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**Item No:** 7.3

**Application:** 211105

**Applicant:** Mr J Faulkner

**Agent:** Mr Robert Pomery

**Proposal:** Demolition of Agricultural building and erection of replacement building for office use, (Class E(g)(i) (195 sqm) and car parking.

**Location:** Land and Building adj, Little Doves Day Nursery, Lower Road, Peldon

**Ward:** Mersea & Pyefleet

**Officer:** Eleanor Moss

**Recommendation:** Approval subject to recommended conditions

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

- 1.1 This application is referred to the Planning Committee because the applicant is an elected Member.

## **2.0 Synopsis**

- 2.1 The key issues for consideration are: the principle of development, the impact on the character and appearance of the area (including the setting of a listed building and the wider countryside), ecology and highway safety. Other material planning matters are also considered. The comments submitted by statutory consultees, as well as other consultees and local representations are considered.
- 2.2 The application is subsequently recommended for approval subject to the recommended conditions.

## **3.0 Site Description and Context**

- 3.1 The site extends to approximately 0.07 hectares and is located on the south side of Lower Road, Peldon. Presently, the site contains a former agricultural building, which is in a poor condition. Adjacent to the site is Little Doves Day Nursery, a children's nursery, which was erected in 2018. To the north, south and west of the site is agricultural land. The site has an existing access/egress onto the highway (Lower Road) and the site lies adjacent to the settlement boundary for Peldon, which is directly to the east.
- 3.2 Directly to the east (approximately 30m away) is Games Farmhouse, a grade II\* listed building. The listing details is below:

*PELDON LOWER ROAD 1. 5214 Games Farmhouse TL 91 NE 17/32 II\* 2. Early C15 small hall house. Timber framed, with red plain tile half hipped roof. Two storeys. Two window range modern casements. Modern single storey extension at east end, weatherboarded with red plain tile roof. Early C17, timber framed extension to south with red plain tile roof. Originally 2 bay open hall, with floored end bay. Most of original frame remains and is of high quality workmanship. Internal features include screens doorways, C16 inserted first floor, arch braced, cambered tie beam with cross quadrate crown post, stop chamfered beams, and raised tie beam west end frame. C17 wing also has exposed frame with heavy jowled storey posts.*

- 3.3 There are further listed buildings sited around Peldon however Games Farmhouse is the closest listed building to the application site.

## **4.0 Description of the Proposal**

- 4.1 The application seeks planning permission for a new office building. The proposed building measures 195 sq. metres. Following submission of a revised site plan, there are 11 car parking spaces proposed, along with 4 additional car parking spaces for the adjacent nursery. This would result in 17 spaces for the

nursery. In total, 28 car parking spaces are proposed for the Nursery and new office building.

## **5.0 Land Use Allocation**

5.1 Countryside – unallocated.

## **6.0 Relevant Planning History**

6.1 171533 - Demolition of Former Agricultural Buildings and Erection of Day Nursery for Children of 0 - 5 years and Car Parking (Re-submission of 170502)

## **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 and is afforded full weight. The following policies are considered to be relevant in this case:

- SP5 Employment
- SP7 Place Shaping Principles

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

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

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

7.3 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  
CE3 - Employment Zones  
UR2 - Built Design and Character  
ENV1 - Environment  
ENV2 - Rural Communities

- 7.4 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  
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses  
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

- 7.5 Submission Colchester Borough Local Plan 2017-2033:  
The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan is at an advanced stage having undergone examination hearing sessions in April 2021 and recent consultation on modifications. Section 2 will be afforded some weight due to its advanced stage. However, as it is yet to complete examination, the exact level of weight to be afforded will be considered on a site-by-site basis reflecting the considerations set out in paragraph 48 of the NPPF. Proposals will also be considered in relation to the adopted Local Plan and the NPPF as a whole.

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 weight in the consideration of the application.

- 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

## 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 **Contaminated Land Officer** – recommends the following condition:

In the event that historic land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only re-commence thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. This must be conducted in accordance with all relevant, current, best practice guidance, including the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason – The site lies on or in the vicinity of uses where there is the possibility of contamination.

8.3 **Environmental Protection** – recommends the following conditions:

### *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.

### *EV Charging points*

The development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles.

8.4 **Landscape Advisor** - The landscape content/aspect of the strategic proposals lodged on 28/04/2021 would appear satisfactory.

8.5 **Arboricultural Officer** - Apply consultation criteria. Obtain baseline info and reconsult if required.

**8.6 Highway Authority (revised)** – The Highway Authority recommends the following conditions:

Prior to the first beneficial occupation of the proposed development the car parking spaces for 28 vehicles as shown in drawing numbered ADP071\_PA001C has been allocated and signed, hard surfaced and marked out in parking bays. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the developments thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM

and 8 of the Highway Authority's Development Management Policies February 2011.

**\*Signing details**

- 11 car parking spaces coloured purple for office development
- 9 car parking spaces coloured grey allocated along the northern site boundary for parents/carers for pick up and drop off (which may be used ad hoc outside peak hours by all attending the site)
- 8 car parking spaces coloured grey or green allocated for nursery staff/visitors

All new or replacement parking spaces / vehicular hardstandings shall each be constructed to minimum dimensions of 5.5m x 2.9m and retained thereafter.

Reason: To encourage the use of off-street parking, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

Prior to the first beneficial occupation of the proposed development the applicant/developer shall provide and erect 2 number speed limit signs indicating 5mph for within the site facing the highway, located in the immediacy of the gated access to current MoT standards which shall be retained in prominent clear view to all approaching vehicles in perpetuity thereafter.

Reason: To ensure vehicles entering the site do so in a controlled manner and at a slow speed to minimise the hazards to small children within the car parking area in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants and visitors to that development, 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 in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

No development shall take place, including any site clearance, ground works or works of demolition, until a Construction Management Plan (CMP) has been submitted as a scaled drawing to and approved in writing by the local planning authority. The approved plans shall be adhered to throughout the construction period. The plans shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: At the times when the nursery is not in operation the car parking spaces shall be made available for all to use.

Informative2: 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).

- 8.7 **Essex Wildlife Trust (revised)** - Further to our previous comments, Essex Wildlife Trust acknowledges the subsequent provision of a professional bat survey by the applicant. The survey found no indication of the presence of roosting bats within the building scheduled to be demolished under the application. We are satisfied the application poses no risk of harm to bats and can now withdraw our holding objection to this proposal.
- 8.8 **Archaeological Advisor** - 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.
- 8.9 **Historic Buildings & Areas** – No material impact upon the significance of Games Farmhouse would result as the proposal echoes the form of the former agricultural outbuilding and thus maintains the character of the wider setting. The use of natural clay pantiles and feather edged timber weatherboarding is essential and rooflights must be set flush with the rooftiles.

## **9.0 Parish Council Response**

- 9.1 Winstred Hundred Parish Council supports this application. The current building is in a state of great disrepair and the proposed new building would greatly improve the street scene. The new building would also bring more facilities to the village.

We are, however, concerned about the parking provision and believe 7 spaces is insufficient for the 16 person usage set out in the application. Peldon is poorly served by public transport and it is more than likely that all users will arrive by car.

We have expressed our concerns directly to RDS Farms. The site, which is shared with Little Doves Nursery, has ample room for more parking spaces to be designated as for the use of the new development and we would like this to be a condition if planning permission is granted.

## **10.0 Representations from Notified Parties**

- 10.1 The application resulted in four letters of objection being received during the determination period. 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.

- Concerns by the lack of an ecological report
- Concerns that there are bats present on site which could be impacted by the proposal
- Concerns regarding the lack of parking proposed
- Suggestion that a Community Levy is imposed on the applicant

- 10.2 It is also noted that the adjacent nursery, Little Doves Day Nursery, has submitted a letter of support for this proposal. They have confirmed that the proposal would not affect the Nursery as they operate a staggered drop off and collection system, therefore only use approximately 50% of their allocated parking at any one time.

## **11.0 Parking Provision**

- 11.1 During the determination of this application, the layout and parking provision has been amended. In total, 15 car parking spaces are proposed. It is worth noting are no minimum car parking spaces required in the adopted Vehicle Car Parking SPD for such office uses. The SPD provides a maximum of 1 space per 30 sqm for office uses. In this case, this would equate to 7 car parking spaces (rounded up from 6.5). The proposal therefore exceeds the recommended maximum car parking space provision. As such, it is considered to proposed car parking is acceptable.



## 12.0 Environmental and Carbon Implications

- 12.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives. The consideration of this application has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. It is considered that on balance the application is considered to represent sustainable development (see paragraphs 13.1 – 13.5 of the main report).

## 13.0 Report

### The Principle

- 13.1 Policy CE1 of the Core Strategy sets out the Council's hierarchy of commercial centres and employment zones to direct new development to sustainable locations. The application site is not within one of the identified commercial centres and employment zones. However, the policy does allow for small scale rural businesses if they have low travel needs and low impacts, and which meet local needs and support the rural economy. Core Strategy Policy ENV2 allows for small scale rural businesses that are appropriate to local employment needs, minimise environmental impacts and harmonise with the local character and surrounding natural environment.
- 13.2 Core Strategy Policy TA1 states that new development in the Borough will be focussed in on highly accessible locations. Policy DP9 of the Development Policies Document sets out the criteria that will be applied to employment uses in the countryside and allows for small scale employment uses that do not harm the character of the area by their nature and level of associated activity including traffic generation on rural roads. This sentiment is reflected in emerging policy DM6.
- 13.3 Employment in the countryside is supported in the NPPF, in particular paragraphs 83 and 84. Para 84 states:
- 13.4 *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). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*

13.5 In this instance, the proposal seeks a new office building adjacent the existing settlement boundary of Peldon. The site is also adjacent to an existing Nursey and a detached residential property. On this basis, the site is not considered to be physically isolated and is related to the existing settlement. It is acknowledged that this is a new building and DP9 provides support for new buildings in the exceptional circumstances. In this instance re-use of the existing building on site would not be possible due to the poor condition of the building. Overall, the proposal is considered to be in compliance with the requirements of the NPPF.

### **Character and appearance**

13.6 CS Policies UR2, and ENV1, which together seek to promote high quality and inclusive design that is sympathetic to the character of the area and enhances historic buildings and features. Policies DP1 and DP14 require development proposals to respect and enhance the character of the site, its context and its surroundings in terms of its architectural approach, form, proportions, materials, townscape and detailed design features. This is also reflected in Policy SP7 of the adopted Local Plan. The site is also within the Coastal Protection Belt and as such DP23 is of relevance. DP23 seeks to protect Colchester's coastline from inappropriate development. The Planning (Listed Building and Conservation Areas) Act 1990 requires that special regard is paid to the desirability of preserving listed buildings and their setting. The aspiration for high quality design and well-designed places is also reflected in the Framework and the National Design Guide (NDG), including the expectation that all new development is skilfully woven into its context and respects the rhythm, scale and proportions of the existing townscape.

13.7 The NPPF sets out the desirability of sustaining and enhancing the significance of heritage assets (paragraph 192). It establishes that *great weight* should be given to an asset's conservation and the more important that asset, the greater that weight should be (paragraph 193). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification, (paragraph 194). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 196). The NPPF also promotes good design advising that permission should be refused for development of poor design.

13.8 The impact that the proposed development will have on the character and appearance of the setting of the nearby listed building is an important consideration. The visual enhancement of the setting is also considered to be a public benefit.

13.9 It is considered that the proposed new development will affect (change) the setting of the nearby listed building to a small extent and will increase activity. The proposal is considered to be sufficiently distanced from the nearby listed building to ensure any impact is neutral on the significance of the asset. This

significance is principally derived from the internal interest of the medieval timber frame. Further to this, the proposal replaces an existing barn which is currently in a state of disrepair and detracts from the setting. There will thus be a negligible or a minor positive impact upon the intrinsic significance of the listed building. The proposal also represents an enhancement to the area, by removing the dilapidated barn which does not currently enhance the area or setting. These public benefits are considered to weigh positively in favour of approval.

- 13.10 In this instance, the public benefits weigh heavily in favour of the scheme. These public benefits constitute the social, economic and environmental benefits that stem from creating new jobs in the area. Given this, the proposed development is considered to be consistent with the aforementioned relevant adopted local plan policies and national planning policy guidance in relation to the historic environment.
- 13.11 The proposal reflects the scale and mass of the existing agricultural building. The design is fairly simple in design terms and reflects the characteristics of a modest rural outbuilding. The overall vernacular aesthetic can be read and the development would reflect the character of the existing barn which is to be replaced and reflects the existing Nursery on site, so ensuring that the proposal would not appear out of keeping with existing built character. There is no objection in principle to this approach, but it is considered important to ensure the use of high-quality materials and architectural detailing; conditions are therefore recommended to ensure the quality of the building reflects the rural nature of the site and setting of the listed building.

### **Impact upon Amenity**

- 13.12 Development Policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. This includes protecting existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. The adopted Supplementary Planning Document (SPD) the Essex Design Guide also provides guidance on the safeguarding of residential private amenity.
- 13.13 The Building Research Establishment's Report "Site Layout Planning for Daylight and Sunlight 1991 suggests that acceptable daylight to interiors is achieved if a 25° vertical angle from a point two metres above the floor is not obstructed. It is also considered that the proposal will not infringe a 45° line when taken from the mid-point of the closest neighbouring window in elevation. The Essex Design Guide requires this line not to be infringed in plan or elevation. The scheme is considered to comply with the Essex Design Guide in this regard. The BRE tests described above have been applied and demonstrate that the proposals would have minimal to no impact to the lighting levels to existing properties.

- 13.14 The proposal is considered to be sufficiently distanced from neighbouring properties to avoid any material impacts. Furthermore, conditions are recommended in terms of hours of use to ensure the proposal is not open during anti-social hours.
- 13.15 For the reasons given above, it is considered that the proposed development would not have a significant adverse effect on the amenity of neighbouring properties. In view of this, the proposed development is not considered to conflict with adopted DPD Policies DP1 and DP12 or the NPPF insofar as they seek to secure a good standard of amenity for all occupants of land and buildings.

### **Landscape and Trees**

- 13.16 CS policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline. Central Government guidance on conserving the natural environment is set out in relevant sections of the NPPF.
- 13.17 There are limited trees and vegetation within the site, as such the proposal is not considered to impact upon vegetation of any significance. There is vegetation towards the site boundaries which is recommended to be retained and this can be secured via a planning condition. It is further recommended a landscaping condition is proposed in order to enhance the site further.

### **Ecology and Biodiversity**

- 13.18 CS policy ENV1 and policy DP21 seek to conserve or enhance biodiversity of the Borough. Policy DP 21 places stringent requirements on supporting ecological information being provided to demonstrate the degree of impact or harm (especially in relation to designated sites or species), the associated mitigation measures and measures to enhance biodiversity.
- 13.19 The submitted bat report confirms that no vegetation affected by the project has crevices, loose bark or woodpecker holes that might be colonised by bats. The report confirms that no evidence of their presence was found at this site. The lack of potential roosting places and absence of any evidence of the presence of bats means that no further surveys are required. The building was considered to have negligible potential as a roosting place for bats. The recommended ecology enhancements within the report are recommended to be conditioned.
- 13.20 For the reasons given above, it is considered that the proposed redevelopment of this site will not have a significantly adverse effect protected species provided the surveys and ecological enhancement measures outlined in the submitted report are conditioned in order to ensure these are undertaken prior to commencement of works. The application is therefore considered to accord with the aforementioned local plan policies and national policy guidance.

## **Highway Implications**

- 13.21 Adopted CS Policy TA1 to TA4 seek to improve accessibility and change travel behaviour and manage demand for road traffic. CS Policies UR2 and DP1 require inclusive design with people friendly layouts, including for people with restricted mobility.
- 13.22 The Highway Authority has assessed the scheme and are satisfied that the revised scheme is acceptable in highway safety terms subject to conditions.
- 13.23 There is no minimum parking standard for office use, the proposed 11 car parking spaces for the office and additional 4 car parking spaces for the Nursery is considered to be reasonable. While the site is in a countryside location, it is considered there is sufficient parking provision available on site. Further to this, cycle parking and electric vehicle charging points are recommended as conditions to encourage more sustainable modes of transport.
- 13.24 In conclusion on the above, there are no concerns from a highways safety or capacity perspective and the proposal is considered to make suitable provision for car parking, while appropriate cycle parking can be secured by condition.

## **Drainage and Flood Risk**

- 13.25 Core Strategy policy ENV1 seeks to direct development away from areas of flood risk (both fluvial and coastal), towards sites with the lowest risk from flooding. Development Policy DP20 seeks to promote flood mitigation and defense measures as well as the use of appropriate sustainable drainage. The NPPF requires a detailed flood risk assessment (FRA) to be produced for all development located within a flood zone and/or sites that are greater than 1 hectare. The application site is outside an identified flood zone and measures less than 1 hectare and as such a FRA is not required to support the application. Given that the proposal is outside of any flood zone, the proposal is not considered to have a harmful impact upon surface water drainage within the locality.

## **Contamination**

- 13.26 Adopted Development Plan Policy DP1 requires all development to avoid unacceptable environmental impacts; part (vi) requires the appropriate remediation of contaminated land.
- 13.27 Acceptable detail regarding potential contamination sources (historically) has been submitted for Environmental Protection's purposes. It is noted that no further information is required, and any unexpected contamination can be controlled suitable by the recommended planning condition. Subject to the recommended condition from the Contaminated Land Officer, the proposal is acceptable in this regard.

## **Accessibility**

- 13.28 The proposed development has been designed to ensure that pedestrians of all mobility types can move around the development in a safe and convenient manner. Within the building there will be level or access throughout the ground floor, which is considered to comply with the Equality Act.

## **14.0 Conclusion and Planning Balance**

- 14.1 To summarise, the proposal is considered to comply with the NPPF in terms of principle of the scheme. There would be economic benefits as a result of construction activity and the creation of additional jobs in the area. There is sufficient evidence to be confident that overall, the development would result in no material impact on the significance of the neighbouring listed building. It would remove a currently dilapidated building which is visually detrimental to the visual amenities of the area and to the setting of the adjacent listed building. The proposal would not cause harm to the amenity of local residents, ecology, flood risk, contamination and would not have a severe impact upon the highway network in terms of capacity. In conclusion, it is considered that the benefits of the scheme significantly outweigh any adverse impacts and, as such, the planning balance tips in favour of an approval subject to the recommended planning conditions identified below.

## **15.0 Recommendation to the Committee**

- 15.1 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 APD071\_PA001C, APD071\_PA000 and APD071\_PA002B.

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

### **3. Z00 – Materials**

Notwithstanding the details of the submitted drawings and application form, the materials shall be black feather edge timber weatherboarding, red brick plinth and natural clay pantile roof. Samples of the proposed clay pantile shall be submitted to and approved in writing by the LPA prior to installation.

Reason: In the interests of visual amenity in this rural location and to protect the setting of the adjacent grade II\* medieval farmhouse.

#### **4. Z00 – Highway**

Prior to the first beneficial occupation of the proposed development the car parking spaces for 28 vehicles as shown in drawing numbered ADP071\_PA001C has been allocated and signed, hard surfaced and marked out in parking bays. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the developments thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

#### **5. Z00 - Highway**

All new or replacement parking spaces / vehicular hardstandings shall each be constructed to minimum dimensions of 5.5m x 2.9m and retained thereafter.

Reason: To encourage the use of off-street parking, in the interests of highway safety.

#### **6. Z00 – Highway**

Prior to the first beneficial occupation of the proposed development the applicant/developer shall provide and erect 2 number speed limit signs indicating 5mph for within the site facing the highway, located in the immediacy of the gated access to current MoT standards which shall be retained in prominent clear view to all approaching vehicles in perpetuity thereafter.

Reason: To ensure vehicles entering the site do so in a controlled manner and at a slow speed to minimise the hazards to small children within the car parking area in the interests of highway safety.

#### **7. Z00 – Highway**

Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants and visitors to that development, 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.

#### **8. Z00 – Highway CMP**

No development shall take place, including any site clearance, ground works or works of demolition, until a Construction Management Plan (CMP) has been submitted as a scaled drawing to and approved in writing by the local planning authority. The approved plans shall be adhered to throughout the construction period. The plans shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.

## **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 OPERATE/BE OPEN TO CUSTOMERS outside of the following times:

Weekdays: 07:30 – 20:00

Saturdays: 07:30 – 18:00

Sundays and Public Holidays: None

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.Z00 – EV charging**

Prior to first occupation, one electric vehicle charging point shall be provided per 10 car parking spaces on site.

Reason: In the interests of low carbon emissions and to encourage the use of ultra-low emission vehicles.

## **12.ZEB - \*Premises Only for a Specific Use\***

The premises shall be used for office purposes only as defined in the Use Class Order and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning Order (Use Classes) 1987 (as amended), or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order, with or without modification.

Reason: For the avoidance of doubt as to the scope of the permission as this is the basis on which the application has been considered and any other use would need to be given further consideration at such a time as it were to be proposed.

## **13.ZFC - Simple Landscaping Scheme**

No works shall take place above slab level until a scheme of hard and soft landscaping works for the publicly visible parts of the site has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any proposed changes in boundary treatments, ground levels and also accurately identify positions, spread and species of all existing and proposed trees, shrubs and hedgerows on the site, as well as details of any hard surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards current at the time of submission.

Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are public areas to be laid out but there is insufficient detail within the submitted application.



#### **14.ZFS - Tree and Hedgerow Protection: General**

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.

Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows.

#### **15.ZGT - No External Light Fixtures**

No external lighting fixtures shall be constructed, installed or illuminated at any time unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that there are no undesirable effects of light pollution

#### **16.Z00 – Ecology**

All ecological recommendations, enhancement measures and/or works, shall be carried out in full accordance with the details contained in the submitted 'Bat Survey of Games Farm Barn' throughout the lifetime of the development works. The wildlife enhancement recommendations and opportunities contained within the Bat Survey shall be provided prior to first use and thereafter retained as such.

Reason: In order to conserve and enhance biodiversity in accordance with the National Planning Policy Framework and Wildlife and Countryside Act.

#### **17.Z00 – Rooflights**

The rooflights hereby approved shall be of the 'conservation' cast type with a single vertical glazing bar and mounted flush with the tiled finish of the roof.

Reason: In the interests of preserving the character and appearance of the area and setting of the listed building.

#### **18.Z00 – Detailing**

Notwithstanding the details submitted, no works above slab level shall start until additional drawings that show details of any proposed new windows (including the depth of reveals), doors, eaves, verges, plinth, corner treatment of weatherboarding, extract/boiler flues and vent terminals and rainwater goods to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, are submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: In order to ensure that the architectural detailing of the development is appropriate and to safeguard the character and appearance of the area and the setting of the listed building.

## **19.Z00 – Unexpected contamination**

In the event that historic land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only re-commence thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. This must be conducted in accordance with all relevant, current, best practice guidance, including the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: The site lies on or in the vicinity of uses where there is the possibility of contamination.

## **16.0                    Informatives**

16.1            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](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.

### **3. 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 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. INS – Car Parking**

At the times when the nursery is not in operation the car parking spaces shall be made available for all to use.

#### **5. INS - Informative in relation to condition 4: Signing details**

- 11 car parking spaces coloured purple for office development
- 9 car parking spaces coloured grey allocated along the northern site boundary for parents/carers for pick up and drop off (which may be used ad hoc outside peak hours by all attending the site)
- 8 car parking spaces coloured grey or green allocated for nursery staff/visitors

#### **6. INS - Highways**

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).