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Item No: 7.4

Application: 170247

Applicant: Mr & Mrs G Wallace

Agent: Mr Matthew Letten

Proposal: Demolition of existing buildings and the construction of a new business centre comprising retail, office, general industrial and warehousing units (Use Classes A1, B1, B2 and B8), together with associated car parking, highway works and landscaping.

Location: Classic Pot Emporium, 30A Straight Road, Boxted, Colchester, CO4 5HN

Ward: Rural North

Officer: Eleanor Moss

Recommendation: Approval subject to conditions

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the application is classified as a major and objections have been received.

2.0 Synopsis

- 2.1 The key issues for consideration are the principle of development, impact upon neighbouring amenity, landscape and highway network is held to be acceptable
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The application site comprises a roughly rectangular parcel of land and extends to approximately 0.71ha in area. The site is located to the rear of no. 30a Straight Road, a detached residential dwelling within ownership of the applicants.
- 3.2 The application site is access via Straight Road, along with a number of residential properties. Directly to the rear of the site is another commercial business which utilises the same access as the application site.
- 3.3 The application site is located within the countryside, however the site is not within an isolated position and is well screened from the public realm by existing vegetation.

4.0 Description of the Proposal

- 4.1 This application seeks Planning permission is sought for the following:
- 211sqm of retail and office floor space (Use Classes A1/B1);
 - 1,681sqm of general industrial and warehousing floor space (Use Classes B2/B8);
 - The retention and enhancement of existing sales office and retail shop building;
 - 57 car parking spaces, including 10 disabled 10 spaces;
 - Highway works including an upgraded access road and new internal roads; and
 - New hard and soft landscaping.
- 4.2 The proposal entails the demolition of all existing buildings on site with the exception of the existing sales office/retail shop which is associated with the existing business on site. Four new buildings are proposed. Three new buildings are to be located to the west of the retained building and would provide for a mix of Class B2 and B8 uses ranging in unit size from 65.9sqm to 177.4sqm.

- 4.3 A smaller new building is proposed to the east of the retained building which accommodates three units, two with a floor area of 67.9sqm and one with a floor area of 76sqm. This would provide for a mix of Class A1 or B1 purposes.
- 4.4 Access into the site would continue to be taken from Straight Road, with an improved access junction.

5.0 Land Use Allocation

- 5.1 Employment Zone with lawful use of A1 and B8

6.0 Relevant Planning History

- 6.1 COL/96/0563 - Change of use of workshop for use by cabinet maker/model maker, Sign writer and manufacture of concrete products (slabs and posts) and additional use of Garden Centre site for the sale of ceramic kitchen/bathroom tiles alongside terracotta tiles used in the construction of gardens and conservatories – Approved 19th December 1996
- 6.2 COL/98/0991 - Additional use of workshop currently used for manufacture of concrete slabs and pots for production of timber fence panels – Application withdrawn 17th August 1998
- 6.3 COL/98/1151 - Continued use of workshop for use by cabinet maker/modelmaker, sign writer and manufacture of concrete products (slabs and posts) and additional use of garden centre site for the sale of ceramic kitchen/bathroom tiles alongside terracotta tiles used in construction of gardens and conservatories without compliance with condition 1 of planning permission COL/06/0563. Additional use if workshop for the manufacture of timber fence panels – Approved 8th October 1998
- 6.4 144920 – Application for a Lawful Development Certificate for existing use as storage, distribution and sale of pots under a mixed use class or B8 and A1 – Certificate granted 10th July 2014.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

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

SD1 - Sustainable Development Locations
CE1 - Centres and Employment Classification and Hierarchy
CE2 - Mixed Use Centres
CE2b - District Centres
CE2c - Local Centres
CE3 - Employment Zones
UR2 - Built Design and Character
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment
ENV2 - Rural Communities
ER1 - Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
DP9 Employment Uses in the Countryside
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes
DP25 Renewable Energy

- 7.4 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

SA CE1 Mixed Use Sites

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

Paragraph 216 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 may therefore be taken into consideration in the determination of this application. In the context of this application proposal there are no fundamental unresolved objections to the aforementioned policies in the emerging plan and it is considered, at this stage, that the relevant policies in the emerging Local Plan are consistent with the Framework. The Emerging Local Plan is, therefore, considered to carry some weight in the consideration of the application.

- 7.6 In terms of the Emerging Local Plan, the Local Economic Areas are defined on the policies maps and listed in policy tables SG3 and SG4. Boxted – Classic Pot Emporium is defined as a Local Employment Area under Table SG4 and is demonstrated on the Place Policy Reference SS2. Objections have not been received in relation to the Classic Pot Emporium employment zone and as such this allocation is consistent with the current allocation and this can be given weight.
- 7.7 The Neighbourhood Plan for Boxted is also relevant. This forms part of the Development Plan in this area of the Borough.
- 7.8 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
Cycling Delivery Strategy
Sustainable Drainage Systems Design
Managing Archaeology in Development.
Developing a Landscape for the Future
Boxted Parish Plan incorporating Village Design Statement

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.

SuDs

- 8.2 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, SuDs do not object to the granting of planning permission subject to mitigation and conditions which will be imposed upon any planning consent.

Highway Authority

- 8.3 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to mitigation and conditions which will be imposed upon any planning consent.

Natural England

- 8.4 No comments to make

Environment Agency

- 8.5 No comments to make

Tree Officer

- 8.6 Requests an AIA

Urban Designer

- 8.7 If the planning officer was minded to recommend approval a number of design suggestions were proposed.

Environmental Protection

- 8.8 No objection to the scheme subject to recommended conditions which will be imposed upon any planning consent.

Contamination Officer

- 8.9 The Officer notes that some intrusive investigation is recommended to further assess the contamination risks to the proposed development. Consequently, should permission be granted for this application, Environmental Protection would recommend inclusion of conditions.

Archaeological Advisor

- 8.10 No objection to the scheme

Landscape Officer

- 8.11 No objection to the scheme subject to the recommended condition being imposed upon any planning consent.

9.0 Parish Council Response

- 9.1 BOXTED PARISH COUNCIL - wish to object to the application as issues with drainage have not been resolved and with regards to Highways matters there is insufficient turning space to provide proper access.

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.

- Inappropriate location
- Unsustainable area
- Impact upon highway safety
- Noise pollution
- Light pollution
- Traffic increase
- Drainage
- SuDs
- Impact upon residential amenity
- No infrastructure
- Conflict with Neighbourhood Plan

11.0 Parking Provision

11.1 57 car parking spaces are proposed, development proposal also includes cycle stores containing a total of 88 cycle parking spaces this is considered to comply with the adopted parking standards.

12.0 Open Space Provisions

12.1 N/A

13.0 Air Quality

13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Planning Obligations

14.1 As a "Major" application, there was a requirement for this proposal to be considered by the Development Team. It was considered that Planning Obligations should not be sought.

15.0 Report

Principle of Development

15.1 Paragraph 28 of the NPPF advises that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy Local Planning Authorities are encouraged to support the sustainable growth and expansion of business and enterprise in rural areas. In terms of the

principle of development, the Core Strategy states, in policy CE1, that the Council will encourage economic development and will promote and maintain an employment classification and hierarchy to coordinate the use and scale of developments in the Borough.

- 15.2 The Site Allocations DPD identifies those sites that make up Strategic and Local Employment Zones, Mixed Use Areas and Neighbourhood Centres. These sites reflect the approach and provide sufficient land to deliver the job targets set out in the Core Strategy. In this instance, the application site is allocated as an Employment Zone in the Site Allocations DPD.
- 15.3 The use hierarchy for employment zones is set out in policy table CE1b. Within this table, B1, B2 and B8 uses are shown as an acceptable primary and secondary land use. However it is noted the Site Allocations DPD notes B8 uses are not considered to be appropriate for this site.
- 15.4 In terms of the Class A1 and B8 use, the site already benefits from a certificate of lawfulness for these uses and these use have clearly been operating from this site for a number of years. On balance and with due consideration of the lawful uses of the site, the proposed change of use to A1, B1, B2 and B8 uses within an existing Employment Zone is therefore considered to be acceptable in principle.

Design and Impact upon Surrounding Area

- 15.5 Core Strategy policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment. Core Strategy policy UR2 seeks to promote and secure high quality design. Development Policies DP1 and DP12 set out design criteria that new development must meet. These require new development to be of a high quality and respect the character of the site and its context.
- 15.6 The existing site contains a large expanse of former commercial glasshouses which are in a poor condition and have a dilapidated appearance. Due to the way that the use of the glasshouses has changed over time, the existing use of the site does not make good use of the available space. Responding to the designation of the site as a Local Employment Zone, the proposed development seeks to deliver a new business centre which makes better use of the site. The proposals also seek to enhance the sites appearance through the provision of new landscaping and buildings of appropriate design which respect the rural location of the site. The proposed built form is also single storey in height, which will help to reduce the impact upon the countryside. As such, the proposal is considered to comply with the aforementioned policies.

Residential Amenity

- 15.7 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.

- 15.8 In this instance, concerns have been raised in regard to impact upon amenity and these have been noted. There are residential properties within close proximity of the application site. The majority of new built form will be located to the west, away from the residential properties and as such this is considered to be acceptable. There is new built form proposed to the north of the closest residential properties, however the proposal is single storey in height and as such this reduces the potential impact upon overlooking and overshadowing. Environmental Protection has also recommended hours of construction and operation conditions which will help to mitigate the impact upon the nearby residential properties. On balance, the impact upon residential amenity is considered to be acceptable.

Landscaping and Trees

- 15.9 Core Strategy policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline, and this is also echoed within section 11 of the NPPF. Development Policy DP1 provides that all development must demonstrate environmental sustainability and respect its landscape setting and contribute to the surrounding area.
- 15.10 In this instance, the Tree Officer has recommended an AIA to be submitted in support of the scheme. However, it is not considered that the lack of an AIA can be supported at appeal. In this instance, the site is already in use for A1 and B8 uses with the access already in heavy vehicle use. There are a number of trees surrounding the site which would be beneficial to be retained however the retention of these can be secured via condition. The Case Officer has discussed this approach with the Tree Officer who has provided conditions in order to adequately safeguard the trees on site.
- 15.11 The Landscape Officer does not raise any concerns with the scheme and recommended a landscaping condition is imposed in order to ensure the proposal is adequately screened and softened by landscaping in this countryside location. On balance, the proposal is considered acceptable in this regard.

Ecology

- 15.12 Core Strategy policy ENV1 and Development Policy DP21 seek to conserve or enhance biodiversity of the Borough. The NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity.

15.13 The application has been supported by a Preliminary Ecological Appraisal Report. The report provides an ecological appraisal of the site within the context of the surrounding area. It outlines the habitat features on the site, the likelihood of protected species being present and any potential effects of the proposed development on protected species. The report notes that the site contains potential bird nesting habitat and other habitats which may support bats and hedgehogs. A number of mitigations and enhancements were recommended to be incorporated, as encouraged by the NPPF. During the determination of the application, the Ecology Report expired, however the Agent has confirmed that an updated Ecology Report can be provided via condition. For these reasons, it is considered that the proposed redevelopment of this site would not have a significantly adverse effect on protected species and that any impact could be suitably moderated through ecological enhancement and mitigation measures.

Parking and Highway Safety

15.14 Core Strategy policy TA1 seeks to improve accessibility and change travel behaviour and encourages development within highly accessible locations to reduce the need to travel. Core Strategy Policy TA2 promotes walking and cycling as an integral part of sustainable means of transport. Policy TA4 seeks to manage the demand for car use. Development Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access. Paragraphs 29 to 41 of the NPPF provide guidance on transportation matters, including that application should only be refused on highway grounds if the impact (on safety or capacity) is severe.

15.15 Given that proposal will provide for the required visibility splays, the proposed scheme is not considered to have a severe impact on the local highway either in terms of highway safety or capacity and accords with planning policies which seek to improve accessibility and changes in travel behaviour. The Highways Authority does not raise any objections in relation to the proposal, and as such is considered to be acceptable in terms of highways safety. All of the recommended conditions from the Highways Authority will be imposed on any planning consent in order to ensure the proposal is acceptable.

15.16 Policy TA5 of the Core Strategy refers to parking and states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments. Policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which is an adopted SPD (November 2009). This SPD does not have any minimum car parking standards for the proposed uses and as such the scheme is considered to comply with the aforementioned SPD.

Flood risk

15.17 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 defence 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 0.71 hectares. A FRA and supporting documentation has been provided during the determination of this application. Essex County Council SuDS team are the Local Lead Flood Authority and they are satisfied with the latest submitted FRA and supporting documentation and recommends conditions to be imposed. Given the proposal can adequately safeguard against a harmful impact upon surface water drainage within the locality via the suggested conditions from SuDS which will be imposed upon any planning consent.

Contamination

15.18 Development Policy DP1 requires all development to avoid unacceptable environmental impacts. The application has been supported by a Contamination Survey which confirms the level of risk assessed is unlikely to have an adverse effect on the property and would not be designated "contaminated land" within the meaning of Part IIA of the Environmental Protection Act 1990. Further to this, Environmental Protection has not raised an objection and recommends further reports are submitted. This can be controlled via condition as recommended by Environmental Protection and therefore these conditions will be imposed as part of any planning. As such, the proposal is considered to comply with the aforementioned policy.

16.0 Conclusion

16.1 To summarise, this scheme proposes rural commercial and employment based development via the expansion of an existing and allocated Local Employment Zone. The impact it will have on the neighbouring amenity, landscape and highway network is held to be acceptable and therefore the scheme is held to be in line with the NPPF, PPG and Development Plan. Therefore an approval is warranted.

17.0 Recommendation to the Committee

17.1 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 279-01-01-A, 279-01-02-B, 279-01-03-B, 279-01-04, 279-01-101-L, 279-01-102-D, 279-01-103-I, 279-01-104-E, 279-01-105-D, 279-01-106-C, IT898_SK01B, IT898_SK02A and IT898_SK03B

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

3. ZBC - Materials To Be Agreed

No external facing or roofing materials shall be used in the construction of the development hereby permitted until precise details of the manufacturer, types and colours of these have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

4. ZED - *Removal of PD - Clarifying Approved Use & Restricting Changes of Use*

The DEVELOPMENT HEREBY APPROVED shall be used solely for A1, B1, B2, B8 uses and for no other purpose including any other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument revoking and re-enacting that Order with or without modification).

Reason: This is the basis on which the application was submitted and subsequently considered and the Local Planning Authority would need to give further consideration to the impacts of a different use at this site at such a time as any future change of use were to be proposed.

5. ZEF - Removal of PD Industrial/Warehouse Extensions

Notwithstanding the provisions of Classes A and B of Part 8 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no building shall be extended or altered and no further plant or machinery shall be installed outside any building on the site unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interest of visual amenity and the amenities of the surrounding area.

6. ZEG - Removal of PD for Industrial Machinery

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, no further plant or machinery shall be erected on the site under or in accordance with Part 8 of Schedule 2 to that Order without planning permission from the Local Planning Authority.

Reason: Any further plant or machinery on site could generate additional noise that would need to be given detailed consideration at such a time as it were to be proposed.

7. ZES - Car Sales/Repairs

No repairs to vehicles other than minor repairs to prepare vehicles for sale shall be carried out on the site.

Reason: For the avoidance of doubt as to the scope of the permission and in order to ensure a reasonable level of protection to the amenities of neighbours and the surrounding area in general where works that were unusual in typical residential areas could be harmful and would require further consideration at such a time as they were to be proposed.

8. ZET - No Vehicle Sales

No vehicles of any description, including caravans, shall be displayed on the site for sale.

Reason: For the avoidance of doubt as to the scope of the permission and in order to ensure a reasonable level of protection to the amenities of neighbours and the surrounding area in general where customer visits could be harmful and would require further consideration at such a time as they were to be proposed.

9. Non Standard Condition – Highways

Prior to the first occupation of the proposed development, the access / connection to Straight Road shall be improved in accord and to accommodate the tracking drawings shown in Intermodals Drawing Numbered IT898/SK/02 dated May 2017.

Reason: To ensure that all vehicles using the site do so in a controlled manner, in the interests of highway safety.

10. Non Standard Condition – Highways

Prior to the first occupation of the proposed development, the proposed internal layout of junctions, carriageways and footways shall be provided in accord with the revised Drawing Numbered 279-01-101 REV L to the specifications of the Highway Authority.

Reason: To ensure that all vehicles using the site do so in a controlled manner, in the interests of highway safety.

11. Non Standard Condition – Highways

Prior to commencement of the proposed development, the vehicular turning facility for service and delivery vehicles approved in writing by the Local Planning Authority, shall be provided within the site which shall be retained and maintained free from obstruction thereafter.

Reason: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety.

12. Non Standard Condition - Highways

Prior to first occupation of the proposed development, communal recycling/bin/refuse collection points shall be provided within 20m of the carriageways and additionally clear of all visibility splays at any accesses and retained thereafter.

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

13. Non Standard Condition – Highways

No unbound materials shall be used in the surface treatment of the proposed vehicular access within 20m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

14. Non Standard Condition – Highways

Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

15. Non Standard Condition – Highways

The development shall not be occupied until such time as all of the car parking and turning area has been provided in accord with the details shown in Drawing Numbered 279-01-101 REV L. 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 development thereafter.

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

16. Non Standard Condition – Highways

Prior to the occupation of the proposed development, details of the provision for the communal storage of bicycles sufficient for all occupants of the site of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

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

17. Non Standard Condition

Prior to the first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Business Travel Plan including the initial commitments; and amended and supplemented under the provisions of a yearly report including a £5000 monitoring fee. The Business Travel Plan shall include a commitment to provide a Travel Plan co-ordinator within the site to give advice to the new occupiers of the development.

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

18. Non Standard Condition – Highways

No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement 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.

19. Non Standard Condition – Highways

Prior to the first occupation of any of the proposed development the applicant shall provide 2 No bus stops, one in the immediacy of the junction /connection to Straight Road (northbound) and the second opposite the proposed development site and adjacent to the junction /connection to Straight Road (southbound) which shall include the provision of level entry kerbing, new posts and flags, timetables, passenger hardstanding for waiting purposes, any adjustments in levels, surfacing and any accommodation works to the footways and carriageways channel being provided entirely at the applicant/Developer's expense to the specifications of the Highway Authority.

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

20. Non Standard Condition – SuDs

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Run-off from the site should be restricted to a maximum of 2.1l/s for all events up to the 1 in 100 inclusive of climate change storm event.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

21. Non Standard Condition – SuDs

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

Reason: The National Planning Policy Framework paragraph 103 and paragraph 109 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability

of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

22. Non Standard Condition - SuDs

No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

23. Non Standard Condition - SuDs

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

24. 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 0dB(A) above the background levels determined at all facades of [or boundaries near to] noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

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

25. ZGR - *Light Pollution for Minor Development*

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone; EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS.

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

26. 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: 09.00 – 21.00

Sundays and Public Holidays: not at all

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.

27. ZGA - *Restriction of Hours of Operation*

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

Weekdays: 07.00 – 21.00

Saturdays: 07.00 – 21.00

Sundays and Public Holidays: 09.00 – 13.00

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

28. ZGN - Industrial Processes (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.

29. ZGX - Contaminated Land Part 1 of 4 (Site Characterisation)

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

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

(ii) an assessment of the potential risks to:

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

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

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

30. ZGY - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

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

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

31. ZGZ - Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)

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

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

32. ZG0 - Contaminated Land Part 4 of 4 (Reporting of Unexpected contamination)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 28, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 29, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 30.

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

33. ZG3 - *Validation Certificate*

Prior to the first USE of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 31.

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

34. Non Standard Condition – Landscaping

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

- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS;
- HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLE.

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

35. ZFQ - Tree and Natural Feature Protection: Protected Areas

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

36. 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.

37. ZFT - Tree and Hedgerow Protection: General

No works or development shall be carried out until an Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837, have been submitted to and approved, in writing, by the Local Planning Authority (LPA). Unless otherwise agreed, the details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement.

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

38. Non Standard Condition – Ecology Survey

Prior to the commencement of development, an updated ecological survey of the site shall be undertaken with a detailed assessment of the impact of the proposed development thereon and the survey which shall have special regard to bats and birds (together with any intended remedial measures and timetable for implementation) and any other species specific report recommendations, shall have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with such agreed details.

Reason: To allow proper consideration of the impact of the development on the contribution of nature conservation interests to the amenity of the area.

18.0 Informatives

18.1 The following informatives are also recommended:

1. ZT0 – Advisory Note on Construction & Demolition

The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

2. ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with

your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

3. 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. Non Standard Informative - SuDs

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.

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.

The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

5. Non Standard Informative - 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 or by post to:

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

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