Accordingly it is considered a condition specifying that details of any lighting proposed will need to be submitted to and agreed in writing by the Local Planning Authority. Given this control and the anticipated relatively low level of lighting required it is not considered there would not be significant wider impacts, in terms of light pollution in the countryside and AONB, or upon wildlife.
- 16.14 Overall it is considered that the location and scale of the building has been justified in terms of its significant benefits to the existing business and that, subject to conditions relating to materials, finishes, landscaping and lighting, it would be visually appropriate in this countryside location and would not have any significant adverse impact upon the wider rural character and landscape, including the AONB. There would also be no impact upon the setting of any heritage assets.
- 16.15 Accordingly it is considered the scheme complies with Policies OV2, DM6, DM7 DM15, SP7 and ENV1 in this respect as detailed above.

#### Highway Issues

- 16.16 With regard to Highway issues, vehicular access to the building will use the existing farm access onto Boxted Road, which is currently used by vehicles accessing the grading and processing areas. There is therefore no change to the existing access arrangements. This access has good visibility splays in either direction so there is no highway safety issue in this respect.
- 16.17 It has been confirmed that a forecourt is provided for the transfer of raw material for the processing operation, and for parking prior to dispatch. Parking for employees is already provided within the main yard, and no change to the existing parking arrangements is envisaged – the new apron area to the front of the proposed building will be for servicing the operation, not for parking.

- 16.18 The agent has confirmed that the “Application provides the means to ensure that customer orders can be satisfied quickly and efficiently, and that produce can be stored to meet modern requirements. The facility is not therefore expected to materially affect vehicle movements associated with the site.”
- 16.19 Given that the proposed building would not result in a material impact upon vehicle movements to and from the site it is not considered the proposal could justifiably be refused on the impact upon the wider road network, including upon highway safety.
- 16.20 The Highway Authority have been consulted on the application and do not have any objections. Local representations are concerned with traffic movements, the condition of surrounding roads, and damage caused to the roads as a result of use by large vehicles, although these concerns relate to the existing use of the site rather than directly related to the proposal in hand. The concerns of local residents are acknowledged, but on the basis that the proposed development would not result in any significant increase in vehicular movements to and from the site it is not considered the proposal could justifiably be refused on the impact upon the wider road network, including upon highway safety. It also follows that there thus remains adequate parking provision on site, particularly given that is stated on the application form that there will be no increase in the number of employees.
- 16.21 Paragraph 115 of the NPPF 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.” Given that there is no anticipated increase in vehicular activity as a result of this proposal it is not considered there would be a resultant severe impact upon the highway network so there are not considered to be grounds for refusal in respect of highway impact.
- 16.22 The proposal would therefore no conflict with NPPF Para 115. The proposal would also not conflict with Policy DM15 which provides that development should create a safe environment. Policy DM21 (safe access to development) has similar provisions.

Impact upon neighbouring residential amenity:

- 16.23 It is considered that the building is in a location with sufficient separation from neighbouring residences and of a scale that would not result in an overbearing impact, loss of light or significant loss of outlook to the nearest residents that would warrant a refusal. Whilst the building would be partly visible from nearby residences, the loss of a view is not a justifiable reason for refusal as there is not a right to a view. Existing and proposed additional planting can also help to minimise any visual intrusion upon the nearest residences by screening and filtering views. The proposal is therefore not considered to contravene Policy DM15 in this respect.
- 16.24 In terms of potential noise impact, the submitted acoustic report assesses the current noise levels at the farm in the vicinity of the proposed building, and explains

how the use of suitable planning conditions can ensure no change in noise levels in the vicinity of neighbouring residential uses. Environmental Protection has raised no objections on noise grounds and have recommended conditions relating to site boundary noise levels and no external openings facing residential properties. In addition, the manoeuvring area is on the side of the building away from residences. Overall, subject to the Environmental Protection conditions, it is not considered there would be a detriment to neighbouring occupiers from noise.

16.25 It is also not considered there would be a detriment to neighbouring residential amenity from any odour. Lighting levels and location will be carefully controlled, as mentioned above.

16.26 Overall it is therefore not considered the proposal would have a materially detrimental impact upon neighbouring residential amenity. The proposal thus complies with Policies DM15 and D1 (Health and well Being) in this respect.

#### Flood Risk

16.27 In terms of flood risk, Local Plan Policy DM23 covers flood risk issues. The site does not lie within a Floodzone 2 or 3 so is within Floodzone 1 and not vulnerable to flooding.

16.28 A Flood Risk Assessment has been submitted and the Essex County SUDS team has now withdrawn its original holding objection and now has no objections subject to conditions. These conditions include the provision of an attenuation pond as shown on the submitted block plan towards the front of the site.

16.29 Subject to compliance with the recommended conditions the proposal will comply with Policy DM23 and not result in any flood risk issues.

#### Wildlife Impact

16.30 An ecological survey report has been submitted and Essex County Council Place services has raised no objections subject to securing biodiversity mitigation and enhancement measures. Conditions have therefore been suggested and these will be applied including securing the 10% Net Biodiversity Gain.

16.31 The proposal therefore does not conflict with Policy ENV1 which concerns impacts upon wildlife.

#### Archaeology

16.32 In terms of archaeology, Policy DM16 aims to ensure that archaeological features should be protected and appropriately recorded. The Council's archaeologist has confirmed that a trial-trenched archaeological evaluation will be required to establish the archaeological potential of the site. Decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation.

16.33 The application is supported by a Written Scheme of Investigation for Archaeological Evaluation which has already been approved by the Council's archaeologist. Accordingly a condition relating to a programme of archaeological work will be applied.

#### Other

16.34 It is considered there would not be any significant impact upon trees and vegetation as the siting of the building avoids the only vegetation on the vicinity which is predominantly on the boundaries, as shown in the submitted Arboricultural Impact Assessment. The tree officer has raised no objections. Conditions about tree/hedge retention/protection will be applied along with a 10% increase in tree canopy cover condition in accordance with Policy CC1: Climate Change.

### **17.0 Planning Balance and Conclusion**

17.1 In conclusion and having regard to the planning balance of the case it is considered there is support in principle for this building on this site. There is Local Plan and National Policy Support for supporting the rural economy subject to careful consideration of all planning impacts. There is an existing farm complex and this building will result in significant benefits to the business including:

- Protecting existing local labour by enabling the farm to continue to meet customer requirements for price and speed of supply;
- The scale of investment will help to secure the sub-region as a premier location for home grown allium produce;
- More modern premises for the processing and packaging facility helps to facilitate both hygiene and further automation, which help to keep production costs (and therefore resulting food costs) lower;
- The scale of investment provides opportunities for reducing reliance on imported produce;
- More modern premises with investment in insulation and renewable energy assists in reducing the carbon impact of production;
- Eases space pressure within the Packhouse for storage of separate products/organic and non-organic products, meaning storage space is increased without the need for additional buildings;
- Facilitates "whole crop utilisation" as the new processing and packing facility is able to utilise even the smallest produce, which is currently too small for effective processing by hand, and so is disposed of as waste.

17.2 The building can be screened by existing and additional landscaping and has been kept as low as operationally possible and will be finished in dark green, all of which helps to minimise its visual impact within the countryside and nearby AONB.

17.3 The proposed development would not result in any significant increase in vehicular movements to and from the site so complies with NPPF Paragraph 115 which 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.” There remains adequate parking and manoeuvring provision on site.

- 17.4 Conditions controlling delivery times and noise at the boundaries and lighting will avoid any significant impact upon neighbouring residential amenity from noise and disturbance and glare. It is considered that the building is in a location sufficiently far enough from neighbouring residences and of a scale that would not result in an overbearing impact, loss of light or significant loss of outlook to the nearest residents. Whilst the building would be partly visible from nearby residences, the loss of a view is not a justifiable reason for refusal as there is not a right to a view.
- 17.5 There would be no significant impact upon wildlife and vegetation and there are no objections on flood risk grounds subject to appropriate conditions. An archaeological condition will be applied.
- 17.6 In conclusion, the proposal is considered to represent sustainable development in accordance with the provisions of the local plan and approval is consequently recommended.

## **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. ZAA - 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. ZAM – Development to Accord With Approved Plans**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers:

L465/02, L465/01, 23.5395.01.A, AIA, Rec'd 27.9.23, L465 02, 2303301 -D001 Rec'd 17.10.23, E23-690-PL-01B, PL-02B, PL-03B, PL-04B, PL-05B, PI-06B, PL-07B, PL-09B Rec'd 18.12.23.

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

### **3. ZBB- Materials and Finishes as stated in application**

The external facing and roofing materials and finishes to be used shall be those specified on the submitted application form and drawings.

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

### **4. Z00- Turning**

The development shall not be occupied until such time as the manoeuvring and turning facility has been provided. These facilities shall be retained in this form

at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Reason: To ensure that manoeuvring of vehicles in the adjoining streets does not occur, in the interests of highway safety.

**5. Z00- Parking two wheelers**

Prior to commencement of the proposed development, details of the provision for parking of powered two wheelers and bicycles of a design that 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.

**6. Z00- Vehicle Signage**

Prior to the first beneficial use of the proposed development the applicant shall provide a traffic management plan that should include but is not limited to:

1. Additional permanent signage within the site located in clear view and prominently displayed indicating all HGV Traffic should turn out of the site towards the A134 The Causeway and no access towards Queens Head Road  
2. A route plan for all drivers and haulage operators detailing the route to and from the site is from and to the A134 The Causeway being issued to all drivers and vehicles attending the site and to avoid the vehicular HGV use of Queens Head Road and Holly Lane.

3. Additional permanent signage within the site located in clear view and prominently displayed directing HGV traffic to and from the loading and unloading facilities to avoid congestion and obstruction to opposing vehicles

Reason: To protect the highway user and the integrity and fabric of the highway in the interests of highway safety.

**7. Z00- Landscaping**

The landscape details as shown on the approved drawing(s) 23.5395.01.A lodged on 27/09/2023 shall be carried out in full prior to the end of the first planting/seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority and its implementation shall be in compliance with the recommendations set out in the relevant British Standards current at the time of submission. Any hard or soft landscape works which, within a period of 5 years of being implemented fail, are removed or seriously damaged or seriously diseased shall be replaced, like for like, in the next planting season with others of similar specification/size/species/mix, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: In order to ensure that the landscape is implemented in accordance with the detail submitted within the application.

**8. 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 (for developments above 50 units a specific Dust Management Plan is required);  
a scheme for recycling/disposing of waste resulting from demolition and construction works (no waste materials should be burnt on the site);  
the appointment of a public liaison person to update residents on the development and deal with complaints, including dust and noise, contact details to be displayed at the site entrance (for developments above 50 units).  
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.

#### **9- 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.

#### **10- ZGA - \*Restriction of Hours of Operation\***

The use hereby permitted shall not BE OPEN TO CUSTOMERS outside of the following times:

Weekdays: 07:30-18:30

Saturdays: 07:30-18:30

Sundays and Public Holidays: 07:30 -18:30.

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.

#### **11. ZGB - \*Restricted Hours of Delivery\***

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

Weekdays: 07:30-21:00

Saturdays: 07:30-18:30

Sundays and Public Holidays:07:30 18:30

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.

## **12. ZGG - 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 -5dB(A) above the background levels determined at all facades of 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

## **13. Z00- Openings**

There shall be no windows or doors on the facades facing residential properties.

Reasons: In the interests of neighbouring residential amenity.

## **14. ZGN - Industrial Processes (if applicable for Control of Fumes, Odours, Dust etc)**

Prior to the first use of the development 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.

## **15. ZGR - \*Light Pollution**

Prior to the installation of any external lighting, precise details shall be submitted to and agreed in writing by the Local Planning Authority. Only approved lighting shall be installed. Any such 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 current ILP Guidance Note For The Reduction of Obtrusive Light for zone E2 RURAL (low district brightness – sparsely inhabited rural areas, village or relatively dark outer suburban locations), E3 SUBURBAN (medium district brightness – well inhabited rural areas, small town centres, suburban locations); E4 URBAN (high district brightness – town/city centres with high levels of night -time activity).

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution and to allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

**16. Z00- Accord with Flood Risk Assessment.**

The development permitted by this planning permission shall be carried out and maintained in accordance with the approved Flood Risk Assessment and Surface Water Drainage Strategy, ref 2308-843, rev A, by K Welham Ltd/Ingent consultants, dated December 2023 and the following mitigation measures detailed within the FRA:

- Limiting the discharge from the site to 2.2l/s
- Providing attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of 45% climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

**17. Z00- Biodiversity Net Gain**

Prior to any works above slab level, precise details of a 10% measurable biodiversity net gain (including implementation timetable) shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details, including timetable.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall thereafter be retained in that manner thereafter.

Reason: To ensure a 10% biodiversity net gain in accordance with Local Plan and National Policy to enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

## **18. Z00- Archaeology**

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority.

The scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works.

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance Colchester Local Plan 2017-2033 policy DM16 and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

## **19. ZFS- Tree and Hedgerow Protection.**

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years

following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

## **20. ZAN- Site levels Plan**

No works shall take place until detailed scale drawings by cross section and elevation that show the development in relation to adjacent property, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted and agreed, in writing, by the Local Planning Authority. The development shall thereafter be completed in accordance with the agreed scheme before the development is first occupied.

Reason: In order to allow more detailed consideration of any changes in site levels where it is possible that these may be uncertain and open to interpretation at present and where there is scope that any difference in such interpretation could have an adverse impact of the surrounding area.

### **19.1 Informatives**

19.1 The following informatives are also recommended:

Informative1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org):

Informative 2:

The AONB team has recently commissioned new Lighting Guidance for the Dedham Vale and Suffolk Coast & Heaths AONBs. This includes lighting guidance non-domestic developments and may be helpful for mitigating lighting impacts. Please refer to the following link -

<https://www.dedhamvalestourvalley.org/wp-content/uploads/2023/08/Lighting-Guidance-in-National-Landscapes.pdf>

Informative 3: There should not be regular lighting on the sides of the building facing residential properties. A lighting scheme should also ensure that bats and other light sensitive species are not discouraged from using the area. The scheme should ensure that no light spill luminates the vegetative areas on site.

Informative 4:

To ensure the effective treatment of surface water runoff to prevent pollution there are also the following advisory comments:

It is recommended that the applicant look 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/protectingenvironment> .

Informative 5 on Archaeology:

PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information:

<http://www.colchester.gov.uk>

### **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.

### **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](http://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.

### **ZTB - 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 City Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

### **Positivity Statement**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those



concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.