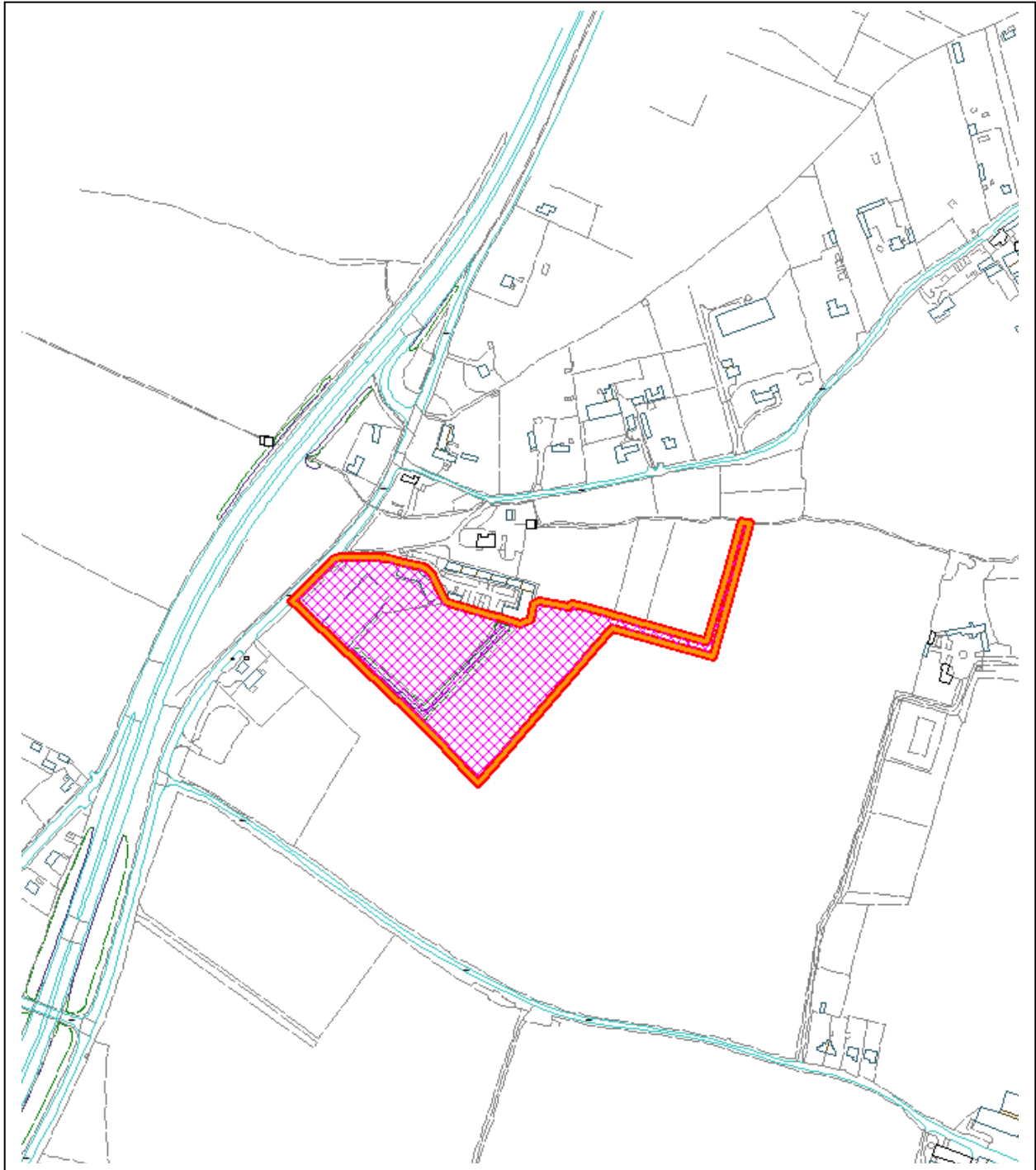


PLANNING COMMITTEE

6 JANUARY 2015

REPORT OF THE HEAD OF PLANNING

**A.2 PLANNING APPLICATION - 14/01387/FUL - SYSTEMATIC LOGISTICS INTERNATIONAL LTD, OLD IPSWICH ROAD, ARDLEIGH, CO7 7QL**



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<b>Application:</b>	14/01387/FUL	<b>Town / Parish:</b> Ardleigh Parish Council
<b>Applicant:</b>	Mr Richard Triolo - Systematic Logistics International Ltd	
<b>Address:</b>	Systematic Logistics International Ltd, Old Ipswich Road, Ardleigh, CO7 7QL	
<b>Development:</b>	Proposed Use Class B8 development incorporating the erection of a new warehouse (5,225m <sup>2</sup> ), external storage area, hardstandings, parking facilities, truck wash, external illumination, fencing, drainage & landscaping infrastructure, improved access & egress arrangements including security barriers & gates & incorporating the retention & extension of land for Use Class B8 purposes.	

## 1. Executive Summary

- 1.1 The application is submitted in full and proposes the erection of a new warehouse measuring 5,225m<sup>2</sup> (56,421 sq. feet), and an extension of the existing operational site area for Class B8 warehouse and distribution uses plus an external storage area, hardstandings, parking facilities, truck wash, external illumination, fencing, drainage & landscaping infrastructure, improved access & egress arrangements including security barriers & gates. The site is currently occupied by Systematic Logistics International Ltd.
- 1.2 The proposed development, for the most part, accords with the NPPF which, amongst other things, says that Councils should positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. It also presumes in favour of sustainable development that is defined in terms of social; environmental; and economic benefits arising from development.
- 1.3 The application accords with adopted local plan policy ER7 – ‘Business, Industrial and Warehouse Proposals’. This policy sets out a range of criteria that such proposals are required to meet including the scale and nature of the proposal, pollution, vehicular access, utilities and storage facilities.
- 1.4 The application also accords with emerging local plan policy PRO12 – ‘Freight Transport and the Movement of Goods’. The policy sets out the Council’s approach to applications for freight, distribution and logistics facilities and gives a preference for them to be located on allocated or safeguarded employment sites or, where this is not possible, with good access to the railway network or failing that, good access to the A120. The policy includes criteria against which proposals will be judged.
- 1.5 The application will not have an adverse impact on highway safety or the capacity of the highway network.
- 1.6 The application proposal will not have an adverse impact on nature conservation; flood risk issues; or heritage assets (including archaeology).
- 1.7 The application proposal will have a visual impact on the landscape qualities of the area but these can be mitigated to a greater extent by a structural landscaping belt and control over the height of the proposed building.
- 1.8 The application proposals will have a minimal impact on residential amenities but this impact can be mitigated by controlling conditions.

- 1.9 The benefits of the scheme can be summarised as follows : delivery of sustainable economic development; increased and retained employment; and advantageous location at the A120/A12 interchange.
- 1.10 The NPPF presumption in favour of sustainable development and Policy ER7 of the adopted local plan and PRO12 of the emerging local plan apply to this proposal unless significant and demonstrable impacts outweigh the benefits of the proposal.
- 1.11 The proposal has been screened in accordance with the Town and Country (Environmental Impact Assessment) Regulations 2011. The Council determined that the proposal did not require the submission of an Environmental Statement.
- 1.12 The application does not meet the criteria within the Town and Country Planning Consultation Direction 2009 and as such the application does not have to be referred to the Secretary of State and it falls to be determined by this Council as the relevant Local Planning Authority.
- 1.13 The recommendation is to approve planning permission subject to a number of controlling conditions.

**Recommendation:** That the Head of Planning is authorised to grant planning permission for the development subject to planning conditions in accordance with those set out below (with such amendments and additions, if any, to as the Head of Planning in her discretion considers appropriate).

1. Three year time limit
2. Development in accordance with the approved plans and restriction to Class B8 use
3. Landscaping
4. Landscape management plan
5. Drainage strategy including attenuation measures
6. Details of external materials
7. Outside storage and operational areas to be hardsurfaced
8. Restrict to maximum floorspace and height as applied for – removal of permitted development rights for extensions and future hardstandings
9. Boundary treatments
10. External lighting in accordance with the submitted details
11. Recommendations in accordance with the Phase 1 habitat Survey
12. Remediation if unknown contamination discovered during construction phase
13. No outside working or storage – restricted to those areas identified on the approved plans
14. Details of refuse and waste storage
15. Highway conditions: provision of revised access; closure of existing access; details of surface treatment; culverting; vehicular turning facility; provision of parking area; and Construction Management Plan
16. Local recruitment strategy.

## 2. Planning Policy

### National Policy:

#### The National Planning Policy Framework (NPPF)

- 2.1 The NPPF sets out the government's commitment to securing economic growth in order to create jobs and prosperity and ensuring that the planning system does everything it can to

support that aim. For local planning authorities this includes drawing up local plans that positively and proactively encourage sustainable economic growth, identifying sites to attract local and inward investment and containing policies flexible enough to respond rapidly to changes in economic circumstances.

- 2.2 The NPPF advocates a 'presumption in favour of sustainable development' which requires local planning authorities to **positively** seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. **Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.**
- 2.3 The NPPF encourages Councils to support patterns of development that facilitate the use of sustainable modes of transport (such as walking, cycling and public transport), where practical, but states that development should only be prevented or refused on transport grounds where the impacts of development will be severe.
- 2.4 The NPPF requires Councils to direct development away from areas at risk of flooding and ensure that developments do not increase flood risk elsewhere, for example through surface water run-off. It also encourages Councils to protect and enhance valued landscapes, in particular Areas of Outstanding Natural Beauty and the undeveloped coast. Where development of agricultural land is considered necessary, the NPPF encourages Councils to use areas of poorer quality land in preference to that of a higher quality.
- 2.5 The NPPF gives a high degree of protection to sites of international importance for wildlife, seeking to direct development away from these areas. Elsewhere, if development is likely to result in significant harm to biodiversity, Councils should work with applicants to either avoid, mitigate or compensate for this harm. The NPPF also requires Councils to consider potential effects of development on 'heritage assets' including the presence of archaeological remains where it may be necessary for a developer to undertake a field evaluation.
- 2.6 The NPPF requires development to contribute positively to making places better, through their design, by responding to local character and history and reflecting the identity of local surroundings and materials, while not preventing or discouraging innovation.

#### Tendring District Local Plan 2007

- 2.7 The Council's 2007 Adopted Local Plan is the statutory development plan for Tendring. Although the plan was only designed to last until 2011, the policies within it were 'saved' through a direction by the Secretary of State, allowing the Council to use them for an extended period of time while a new plan was being prepared. In accordance with national policy, the Council can give due weight to the policies in the Adopted Local Plan according to their degree of consistency with the NPPF.
- 2.8 The following policies are considered relevant to this planning application:

Policy QL1 – 'Spatial Strategy' aims to facilitate a sustainable pattern of growth throughout the district by concentrating development within the settlement development boundaries of defined towns and villages and only permitting development outside of those boundaries that is consistent with countryside policies.

Policy QL2 – 'Promoting Transport Choice' requires developments to be located and designed to avoid reliance on the use of the private car and promote travel choice, other than in exceptional circumstances – in which case measures to improve the accessibility of development, particularly by walking, cycling and public transport, can be required.

Policy QL3 – ‘Minimising and Managing Flood Risk’ requires applications for development involving sites of 1 hectare or more, even within areas of low flood risk, to be accompanied by a Flood Risk Assessment to consider potential drainage and surface water flooding issues.

Policy QL4 – ‘Supply of Land for Employment Development’ allocates 59 hectares of employment land for development in use classes B1 (b and c), B2 and B8 use. The list of sites does not include the application site.

Policy QL7 – ‘Rural Regeneration’ encourages regeneration in rural areas by supporting rural diversification schemes and developments that provide housing, community facilities and employment opportunities whilst ensuring they improve access to the countryside and protect and/or enhance landscape character and biodiversity.

Policy QL9 – ‘Design of New Development’ requires applications for development on large, complex or sensitive sites to be accompanied by a Design Statement.

Policy QL10 – ‘Designing New Development to meet Functional Needs’ requires developments to meet functional requirements such as safe highway access, measures to minimise opportunities for crime and anti-social behaviour and space for servicing and car parking.

Policy QL11 – ‘Environmental Impacts and Compatibility’ requires developments to be of a scale and nature appropriate to the locality, to avoid material loss or damage to important environmental assets, to avoid damaging levels of pollution and to ensure that the health, safety or amenity of occupants of the development will not be harmed by pollution.

Policy ER1 – ‘Employment Sites’ lists the sites allocated for employment use in the Local Plan, requiring a planning brief for sites of more than 5 hectares. The list of sites does not include the application site.

Policy ER2 – ‘Principal Business and Industrial Areas’ states that employment related development will be directed toward existing principal business and industrial areas listed in the supporting text and sites allocated for employment in Policies QL5 and ER1.

Policy ER5 – ‘Transport Depots’ allows new transport depots and lorry parks to be developed on existing and proposed employment sites or outside of employment sites where it can be demonstrated that no suitable land in these areas is available and that there would be no adverse impact on rural and residential amenity and/or highway safety.

Policy ER7 – ‘Business, Industrial and Warehouse Proposals’ sets out a range of criteria that such proposals are required to meet that consider the scale and nature of the proposal, pollution, vehicular access, utilities and storage facilities. The policy also aims to ensure that new developments do not compromise the movement of freight by rail or through the district’s ports.

Policy COM2 – ‘Community Safety’ requires developments to contribute to a safe and secure environment by minimising the opportunities for crime and anti-social behaviour.

Policy COM20 – ‘Air Pollution/Air Quality’ aims to ensure that new development does not contribute, significantly, toward air pollution.

Policy COM21 – Light Pollution – requires external lighting for development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

Policy COM23 – General Pollution – States that permission will be refused for developments that have a significant adverse effects through the release of pollutants.

Policy COM29 – Utilities – Seeks to ensure that new development on large sites is or can be supported by the necessary infrastructure.

Policy COM31a – Sewerage and Sewage Disposal – Seeks to ensure that new development is able to deal with waste water and effluent.

Policy EN1 – Landscape Character – Requires new developments to conserve key features of the landscape that contribute toward local distinctiveness.

Policy EN6 – Biodiversity – Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

Policy EN6b – Habitat Creation – Encourages the creation of new wildlife habitats in new developments, subject to suitable management arrangements and public access.

Policy EN12 – Design and Access Statements – Requires Design and Access Statements with most planning applications.

Policy EN13 – Sustainable Drainage Systems – Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

Policy TR1a – Development Affecting Highways – Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

Policy TR1 – Transport Assessment – Requires transport assessments for all major developments.

Policy TR2 – Travel Plans – Requires travel plans for developments likely to have significant transport implications including major developments.

Policy TR3a – Provision for Walking – Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

Policy TR5 – Provision for Cycling – Requires all major developments to provide appropriate facilities for cyclists.

Policy TR6 – Provision for Public Transport Use – Requires developments to make provision for bus and/or rail where transport assessment identifies a need.

Policy TR7 – Vehicle Parking at New Development – Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

Tendring District Local Plan Proposed Submission Draft 2012 (as amended through Pre-Submission Focussed Changes 2014)

- 2.9 The NPPF allows Councils to apply policies in emerging local plans with varying degrees of weight depending on how far they have advanced through the local plan process, how well they fit with the thrust of national policy and how many objections remain 'unresolved'. The relevant policies from the 2012 Draft Local Plan, as amended through the published 'Pre-Submission Focussed Changes' are listed below:

Policy SD1 – ‘Presumption in Favour of Sustainable Development’ reinforces the thrust of national policy which is to approve applications wherever possible, particularly where they accord with the other policies in the Local Plan, unless material considerations indicate otherwise.

Policy SD5 – ‘Managing Growth’ aims to direct development toward sites within settlement development boundaries but does allow development outside of settlement development boundaries if a site is specifically allocated for a particular form of development in the Local Plan or if the proposal can otherwise meet the criteria in the policy.

Policy SD8 – ‘Transport and Accessibility’ requires developments to be acceptable in transport terms, in particular ensuring that site access and service arrangements are addressed, the transport network is able to cope with any increase in vehicles and the opportunities to access sustainable transport (e.g. public transport, cycling and walking) are maximised.

Policy SD9 – ‘Design of New Development’ sets out the Council’s general expectations for how developments should be designed and laid out to ensure good quality results that meet practical requirements, minimise environmental impacts and take opportunities to enhance the locality.

Policy SD10 – ‘Sustainable Construction’ requires developments to maximise the opportunity to incorporate sustainable design and construction, renewable energy and recycling.

Policy PRO3 – ‘Improving Education and Skills’ requires developers to employ local contractors for construction and for new employment opportunities arising from the development to be advertised through channels agreed by the Council – aimed at maximising the opportunities to employ local people.

Policy PRO12 – ‘Freight Transport and the Movement of Goods’ sets out the Council’s approach to applications for freight, distribution and logistics facilities with a preference for them to be located on allocated or safeguarded employment sites or, where this is not possible, with good access to the railway network or failing that, good access to the A120. The policy includes criteria against which proposals will be judged.

Policy PRO14 – ‘Employment Sites’ sets out the Council’s approach to safeguarding employment sites from loss to housing development and allowing flexibility for a range of employment uses to be considered on existing and allocated employment sites, so long as they do not conflict with other policies in the Local Plan.

Policy PLA1 – ‘Development and Flood Risk’ requires applications for development involving sites of 1 hectare or more, even within areas of low flood risk, to be accompanied by a Flood Risk Assessment to consider potential drainage and surface water flooding issues.

Policy PLA3 – ‘Water Conservation, Drainage and Sewerage’ requires development to incorporate sustainable drainage systems (SuDS) as a means to reduce surface water flooding, demonstrate that the sewage network will cope with wastewater from the development and incorporate measures to make an efficient use of water.

Policy PLA4 – ‘Nature Conservation and Geo-Diversity’ requires development proposals to consider the potential impact on biodiversity and geodiversity and, where development is considered acceptable, put measures in place to mitigate against any adverse impacts.

Policy PLA5 – ‘The Countryside Landscape’ sets out the Council’s requirements for developments to protect and, wherever possible, enhance the district’s landscape and its distinctive local character.

Other guidance:

2.10 Essex Car Parking Standards 2009

2.11 Tendring Employment Study 2010 – the Study concluded that the demand for warehousing sites in the District to 2026 would be 8.5 hectares. It recognises that “...commercial activity is concentrated around the Clacton and Harwich areas. While these two market areas are the most populous and the focus of housing and commercial growth in the future there is a need to consider other market areas’ potential to deliver employment growth.”

“West Tendring is forecast for smaller overall growth but is set to have the highest proportion of office growth which is aligned to the potential of development related to the expansion of the commercial market in Colchester.”

2.12 Economic Development Strategy - The 2013 Economic Development Strategy includes a baseline assessment of the district’s economy, identifies the sectors of the economy expected to grow or decline, identifies potential barriers to growth and sets out a range of measures aimed at generating growth in Tendring’s economy and creating new jobs. The Economic Development Strategy was prepared by consultants working closely with Officers with valuable input from Members through a series of workshop sessions. Two of the recommendations from the strategy were to target sectors of the economy most likely to grow (including the renewable energy industry and health care) and target growth in certain locations most likely to support the creation of jobs (including Harwich, Clacton and West Tendring/Colchester Fringe).

The overarching objectives of the Economic Development Strategy are to:

- Target growth locations, especially Harwich, Clacton and the West of Tendring;
- Target growth sectors, especially Offshore Energy and Care and Assisted Living;
- Ensure residents have the skills and information to participate;
- Support modernisation, diversification and growth within the business base; and
- Facilitate population growth where this supports economic objectives.

2.13 Employment Land Review 2013 - The 2013 Employment Land Review includes an assessment of the likely demand for employment land, for business and industrial use in the district over the 15 year period of the Draft Local Plan taking into account projected population growth and economic trends. It also includes an assessment of a range of existing and proposed employment sites, advising on their suitability for employment use. This study compares the anticipated demand for business and industrial premises with the supply of land and then puts forward recommendations for which sites should be allocated or protected in the Local Plan. The study concludes that there was almost ten times as much employment land identified in the Draft Local Plan than was actually likely to be needed and that any significant demand for new business and industrial premises was most likely to be in locations on the edge of Colchester or adjacent to the port of Harwich.

2.14 Landscape Character Assessment 2001 – the application site lies within the Ardleigh Valley System. The Assessment recognises that the system has escaped the pressures of agricultural intensification and built development associated with the more easily accessible, flatter areas of the District. The landscape shows good survival of characteristic features such as the steep wooded valley sides, historic lanes and Spring Valley Mill. It shows strong landscape character. The Assessment goes on to conclude that the Ardleigh Valleys are sensitive to change as a result of their rural and sometimes remote character.



Their hidden position and tree cover does provide some shelter and reduces visual sensitivity. The landscape is particularly sensitive to any change that would affect its ancient woodlands, streamside vegetation and sense of remoteness. Overall sensitivity is described as **moderate**.

### 3. Relevant Planning History

83/01516/FUL	Office building	Approved	14.02.1984
84/00400/FUL	Retention of temp office without complying with condition 2 of TEN/1516/83	Approved	03.05.1984
86/00225/FUL	Retention of temp office building (renewal of TEN/1516/83 )	Approved	07.04.1986
88/00511/FUL	Retention of temp office building (renewal of TEN/225/86)	Approved	25.04.1988
89/00785/FUL	Haulage and transport depot (i.e. replacement buildings, extended parking and improved access)	Approved	15.08.1989
89/01920/FUL	Haulage and transport depot (design revision of permission TEN/785/89)	Approved	19.12.1989
94/00097/FUL	(Blue Barn Depot, Ardleigh) Haulage and transport depot (i.e. replacement buildings extended parking area and improved access) (Renewal of planning permission TEN/785/89)	Approved	15.03.1994
95/00562/FUL	(Blue Barn Depot, Old Ipswich Road, Ardleigh) Construction of commercial vehicle servicing depot and associated offices	Withdrawn	24.07.1995
95/01252/FUL	(Blue Barn Depot, Ardleigh) Scheme for erection of temporary offices related to established use and to increase vehicular use on site to accommodate 20 whole vehicles (tractor and trailer)	Refused	20.02.1996
95/01253/FUL	(Blue Barn Depot, Ardleigh) Haulage and transport depot with temporary office accommodation and increase of vehicular use - ultimate scheme	Withdrawn	12.12.1995
98/01712/FUL	(Blue Barns Depot, Ardleigh) Haulage and transport depot (i.e. replacement buildings, extended	Approved	16.02.1999

parking areas and improved access) (renewal of planning permission TEN/94/0097)

00/01969/FUL	Amendment to approved building to provide 2 No additional bays	Approved	25.01.2001
09/00249/FUL	Erection of two two-storey office buildings with single storey link and associated hard standing and car parking.	Approved	20.05.2009
11/01011/FUL	Construction of warehouse and associated hard standings together with all services, and including a change of use from agricultural to Class B8 Storage and Distribution. Construction of new access and improvement to existing access.	Refused	29.11.2011
11/01096/NMA	Non-material amendment of 09/00249/FUL to lower window cill height by 150mm. Window size unchanged.	Approved	20.10.2011
12/00293/FUL	Construction of additional vehicle parking area and change of use from agricultural to class B8 storage and distribution.	Withdrawn	22.05.2012
12/00295/FUL	Improvement of existing access from Old Ipswich Road Ardleigh and construction of additional access alongside.	Withdrawn	22.05.2012
14/30087/PREAPP	Creation of a 60,000sqft Class B8 warehouse facility, additional vehicle parking spaces, improved access arrangements and associated works.		08.07.2014
14/01387/FUL	Proposed Use Class B8 development incorporating the erection of a new warehouse (5,225m <sup>2</sup> ), external storage area, hardstandings, parking facilities, truck wash, external illumination, fencing, drainage & landscaping infrastructure, improved access & egress arrangements including security barriers & gates & incorporating the retention & extension of land for Use Class B8 purposes.	Current	

#### 4. Consultations

Ardleigh Parish Council

Ardleigh Parish Council have no objections to the overall scheme, however they are aware of objections from neighbouring residents that are concerned about excess noise, light and traffic. In view of this the Parish Council would like to see an official traffic management scheme put in place. There has also been long term issues with water drainage in the area outside the premises that the Parish Council would like addressed alongside the decision. These comments went to Council vote and agreed in favour 8 votes to 1.

Environment Agency

Letter dated 3 December 2014: raise an objection flood risk grounds.

##### Surface Water Management

The FRA submitted with this application does not comply with the requirements set out in the NPPF. The submitted FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from this development. In particular, the submitted FRA fails to :

1. Adequately model the proposed surface water drainage scheme in a range of rainfall events including the 1 in 1 year, 1 in 30 year and 1 in 100 year events.
2. Take the impacts of climate change over the entire development lifetime into account.
3. Consider the use of attenuation SuDS such as attenuation basins or swales.
4. Adequately investigate the potential for infiltration using BRE365 appropriate infiltration testing.

The letter then gives an explanation of what additional information is required in order to over the objection. This additional information includes infiltration testing; run off rates; climate change; pipe network design; and SuDS. Further advisory notes are given with regards to car park area drainage; waste; environmental permitting; sustainability and climate change.

(Additional information to address these points was submitted by the applicant on 3<sup>rd</sup> December 2014).

Letter dated 12 December 2014: Sufficient information has now been submitted to allow us to remove our previous holding objection on flood risk grounds and that planning permission could be granted to the proposed development if the following planning condition is included:

Prior to commencement of the development a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Infiltration testing on the site in accordance with BRE365, and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
2. Dimensioned plans and drawings of all aspects of the surface water drainage system;

3. If the infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to below 44 l/s as specified in the FRA;
4. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
5. Modelling of the conveyance system to demonstrate that there will be no above ground flooding in the 1 in 100 year climate change event as specified in the FRA;
6. Details of the pollution prevention measures included, to ensure no pollution to groundwater or the receiving watercourse;
7. Details of who will maintain each element of the surface water system for the lifetime of the development, and submission of a maintenance schedule.

The scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development.

Environmental Health

To prevent dust nuisance please ensure all external areas of the site are constructed with bound materials to reduce the likelihood of complaints from neighbouring properties concerning dust.

Regeneration

The Regeneration Team fully supports Systematics' application and the proposed expansion will increase the number of employees from 55 to 90 full time positions ' with a projected additional 35 full time posts being created within the first year of opening.

This expansion will also further increase their Tendring business supply chain work, directly and indirectly, as they currently work with over 200 Tendring businesses.

The Council has been working with Systematic since 2009 and over that period of time has been offering support and assistance in facilitating a satisfactory solution to their expansion needs, while being aware of the issues at a local level.

Their plans for investment and expansion will enable them to remain competitive and innovative and this expansion will retain this important business in the Tendring area.

Principal Tree &  
Landscape Officer

The application site is affected by Tree Preservation Order 96/03 that protects 2 Oak trees situated on the boundary with the Old Ipswich Road.

In order to show the potential impact of the development proposal on the protected trees the applicant has submitted a tree report and survey that has been carried out in accordance with the recommendations contained in BS5837: 2012 Trees in relation to design, demolition and construction. This shows that the new access can be constructed without the need to remove either of the protected trees. Some limited root pruning will be required for the access to be constructed but given the limited extent of the works no harm to the tree will be caused.

The report also shows the extent of tree and hedgerow removal required to implement the development and the trees and hedgerows that are to be retained. The vegetation identified for removal will not have a significant detrimental impact on the appearance of the area and the strongest boundary hedgerows are shown as retained.

Should consent be granted the a landscaping condition should be attached to secure new planting on the boundary with the Old Ipswich Road to both screen and enhance the appearance of the site.

The area of land required to implement the development proposal is considerably greater that the area of land currently being used by the business. In terms of the impact of the development proposal on the character and appearance of the countryside it is clear that a development of the scale and nature will be an unsightly and incongruous feature in the landscape. However the application site can only be glimpsed from a few places along Wick Lane and from fewer along the Old Ipswich Road.

The applicant has submitted a comprehensive soft landscaping scheme that will adequately compensate for the loss of the existing screening that currently screens the south eastern aspect of the existing warehouse and be sufficient to ensure that a good level of screening will be achieved within a reasonable timescale.

Anglian Water Services  
Ltd

No response received.

Essex County Council  
Archaeology

No response received.

ECC Highways Dept

The Highway Authority raises no objection subject to:-

1 Prior to occupation of the proposed development, the proposed vehicular access shall be reconstructed in precise accord with the details shown in Drawing Numbered 3803/01/Rev D and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2 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 and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3 Prior to the proposed access being brought into use, details of the construction and future maintenance of the necessary bridging or piping of the drainage ditch/watercourse shall be submitted to and

approved in writing by the Lead Local Flood Authority (Essex County Council)

Reason: To prevent or reduce the risk of flooding of the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

4 Prior to commencement of the proposed development, a vehicular turning facility for the largest vehicles attracted to or generated by the sites activities of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

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 and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

5 The development shall not be occupied until such time as the car parking area and the proposed overflow parking area, indicated on the approved plans, including any spaces for the mobility impaired has been hard surfaced, sealed 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 development.

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

6 The parking spaces / vehicular hardstandings shall be constructed to minimum dimensions of 5.5m x 2.9m.

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.

7 Prior to commencement of the proposed development, details of the provision for parking of powered two wheelers and bicycles, of a design which shall be approved in writing with the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

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.

8 Any parts of the existing accesses which will be rendered redundant by the reconstruction process shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new access is brought into use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

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

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 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: All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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,  
910 The Crescent,  
Colchester.  
CO4 9QQ.

Informative 2: Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.

If you believe you need to apply for consent, further information and the required application forms can be found at [www.essex.gov.uk/flooding](http://www.essex.gov.uk/flooding). Alternatively you can email any queries to Essex County Council via [watercourse.regulation@essex.gov.uk](mailto:watercourse.regulation@essex.gov.uk) or by phone on 0845 603 7631.

Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two

months before you intend to start.

Essex Wildlife Trust

No response received.

Highways Agency

Letter dated 22<sup>nd</sup> October 2014: the Highways Agency requires further time to review the Transport Assessment provided and have asked our consultants AECOM to provide a review. To allow time for this process to take place the Agency direct that planning permission should not be granted until 28 November 2014.

Letter dated 9<sup>th</sup> December 2014: offers no objection.

Natural England

This application is in close proximity to the Bullock Wood SSSI. NE is satisfied that the proposed development being carried out in strict accordance with the details of the application will not damage or destroy the interest features for which the site has been notified.

The Local Planning Authority should refer to NE's standing advice regarding the likely presence of protected species.

The proposed development is within an area where NE considers it could benefit from green infrastructure provision.

If the proposal is near a local site then the Local Planning Authority should satisfy itself that sufficient information has been submitted.

The application may provide opportunities to enhance biodiversity. The Local Planning Authority should consider such methods.

The application may provide opportunities to enhance the landscape. The Local Planning Authority should consider such methods.

Essex County Fire Officer

The proposal is such that additional water supplies for firefighting purposes may be required. I would therefore be grateful if you would advise the applicant that he should contact the Water Supplies Division at this Head Quarters before proceeding.

## 5. Representations

5.1 A total of 17 objections have been received in relation to this application

- The land is designated as agricultural land not industrial applications have been rejected twice before
- The site drainage is unable to cope at present and polluted water from pressure washing vehicles flows on to the highway
- Site drainage will worsen with the increase of hard surfacing and buildings
- Old Ipswich Road is unsuitable for the level of traffic that will be generated and more damage to the road surface will occur
- There is a parking problem in the locality already and it will worsen if double yellow lines are introduced
- It will have an adverse impact on the businesses operating next door
- 24 hour working will mean that there will be no window of opportunity to undertake repairs to the road surface
- 24 hour working will have an adverse impact on the neighbours
- Repairs to the road surface recently had to be undertaken at the weekend because of the constant use during the week



- Use of the Old Ipswich Road by HGV's will result in delays and inconvenience to other road users including established businesses
- Despite the proposed angled in out arrangement, vehicles will still need to cross the white line to exit the site which will be dangerous with the projected level of traffic to be generated
- Despite the distance from the objectors house to the site (approx. ½ mile) the reversing beepers of the HGV's and forklifts can be heard which will not be acceptable 24 hours a day
- Noise, dust and light pollution will be a problem. The application for a fast food drive thru on Ipswich Road was refused for these reasons
- Impact on the listed building
- Queries whether consultations have been undertaken with the Environment Agency; DEFRA; Environmental Health; Highway Agency; Anglian Water; and ECC Highways.
- Urge the Planning Committee to reject the application because the scale and type of the application is wholly unsuitable for the area
- At Ardleigh Parish Council meeting alternative, more suitable sites were suggested
- Queries whether Systematic have purchased the agricultural land where the unauthorised lorry parking takes place at the moment or whether the land will be purchased subject to the receipt of planning permission
- The site may be sold to international hauliers
- Loss of property value and will make properties unsellable
- The surrounding fields; Old Ipswich Road and Harts Lane currently flood after normal rainfall. This situation will worsen and be a hazard to traffic and pollute the stream
- At peak times the Crown Interchange is already congested and this will make the situation worse
- There have been many fatal accidents at the T- Junction with the Crown Interchange
- Smell from the road drains
- Adverse visual impact on the approach from Ipswich; Stratford St Mary and Constable Country

5.2 The applicant also undertook an extensive amount of pre application consultation including with the District Council; Parish Council and local residents. The outcome of the consultation is summarised within the Statement of Public Consultation. The scheme has been submitted to take account of those comments that predominantly refer to surface water drainage; dangerous existing access; light pollution; noise pollution; landscaping; on street parking; HGVs using Old Ipswich Road and Harts Lane; impact of the construction phase; and the potential for increased damage to the surface of Old Ipswich Road.

## 6. **Assessment**

### **The Application**

6.1 The application is made by Systematic Logistics International Limited Ltd dated 19 September 2014. The application is submitted in detail.

6.2 The application is accompanied by the following drawings and documents:

### **Drawings**

- Site location plan
- Application Site Area Plan
- Existing Site Layout
- Proposed Site Layout
- Proposed Floorplan
- Proposed Elevations and Sections

- Proposed Roof Plan
- New Vehicular Access
- Tree Survey and Arboricultural Assessment Drawing
- Landscape Masterplan
- Landscape Planting Plan

### Documents

- Tree Survey Arboricultural Impact Assessment – Preliminary Arboricultural Method Statement and Tree Protection Plan
- Archaeological Desk Based Assessment
- Flood Risk and Surface Water Drainage Assessment
- Transport Statement
- Phase 1 Habitat Survey
- Geo Environmental Desk Study and Site Investigation Report
- Borehole Soakage Test
- Geotechnical Investigation (March 2013)
- Geotechnical Investigation (July 2011)
- Geotechnical Soakage Results
- Geotechnical Soil Investigation Appendix A
- Geotechnical Investigation Borehole Data
- Geo environmental Site Assessment
- Landscape and Visual Impact Assessment
- Environmental Noise Report
- Statement of Public Consultation
- Design and Access Statement
- Planning Statement

6.3 The application proposals were screened in accordance with the Town and Country (Environmental Impact Assessment) Regulations 2011. The Council determined that the proposal did not require the submission of an Environmental Statement. The scheme falls within Schedule 2 of the Regulations and having considered the development against the criteria contained within Schedule 3 based on factors such as nature; scale; size and location it was concluded that the development would not have significant effects on the environment.

### The Site

6.4 The application site is located approximately 1.5km north east of the A12 Crown Interchange and approximately 2.5km from the centre of Ardleigh village. The site has a frontage to Old Ipswich Road with the elevated A12 beyond. To the north of the site lies Blue Barns Business Park beyond which are a number of residential properties on old Ipswich Road and Harts Lane. To the south there is a commercial vehicle repair garage and Wick Lane and beyond that a cluster of commercial uses. Old Ipswich Road is characterised by a mix of residential and commercial/business uses including the ECC depot, Ardleigh Boot Sale site, a golf driving range and Crown Business Centre/Apex.

6.5 The application site measures approximately 3.22ha and comprises the existing Systematic site and adjoining agricultural land (1.2 ha of low grade agricultural land) that is the ownership of the applicant. The site is generally level and contains a 1858 sq. metre warehouse, an open yard to the front and a two storey office building with associated parking. To the rear of the existing warehouse is a larger, unauthorised yard made up of loose compacted material. This is currently used for HGV and staff parking and external pallet storage.

- 6.6 The south eastern and south western boundaries are defined by an earth bund and chain link fence. To the north east (adjacent to Blue Barns Business Park there is a hedge and tree planting and a chain link fence. The site frontage contains trees (of which two oaks are protected by a Tree Preservation Order) and hedgerows set behind a chain link fence and a set of metal gates. A single entrance and exit serves the site from Old Ipswich Road.

## **The Proposal**

### The Current Position

- 6.7 The existing warehouse was granted planning permission in 2001 (LPA reference 00/01969/FUL). Since then planning permission has been granted for a new office block in 2009 (LPA reference 09/00249/FUL). This has been constructed. Planning consent has been refused to construct a new warehouse and change the use of agricultural land to Class B8 use in 2011 (LPA reference 11/01011/FUL). This application was refused on the grounds that the proposal would have a significant detrimental impact on the character and appearance of the area to the serious detriment of visual amenity. Whilst this application included a building of similar dimensions it did not provide the supporting material that is present with the current application and neither did it include the package of mitigation measures currently before the Council in the form of the strategic landscaping belts to the southern boundaries. It should be noted that this application was not refused on highway safety grounds. The subsequent applications in 2012 were withdrawn (LPA references 12/00293/FUL and 12/00295/FUL) as again they did not contain a comprehensive suite of reports and assessments and potentially meant that the two protected oaks would be removed from the site frontage.
- 6.8 The Planning Statement that has been submitted with the application explains that Systematic is a successful 'home grown business' that has been operating from Old Ipswich Road for a number of years. It is a significant local employer and trades with around 200 Tendring based firms. Systematic is a member of Palletways who are Europe's leading palletised freight distribution network specialising in palletised goods consignments ranging from 250kg to 1200kg. Systematic is contracted to serve all Palletways business within Tendring District postcodes as well as the rest of Essex and Suffolk.

### The Proposed Position

- 6.9 The company's business plan and investment strategy requires the continual upgrading of the HGV fleet to maintain operational efficiency and to keep the form competitive. The proposed warehouse is required in order for Systematic to meet its contractual obligations as the existing warehouse is insufficient to meet current floorspace needs. The existing capacity of the warehouse has meant that palletised goods are being stored outside which in turn has led to increased levels of outside working and vehicular/forklift truck movements.
- 6.10 The description of the development is as follows:
- "Proposed Use Class B8 development incorporating the erection of a new warehouse (5255 sq. metres) external storage area, hardstandings, parking facilities, truckwash, external illumination, fencing, drainage, and landscaping infrastructure, improved access and egress arrangements, including security barrier and gates and incorporating the retention and extension of land for Use Class B8 purposes."
- 6.11 The proposals include an improved access and exit arrangement. The geometry and kerb design will preclude any left turn in and right turn out manoeuvres. This will ensure that all HGV traffic will need to approach the site from the A12 Crown Interchange. The alterations and improvements will not necessitate the removal of either of the protected oak trees.

- 6.12 The new warehouse measures 96m x 54m x 7m to eaves and 9m to ridge. It will create a floor area of 5255 sq. metres comprising 7 warehouse bays. It is proposed to be located directly to the rear of the existing warehouse at right angles to it. The external materials include brickwork to the lower walls and profiled colour coated steel to the upper walls and roof. The design of the warehouse will allow for a clear span across the floor area and tandem HGV parking with sufficient space for forklift circulation and inside storage of pallets.
- 6.13 The proposal also includes the provision of new areas of concrete hardstanding to the front and side of the proposed warehouse. This is intended to be used for HGV manoeuvres; HGV and staff parking; storage of used pallets and a truckwash facility. This will involve the removal of the existing earth bund. This area equates to around 8000 sq. metres. Part of this area is already in use albeit that it is unauthorised and unsurfaced and causes dust nuisance to its immediate neighbours at Blue Barns Business Park.
- 6.14 Column and building mounted external lamps are proposed to light the external areas.
- 6.15 Parking for 23 cars; 28 bikes; 8 motorbikes and 6 HGV is proposed. There is also capacity for an overflow car park for up to 16 cars which the applicant advises could be made available to the users of Blue Barns Business Park if necessary.
- 6.16 The proposal also includes a truckwash facility utilising recycled water at the eastern end of the site.
- 6.17 The drainage strategy proposes to discharge run off to the nearby brook and will incorporate a bypass interceptor as well as trapped gullies. Discharge rates are proposed at 44 litres per second that will be controlled by a low control system.
- 6.18 The proposal also includes a structural landscaping belt to the south eastern and south western boundaries (comprising native hedgerow and tree species).
- 6.19 It is estimated that the development will create an additional 35 full time equivalent jobs. The business currently employs 55 full time equivalent employees (15 of which are from Tendring).

### **Planning Considerations**

- 6.20 The main planning considerations are:
- National and Local Plan Policy
  - Highway and transport issues and sustainability
  - Design Principles
  - Landscape Impact
  - Tree Impact
  - Nature conservation;
  - Flood risk
  - Contamination
  - Heritage issues
  - Environmental Impact Assessment
  - Other material Considerations - The benefits of the scheme

### **National and Local Plan Policy**

- 6.21 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material

considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are such a material consideration.

- 6.22 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. The 2012 Local Plan: Proposed Submission Draft, as amended by the 2014 Local Plan: Pre-Submission Focussed Changes, remains as the 'emerging' Local Plan.
- 6.23 On 25<sup>th</sup> March 2014, the Council decided that further substantial revisions to the emerging plan will be required before it is submitted to the Secretary of State to be examined by a Planning Inspector. These revisions will aim to ensure conformity with both the NPPF and the legal 'duty to cooperate' relating mainly to issues around housing supply. The new Local Plan Committee is overseeing this work with a view to a new version of the plan being published for consultation in early 2015.

#### Consistency with the National Planning Policy Framework

- 6.24 The NPPF has at its centre the presumption in favour of sustainable development. Paragraph 14 explains that for decision making on planning applications this means:
- Approving development proposals that accord with the development plan without delay;
  - Where the development plan is absent; silent; or relevant policies are out of date, granting permission unless :
    - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
    - Specific policies in the NPPF indicate development should be restricted.
- 6.25 There are three elements to sustainable development: economic; social and environmental. Paragraph 7 explains that these dimensions give rise to the need for the planning system to perform a number of roles:
- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available at the right places and at the right time to support economic growth and innovation; and by identifying and co-ordinating development requirements, including the provision of infrastructure
  - A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
  - An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- 6.26 Paragraph 8 is particularly important as it says that :

“These roles should not be taken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system ..”

- 6.27 Paragraph 19 of the NPPF states that the: “Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.”
- 6.28 This statement is not restricted to urban areas as the NPPF equally accepts the importance of providing development in rural areas.
- 6.29 It seeks to obtain a number of planning objectives. The following statement (Paragraph 17) is particularly relevant to the current application proposal:
- “Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of their residential and business communities.”
- 6.30 Paragraph 28 states that plans should : “support the growth and expansion of all types of business and enterprise in rural areas both through the conversion of existing buildings and well-designed new buildings ...”.
- 6.31 Paragraph 17 says that the fullest possible use of public transport should be achieved and to locate significant development in areas that are or can be made sustainable.
- 6.32 Paragraph 29 advises that different policies will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
- 6.33 Paragraph 32 requires development that generates significant amounts of traffic to be determined having taking into account the opportunities for sustainable transport modes that have been taken up and requires improvements within the highway network that limit significant impacts and refusal should only be considered on highway grounds where residual impacts are severe.
- 6.34 Whilst the NPPF is, in principle, supportive of economic growth and a flexible approach to considering proposals that will deliver jobs, there is still an expectation for Councils, in their Local Plans, to allocate sites in sustainable locations and promote sustainable patterns of growth. Paragraph 17 of the NPPF sets out 12 core principles of the planning system, of which one is “*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.*” Paragraph 30 of the NPPF states that “*encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport*”.

#### Weight to be attached to Adopted Local Plan Policy

- 6.35 On the publication of the NPPF on 27<sup>th</sup> March 2012, Councils were given a 12 month period within which policies in adopted albeit out of date Local Plans could continue to be afforded full weight in making planning decisions. This allowed a period of time for new plans to be prepared or for current plans to be updated. In that time, the Council prepared and

consulted upon the 2012 Draft Local Plan with the intention that it would replace the Adopted Local Plan in full.

- 6.36 Because that initial 12 month period has now passed, the Council can no longer legitimately attach full weight to all the policies and proposals in the 2007 Adopted Local Plan, particularly those that are out of date or contrary to the NPPF. Critically this includes instances where plans fail to make adequate provision to meet the 'objectively assessed needs' for future development – including land for business and industrial activities.
- 6.37 To determine 'objectively assessed needs' the Council commissioned consultants in 2010 to undertake an 'Employment Land Review' which was recently reviewed and updated by consultants Regeneris in 2013 alongside the preparation of an 'Economic Development Strategy'. Both the findings of the 2010 and 2013 Employment Land Reviews indicated modest requirements for employment land to meet the projected demand for traditional business and industrial development in the Tendring District for the period covered by the emerging Local Plan. Both the 2010 and 2013 studies also concluded that the Council had identified more employment land in both the adopted and emerging Local Plans than was likely to be needed to meet these future requirements. The studies also concluded that some 18.5 ha would be required for warehouse uses. Therefore, unlike the situation for housing land supply, the supply of employment land in the Adopted Local Plan is consistent with the latest objectively assessed need, is therefore not out of date and should therefore continue to carry some weight.

#### Weight to be attached to Emerging Local Plan Policy

- 6.38 Paragraph 216 of the NPPF allows Councils to give weight to relevant policies in emerging plans (such as the 2012 Draft Local Plan) according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the greater the weight that may be given).

#### Highway and transport issues and sustainability

- 6.39 The NPPF promotes sustainable transport and requires all developments that will generate significant amounts of traffic to be supported by a Transport Assessment. Opportunities for sustainable transport modes must be taken up; safe and suitable access for all people must be achieved; and improvements to the highway network that address the impacts of the development must be undertaken. Development should only be refused where traffic residual cumulative impacts are severe. These issues are reflected in policies QL2; QL10; TR1a; TR1; TR2; and TR6 of the adopted local plan and policies SD8 and SD9 of the emerging local plan.
- 6.40 The application is accompanied by a Transport Assessment. The Transport Assessment considers the existing traffic conditions and proposed traffic conditions (based on an increased HGV fleet of 6 vehicles). Systematic currently operate a fleet of 23 HGV vehicles from the site. This would increase to 32 if planning permission is granted. The assessment predicts an increase in weekday peak hour trips by 13-16 two way movements (below the 30 two way trips referred to in the relevant DCLG TA guidance). It is concluded that these additional movements would not be material and would be virtually imperceptible on the

local highway network. They could not be considered to be severe which is the test so far as the NPPF is concerned.

- 6.41 Many of the objections to the scheme relate to the existing difficult access arrangements that are currently provided by a simple 'T' junction. This allows HGVs to enter and exit the site in both directions and hinders manoeuvring so that HGVs sometimes reverse into the site and go over the central markings in Old Ipswich Road. The objections also relate to the increase of HGV movements and parking problems within the locality. The scheme intends to improve the existing access arrangement. The geometry and kerb design will preclude any left turn in and right turn out manoeuvres. This will ensure that all HGV traffic will need to approach the site from the A12 Crown Interchange. In addition, the proposal includes for HGV and car parking that will increase from 35 to 58 spaces for cars and 6 spaces for HGVs. An overflow car park can also be accommodated and the applicant advises that he is willing to consider allowing parking for the adjacent Blue Barns Business Park.
- 6.42 The highway and transport impacts of the development are therefore addressed. Any residual impacts are not severe and thus from this prospective the application proposal accords with the NPPF and local plan policy. There has been no objection to the scheme from ECC County Highway Authority or the Highway Agency (the statutory consultees for this scale and nature of development).

### **Design Principles**

- 6.43 The NPPF refers to the importance of conserving and enhancing the environment and places an emphasis on the need for good design. This is echoed in policy QL11 and EN1 of the adopted local plan and policies SD9 of the emerging local plan.
- 6.44 The proposal is of simple appearance and although the building is of a large scale, the views of the site are limited from the west and the north and the site is located within a mixed residential and commercial area where larger commercial buildings exist (including the existing Systematic warehouse that will act as a backdrop to the proposed building). Furthermore, the current application proposes a strategic planting belt to the southern boundaries that will assist in screening the development from view.
- 6.45 The functional requirements of the building make the design options minimal; however, the building incorporates as low an eaves level and ridge level as is feasible. The design of the development is considered acceptable and the use of external materials can be suitably controlled by condition. The scheme thus accords with the NPPF and local plan policies.

### **Impact upon neighbours**

- 6.46 The NPPF seeks to ensure that high standards of design and layout and promoting sustainable development result in safe and accessible environments. This aim is reflected in policies QL10; COM21; and COM23 of the adopted local plan and policies SD8 and SD9 of the emerging local plan.
- 6.47 The main impacts on neighbours will be by virtue of potential visual impact; noise; light pollution and increased traffic. All these issues have been taken into account within the application submission.
- 6.48 The visual impact of the development will be greatest to the south and particularly from Broomfield's Farm. Those residential properties to the north of the site along Old Ipswich Road and Harts Lane will have limited, if no views, of the proposed building and site extension due to the separation distances and the intervening trees, hedgerows and field boundaries. Views of the site will be possible from the adjacent Blue Barns Business Park and the former Blue Barn's farmhouse that is a grade II listed building. However, these



neighbours will be separated from the proposed building by 35 metres (nearest Business Park Unit) and 100 metres (Blue Barns Farm). In the intervening space is the two storey office accommodation granted planning permission in 2009. A condition is proposed to ensure that the development is undertaken strictly in accordance with the submitted plans and reports. The visual impact of the development is therefore considered acceptable.

- 6.49 The application is accompanied by a Noise Assessment.
- 6.50 The NPPF states that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life; mitigate and reduce to a minimum other adverse impacts on health and quality of life from new development including through the use of conditions whilst recognising that many developments will create noise; and identify and protect areas of tranquillity.
- 6.51 Policy therefore requires the applicant to consider the significance of the impact of noise. The presence of an adverse impact in itself is not sufficient reason to refuse planning permission.
- 6.52 The Noise Assessment has been carried out in accordance with relevant British Standards and World Health Organisation guidelines. It took into account the nearest noise sensitive receptors (those residential properties to the north of the site on Old Ipswich Road) and undertook noise surveys in the vicinity of these properties. Modelling of the existing and proposed noise levels (based on service yard activity; noise from mechanical plant including the truckwash; warehouse activity; traffic activity; and construction activity) were then undertaken using modelling software. The results of the modelling showed an improvement on the current situation and a level below the WHO guidelines. This is due to the vast majority of operations being able to take place within the larger modern building. The predicted night time levels marginally exceed WHO guideline values, but this is already the case with the existing noise climate. The assessment takes into account the existing ambient background noise levels, which is dominated by the road traffic on the A12, over a 24hr period against those likely to be generated by the proposal and concludes that the use and hours of operation would not result in a significant adverse impact subject to mitigation including use of acoustic fencing and these aspects can be conditioned.
- 6.53 The application is accompanied by an external lighting report. The report outlines the design requirements that the applicant needs to meet for functional purposes but includes a solution that includes a specification of downward light fittings that meet the Institute of Lighting Engineers best practice for minimising light glare or spill. It ensures the minimum light to observe health and safety requirements whilst minimising the impact on residential and other neighbouring uses and protecting ecological interests. The report demonstrates that the external lighting design will provide a safe and secure car park whilst minimising the impact on neighbouring properties. The lighting scheme has been prepared in accordance with the current Design Standard for exterior lighting in conjunction with BS5489-1 (2013) and CIBSE LG6, The outdoor Environment and the Institution of Lighting Professionals : Guidance Notes for the Reduction of Obtrusive Light, 2011. The use of this lighting scheme can satisfactorily be controlled by condition.
- 6.54 The external areas and access are to be hardsurfaced to ensure that nuisance does not arise by way of dust.
- 6.55 The Council's Environmental Health Officers and the Environment Agency raise no objection to the proposal subject to conditions.
- 6.56 The proposal thus accords with the NPPF (Sections 7 and 8) that seeks to ensure that high standards of design and layout and promoting sustainable development result in safe and

accessible environments and with policies QL10; COM21; and COM23 of the adopted local plan and policies SD8 and SD9 of the emerging local plan.

### **Landscape and Visual Impact**

- 6.57 The Council's Landscape Character Assessment 2001 identifies the application site as being within the Ardleigh Valley System. The Assessment recognises that the system has escaped the pressures of agricultural intensification and built development associated with the more easily accessible, flatter areas of the District. The landscape shows good survival of characteristic features such as the steep wooded valley sides, historic lanes and Spring Valley Mill. It shows strong landscape character. The Assessment goes on to conclude that the Ardleigh Valleys are sensitive to change as a result of their rural and sometimes remote character. Their hidden position and tree cover does provide some shelter and reduces visual sensitivity. The landscape is particularly sensitive to any change that would affect its ancient woodlands, streamside vegetation and sense of remoteness. Overall sensitivity is described as "**moderate**".
- 6.58 The application is accompanied by a Landscape and Visual Impact Assessment. The assessment considers the extent of change in landscape character and visual impact that the proposed development would have on its surroundings.
- 6.59 The assessment concludes that the existing landscape would change due to the scale of the new warehouse and the inclusion of approximately 1.2ha of arable farm land within the operational site area. However, the overall magnitude of the change would be low as the development would affect only a small area of landscape. Views towards the proposed development are predominantly from the south of the site where the building would be visible from breaks in the boundary planting along Wick Lane. The warehouse would also have an impact on Bloomsfield's Farm to the east of the site. Views of the development from the north and Harts Lane would not be feasible due to the existing high hedges along the lane and the intervening field boundaries. Views from the west are already dominated by the A12 that significantly impacts on the landscape qualities of the immediate area. To mitigate the views of the site from the south the proposal includes a significant area of additional planting in the form of a 12 metre wide tree and hedgerow planting belt. This will serve a dual purpose by improving the biodiversity of the site.
- 6.60 Any impact on the landscape by virtue of the scale and extent of development needs to be weighed against the other economic; social and environmental benefits of the scheme. The visual impact of the development is considered by officers to be low in any event but this is outweighed by the numerous benefits of the scheme that are supported by national and local plan policy. These benefits are referred to later in this report.

### **Tree Impact**

- 6.61 The NPPF refers to the importance of conserving and enhancing the natural environment. This is echoed in policy QL11 and EN1 of the adopted local plan and policies SD9 of the emerging local plan. The Town and Country Planning Act places an obligation on the Council to protect trees in its area. These national aims are reflected in a number of policies in the adopted and emerging local plans.
- 6.62 The application is accompanied by a Tree Survey Report that has been carried out in accordance with British Standard 5837: 2012 "Trees in Relation to Design, Demolition and Construction."
- 6.63 The applicant has also provided a Soft Landscaping Master Plan drawing. The drawing shows soft landscaping proposals to both partially screen and enhance the appearance the development and new tree and hedgerow planting (12 metres wide on the southern

boundaries) to mitigate the harm caused by the removal of some existing trees and to screen the buildings from external views of the site. The proposals will not require the removal of the two protected oak trees.

6.64 The Council's Landscape and Tree Officer has considered these documents and advises that:

"In order to show the potential impact of the development proposal on the protected trees the applicant has submitted a tree report and survey that has been carried out in accordance with the recommendations contained in BS5837: 2012 Trees in relation to design, demolition and construction. This shows that the new access can be constructed without the need to remove either of the protected trees. Some limited root pruning will be required for the access to be constructed but given the limited extent of the works no harm to the tree will be caused.

6.65 The report also shows the extent of tree and hedgerow removal required to implement the development and the trees and hedgerows that are to be retained. The vegetation identified for removal will not have a significant detrimental impact on the appearance of the area and the strongest boundary hedgerows are shown as retained.

6.66 Should consent be granted the a landscaping condition should be attached to secure new planting on the boundary with the Old Ipswich Road to both screen and enhance the appearance of the site.

6.67 The area of land required to implement the development proposal is considerably greater than the area of land currently being used by the business. In terms of the impact of the development proposal on the character and appearance of the countryside it is clear that a development of the scale and nature will be an unsightly and incongruous feature in the landscape. However the application site can only be glimpsed from a few places along Wick Lane and from fewer along the Old Ipswich Road.

6.68 The applicant has submitted a comprehensive soft landscaping scheme that will adequately compensate for the loss of the existing screening that currently screens the south eastern aspect of the existing warehouse and be sufficient to ensure that a good level of screening will be achieved within a reasonable timescale."

6.69 The Environment Agency do not object to the proposals on biodiversity grounds and replacement and additional planting is proposed to mitigate against the loss of some existing trees. The protected oaks will be unaffected. Therefore the development is considered to comply with the NPPF (Section 10) and policies QL10 and EN1 of the adopted local plan and policy SD9 of the emerging local plan as it will not result in a significant adverse impact on any ecological destinations; or habitats of nature conservation interest and mitigates adequately the impact of the development.

6.54

### **Nature conservation**

6.70 The application is accompanied by a Phase 1 Habitat Survey. The Survey the site and its surroundings, the habitats and buildings on the site, the risks associated with the development and the potential for protected species to be present. It then provides suggested recommendations to avoid impacts and introduce biodiversity enhancements. The Survey was conducted between June and July 2014 and it was concluded that there would be a high risk to nesting birds; low risk to reptiles; and a low risk to foraging bats. The avoidance measures include timing of clearance works to avoid bird nesting season; sensitive lighting so as not to disrupt the flight paths of foraging bats; and the timing of clearance works to avoid impacts on reptiles. The biodiversity enhancements include the

use of native planting species; erection of bat boxes; creation of invertebrate habitats and introducing floral diversity. The statutory consultees including Natural England and the Environment Agency do not object to the proposal. The structural landscaping proposals will enhance biodiversity measures and ensure that the site's development does not increase the flooding of other sites from surface water runoff.

- 6.71 All of these impacts can be controlled by condition. It is thus considered that the scheme accords with NPPF and local plan policy.
- 6.72 The Environment Agency do not object to the proposals on biodiversity grounds and replacement and additional planting is proposed to mitigate against the loss of existing trees therefore the development is considered to comply with the NPPF (Section 10) and policies QL10 and EN1 of the adopted local plan and policy SD9 of the emerging local plan as it will not result in a significant adverse impact on any ecological destinations; or habitats of nature conservation interest and mitigates adequately the impact of the development.

### **Flood Risk**

- 6.73 The NPPF advises that developments should take account of flood risk and where appropriate be accompanied by a Flood Risk Assessment. Paragraph 109, in particular, advises that new and existing development should be prevented from contributing to unacceptable levels of water pollution. This is echoed by policy QL3 of the adopted local plan and policy PLA1 of the emerging local plan.
- 6.74 The application was accompanied by a Flood Risk Assessment (FRA) because the site, albeit it in Flood Zone 1 (at least risk of flooding), exceeds the threshold of 1 hectare.
- 6.75 The Environment Agency issued a holding objection to this initial FRA on the basis that the application did not include adequate information to demonstrate that the potential risks of surface water flooding could be safely and adequately managed. The Environment Agency advised that the objection could be overcome by presenting additional information.
- 6.76 A revised Flood Risk Assessment was received on 3<sup>rd</sup> December 2014 and the Environment Agency was reconsulted.
- 6.77 The Environment Agency then withdrew the holding objection.
- 6.78 The applicant's Flood Risk Assessments have been the subject of objections on behalf of a number of local residents and businesses. The main point of the objections is that the surrounding area currently suffers from surface water flooding and that the situation will worsen with the proposed building and increased hardstanding areas. The EA was concerned that the scheme failed to deliver a SUDs solution and instead relies on proposing a discharge rate into the existing brook of up to 44 L/S.
- 6.79 The suitability of the Surface Water/Suds Drainage Scheme and the Flood Risk Assessment (described elsewhere in this report) have been commented on by the Environment Agency on two occasions. The statutory body has removed its original holding objection and now has no objection to the proposal subject to conditions.
- 6.80 The development thus accords with the NPPF (Sections 10 and 11) and policies QL3 and EN13 of the adopted local plan and policies PLA1 and PLA3 of the emerging local plan. All drainage measures can be suitably controlled by condition.

## **Contamination**

- 6.81 The National Planning Policy Framework (NPPF) states that responsibility for securing a safe development rests with the developer and/or landowner. Policy COM19 of the adopted local plan requires appropriate remedial measures to be secured where there is known land contamination.
- 6.82 NPPF sets out the government's policy on dealing with land contamination through the planning process. The document states that planning policies and decisions should ensure the site is suitable for its new use taking account of ground conditions and proposals for mitigation; and that adequate site investigation information prepared by a competent person is presented
- 6.83 NPPF Paragraph 120 states as follows:
- To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner
- 6.84 NPPF Paragraph 121 reads:
- Planning policies and decisions should also ensure that:
- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
  - after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
  - adequate site investigation information, prepared by a competent person, is presented.
- 6.85 And NPPF paragraph 122 concludes:
- In doing so, local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities
- 6.86 The application is accompanied by a preliminary risk assessment of the site that considers the site and surrounding area; the geo-environmental setting; the site history; and environmental database information including intrusive site investigation. It then provides an initial conceptual model and a preliminary risk assessment.
- 6.87 The assessment concludes that potential contaminants on site are low across the site and risks to human health, controlled waters or other environmental receptors are minimal. It concludes that further intrusive investigations and remediation measures are not required. Any unknown contamination that is found during construction works can be controlled through an appropriate planning condition.

- 6.88 The proposal thus accords with the NPPF (Section 11) and policy COM19 of the adopted local plan.

### **Heritage Assets**

- 6.89 The NPPF seeks to protect heritage assets (including archaeology) from inappropriate development (Section 11). Adopted local plan policy EN29 and emerging local plan policy PLA6 reflect this aim.
- 6.90 The application is accompanied by an archaeological desk based assessment. The assessment was carried out in accordance with the Institute for Archaeologist's Standard Guidance for Historic Environment Desk based Assessment (revised 2012). The assessment concluded that there was little evidence to suggest human activity occurring on the site until recent centuries but that the site is within a wider region that is rich in heritage; in particular the area around Ardleigh is known for Bronze Age cremations and Iron Age farmsteads and as such the site retains a moderate potential for archaeological remains. The impact of the development may be significant, particularly within the footprint of the proposed warehouse and therefore a watching brief is recommended.
- 6.91 The former farmhouse at Blue barns Farm is a grade II listed building. The Council is obliged to protect the setting of listed buildings. The proposed development is separated from the listed building by virtue of the existing commercial and business units at Blue Barns Business Park, albeit that these are at a lower level. However, the proposed warehouse will not have an adverse impact on the setting of the listed building due to the distance of separation and the intervening land uses and buildings. The intervisibility between the sites is limited.
- 6.92 The Essex Archaeological Officer has not responded to the application, however, a controlling condition is recommended to provide for in a watching brief.
- 6.93 The development thus accords with the NPPF (Section 11) and adopted local plan policy EN29 and emerging local plan policy PLA6 in relation to heritage assets.

### **Environmental Impact Assessment**

- 6.94 The application proposal was screened in accordance with the Town and Country (Environmental Impact Assessment) Regulations 2011 before the formal application for planning permission was received by the Council. The screening opinion concluded that whilst the proposed scheme falls outside those developments listed in Schedule 1 of the Regulations where an EIA would automatically be required, nevertheless, the proposal required screening under Schedule 2 of the Regulations because the area of this proposed infrastructure project exceeds 0.5ha. Annex A of Circular 02/99 relates to Industrial Estate Development (Category 10a) and advises that an EIA is more likely to be required if the site area exceeds more than 20ha.
- 6.95 The screening opinion took account of the following issues:
1. Land drainage;
  2. Contamination;
  3. Noise; light and potential emissions from the site;
  4. Visual impact; and
  5. Increased traffic movements
- 6.96 Having considered all the above potential impacts and having had regard to the characteristics of the development; the location of the development; and the characteristics

of the potential impacts it was concluded that an Environmental Impact Assessment was not required to accompany the application.

- 6.97 It should be noted that the screening process should ensure that an environmental impact assessment is only required for projects likely to have **significant** effects on the environment.

### **Other Material Considerations – The Benefits of the Scheme**

- 6.98 As explained elsewhere in this report, Paragraph 14 of the Framework sets out the presumption in favour of sustainable development and states that where development plans are absent, silent or relevant policies are out of date, planning permission should be granted without delay. Where the proposed development gives rise to significant and demonstrable adverse impacts these must be weighed against the benefits of the development.

- 6.99 It is not considered that the scheme will give rise to significant adverse impacts, however the benefits resulting from the scheme can be summarised as follows:

- Creation of 35 FTE jobs
- Protection of 55 FTE jobs
- Indirect economic benefits
- Improvements to the existing access to ensure HGV movements are to and from the A12 Crown Interchange
- Modern functional building that will allow inside operational activities reducing noise levels
- Increased parking areas
- Improved drainage arrangements
- Structural landscaping areas
- creation of a local recruitment scheme

### **Conclusion**

- 6.100 The site is in existing employment use and whilst the Council's 2013 Employment Land Review does not identify the need for this type development in this location it does establish the need for 8.5 hectares of land for warehouse use. The Council's Economic Development Strategy recognises the importance of supporting the modernisation, diversification and growth within Tendring's business base.

- 6.101 The application is accompanied by a comprehensive package of information that demonstrates compliance with National and Local Plan Policy and any adverse impacts are outweighed by the economic and social benefits of job creation.

### **Background Papers**

None.