

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	21/10/2019
Planning Development Manager authorisation:	AN	21/10/19
Admin checks / despatch completed	CC	21/10/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	21/10/19

Application: 19/00960/FUL **Town / Parish:** Tendring Parish Council

Applicant: Mr Jones - Delta Design Systems Ltd

Address: Delta Design Systems Ltd Clacton Road Tendring

Development: Create additional production and storage space, new and altered accesses, provision of coach lay-by and increased paved area.

1. Town / Parish Council

Tendring District Council Tendring object to this application.

The following observations were made;

- *Overdevelopment of the site
- *Safety and visibility issues regarding Pilcox Hall Lane
- *Land the application crosses; ownership concerns
- *Insufficient screening for visual and noise
- *Number of parking spaces are excessive

2. Consultation Responses

ECC SuDS Consultee
ORIGINAL COMMENTS

Thank you for your email received on 08.07.2019 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- o Non-statutory technical standards for sustainable drainage systems
- o Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- o The CIRIA SuDS Manual (C753)
- o BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a holding objection to the granting of planning permission based on the following:

- Although a drainage strategy plan is provided, no report providing all the relevant SUDS information has been provided
- In the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

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

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

INFORMATIVES:

- o Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- o Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- o Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- o It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- o The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of

a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

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

Yours sincerely,

Richard Horswill

Development and Flood Risk Officer

Team: Development and Flood Risk

Service: Waste & Environment

Essex County Council

Internet: www.essex.gov.uk

Email: suds@essex.gov.uk

Appendix 1 - Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

o Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

o Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications 'Preparing for Floods' and 'Improving the flood performance of new buildings'.

o Sustainability of the development

ECC SuDS Consultee
AMENDED COMMENTS

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

Thank you for your email received on 17.07.2019 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

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

Condition 1

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

- Limiting discharge rates to 1.1 l/s for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- The pond should have 1 in 3 side slopes as a minimum requirement
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.

- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 2

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

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

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

Condition 3

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

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

Reason

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

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

Condition 4

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

Reason

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

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

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

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of

this application or as part of preceding applications to make a balanced decision based on the available information.

Appendix 1 - Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications 'Preparing for Floods' and 'Improving the flood performance of new buildings'.

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

ECC SuDS Consultee **AMENDED COMMENTS**

Thank you for your email received on 02.10.2019 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

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

Condition 1

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

- Limiting discharge rates to 1.1 l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- The pond design should be in line with the updated landscape design in drawing snow 322/8-002.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

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

Condition 2

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

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure

development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

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

Condition 3

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

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

Reason

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

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

Condition 4

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

Reason

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

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

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INFORMATIVES:

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- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

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

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

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Further information can be found in the Department for Communities and Local Government publications 'Preparing for Floods' and 'Improving the flood performance of new buildings'.

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

ECC SuDS Consultee
FINAL COMMENTS

We have previously issued a no objection with conditions for this application and there is no additional information proposed in relation to SuDS.

Anglian Water Services

No comments received.

Essex Wildlife Trust

No comments received.

Natural England

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the

proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

ECC Highways Dept

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

1 Prior to occupation of the proposed development, the existing proposed light vehicle vehicular access shall be reconstructed and the proposed HGV vehicular access shall be constructed in complete accord with the details shown in Drawing Numbered 716/02 Revision E.

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 Prior to the proposed HGV access being brought into use, vehicular visibility splays of 82m by 4.5m 90m, as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction clear to ground.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in 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.

3 No unbound materials shall be used in the surface treatment of the proposed HGV vehicular access within 18m 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.

4 Any gates erected at the proposed HGV vehicular access shall be inward opening only and shall be recessed a minimum of 18m. from the nearside edge of carriageway of the existing road.

Reason: To ensure that vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

5 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.

6 The development shall not be occupied until such time as the car parking area, indicated in Drawing Numbered 716/02 Revision E 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.

7 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.

8 Prior to commencement of the proposed development, the vehicular turning facility for delivery vehicles of at least size 2 dimensions shown in Drawing Numbered 716/02 Revision E. 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.

9 Prior to the occupation of any of the proposed development, the bus layby and associated new footway adjacent the proposed HGV vehicular access shall be provided in accord with the details shown in Drawing Numbered 716/02 Revision E, including the provision of level entry kerbing, any adjustments in levels, surfacing and any accommodation works to the carriageway channel to the specifications of the Highway Authority and being provided entirely at the applicant/Developer's expense.

Reason: To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development in accord with Policy DM 9 of the Highway Authority's Development Management Policies February 2011.

10 The Powered two wheeler and bicycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the

proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

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

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

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

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

3. Planning History

00/01602/FUL	Steel framed industrial building to be used as office. Change of use of existing building from storage to storage and manufacturing (electric control panels)	Approved	06.12.2000
91/01450/FUL	Change of use of retail shop to Managers flat (dwelling)	Refused	18.02.1992
03/00708/FUL	Steel portal framed assembly workshop	Approved	25.06.2003
05/02048/FUL	Transfer of motor rewind business - Proposed single storey building, purpose built.	Approved	08.06.2006
14/30113/PREAPP	Expansion to site.		10.03.2014
14/00780/FUL	Extension and alterations to existing buildings including new and altered access road, provision of coach lay-by, provision of increased paved area.	Approved	19.09.2014

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

- QL1 Spatial Strategy
- QL2 Promoting Transport Choice
- QL4 Supply of Land for Employment Development
- QL7 Rural Regeneration
- QL3 Minimising and Managing Flood Risk

- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- ER7 Business, Industrial and Warehouse Proposals
- ER10 Small Scale Employment Sites in Villages
- COM1 Access for All
- COM2 Community Safety
- COM19 Contaminated Land
- COM20 Air Pollution/ Air Quality
- COM21 Light Pollution
- COM22 Noise Pollution
- COM23 General Pollution

- EN13 Sustainable Drainage Systems
- EN6 Biodiversity
- EN6A Protected Species
- EN1 Landscape Character
- TR1A Development Affecting Highways
- TR2 Travel Plans
- TR3A Provision for Walking
- TR5 Provision for Cycling
- TR6 Provision for Public Transport Use
- TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

HP2 Community Facilities

PP6 Employment Sites

PP7 Employment Allocations

PP14 Priority Areas for Regeneration

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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 48 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. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

Site Context

The application relates to the Delta Design Systems Limited site on the western side of Clacton Road within the Parish of Tendring but outside the settlement development boundary for the village. The site encompasses an area of land measuring approximately 1.3 hectares. The site is situated at the junction with Pilcox Hall Lane and is served by an existing access from Clacton Road.

Delta Design Systems Limited is a company that design, manufacture, installs and services standard and custom-built generating sets for prime and standby power applications. From quite modest generators for small site use to major installations for power stations. It has been established on this site in Tendring since 1998. The company also provides standard or bespoke training courses related to the equipment they supply. The company is now part of the Bruno Generating Group (BGG) one of the world's leading companies in the production of generating sets.

Description of Proposal

The application seeks full planning permission to create additional production and storage space on the site together with new access and alteration to the existing access the provision of coach layby to the front of the and an increased paved area.

Assessment

The main considerations in this instance are;

- Planning History;
- Principle of Development;
- Scale, Layout and Appearance;
- Trees and Landscaping;
- Neighbouring Amenity;
- Access, Highway Safety and Parking;
- Ecology and Biodiversity;
- Flooding and Surface Water Management;
- Contamination; and,
- Representations.

Planning History

This application follows the approval of full planning permission in September 2014 under reference 14/00780/FUL. The company are now in a position to take the project forward. This application sees a reduced scheme from that originally approved omitting the training building, the covered link and the expansion of the existing office building.

Principle of Development

Paragraph 83 of the National Planning Policy Framework 2019 (NPPF) states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings. The preamble of saved Policy ER7 of the adopted Tendring District Local Plan 2007 explains how the Council wishes to support the growth of existing firms and will grant permission for extensions to established business premises in rural locations providing they have an acceptable impact.

In summary, national and local plan policies support the proposed development for an expansion to the established business in a rural location providing the proposals can be accommodated without an adverse impact on amenity, on the landscape character of the area and satisfactory vehicular access is provided.

The site is already in commercial use by the applicant and this proposal will result in an expansion of the site. The applicant is a major local source of employment and economic generation and these proposals will seek to add to the number of employment opportunities at the site. There is therefore significant economic benefits arising from this scheme which would otherwise be lost if the applicant was unable to expand their enterprise in Tendring. There is no doubt that the expansion of the business and subsequent increase in productivity and employment opportunities will result in an

economic benefit to the district and its residents. The retention and provision of new employment plays a major role in supporting and sustaining the local community and therefore provides significant social benefits for the district.

The proposal is therefore considered acceptable in principle with the detailed impact considerations set out below.

Scale, Layout and Appearance

Paragraph 11 of the NPPF sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment including making effective use of land. Paragraph 127 of the NPPF states that developments should function well, should add to the overall quality of the area, are visually attractive as a result of good architecture and layout and are sympathetic to local character including the surrounding built environment and landscape setting.

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form.

The major part of this application is the extension of the production space to the north of the existing buildings. An additional floor area of 1800 square metres is proposed together with a canopy on the east side of 700 square metres. The building height proposed is 9 metres, the same as the existing test building to which it attaches. The internal space will be used for both production and storage. It is envisaged that the building will include significant stocks of parts and components as part of the company's service operation. The construction of the building will be steel framed with colour coated profiled cladding externally. Materials proposed in the construction are as follows:

1. New roofing - Isopan Isotego composite panel, colour coated steel sheet, grey colour.
2. Wall cladding - Isopan Isoparete Plissé, composite panel, colour coated profiled steel sheet, colour white G9010.
3. Paving – Cemex Readyflow 80 Burnt Ember.

The proposals will result in a significant expansion of built form on the site. However, the application site is extensive and the site can satisfactorily accommodate the level of development proposed. The site is adjacent to a farm (to the west) which provides a backdrop to the proposed buildings. The Tendring Green residential area lies to the north, with sporadic dwellings to the south and east. Whilst the scheme will clearly be visible within the street-scene, the visual impact will not be significant, having regard to the existing development and nature of use. The proposal buildings are to be of a modern design and the whole site will generally be enhanced through this significant site investment.

The development is not considered to be materially harmful to visual amenity. It is clear that the proposal will alter the visual characteristics of the site through expansion of buildings, however, given the siting, scale and relationship with surrounding property, such development is not considered to be materially harmful.

Trees and Landscaping

The application proposes new buildings which will extend the built form northwards and result in the loss of some mature vegetation to the front of the site in order to provide improved visibility splays.

In order to assess the impact of the development on the trees and hedgerows on the land the applicant has provided a tree report and survey. The information provided is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction Recommendations

The tree report provides an accurate description of the health and condition of the trees on the land and on land adjacent to the application site, that are potentially affected by the development proposal. It identifies those trees that will need to be removed in order to facilitate the development

proposal and shows the extent of the Root Protection Areas (RPA's) of retained trees ' a Tree Constraints Plan (TCP).

The most visually prominent trees identified for removal are those contained in G5 of the report. The trees are situated close to the highway between the existing main entrance and new vehicular access to the north. The trees that would be removed are Oak, Weeping Willow, Goat Willow and Copper Beech. Whilst the loss of these trees is not desirable replacement planting could mitigate the harm caused by their removal.

The applicant has also submitted details of soft landscaping including tree planting: primarily on the boundary with the highway land. The planting comprises new hedging and trees that will in time provide a good level of screening and help to mitigate the harm caused by the removal of existing established trees.

The creation of the lagoon and associated soft landscaping will potentially be an attractive feature in its setting and will provide ecological benefits for the locality

Details of soft landscaping will be secured in accordance with the soft landscaping plan submitted with the application.

Neighbouring Amenities

The NPPF, in paragraph 127 states that planning should always seek to secure a high standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

The use of the site is unchanged. It is acknowledged that the level of activity will increase however; there is no evidence to prove that the proposals will lead to any material harm to amenity. Any impact is further minimised by the separation distance to residential amenities and the landscape buffer around the site. Furthermore, the development is not expected to give rise to any material noise nuisance. As per the existing arrangement, separate powers are available to the Council in this regard.

Access, Highway Safety and Parking

Saved Policy QL10 of the adopted plan states that all new development should meet functional requirements by ensuring that access to the site is practicable and the highway network will be able to safely accommodate any additional traffic the proposal will generate.

The proposal includes the provision of a new vehicular access for heavy goods vehicles. The existing access will be restricted to employee use (smaller vehicles/private motor cars/bikes). In providing this new access the existing vegetation/trees are to be cleared from the front of the site. Given the new position of the proposed access and removal of the vegetation, the site will benefit from significantly improved vehicular visibility splays. The proposal also involves the provision of 65 no. car parking spaces, 15no. cycle spaces, 4no. powered two wheeler spaces and 2no. dedicated disabled persons spaces.

The creation of the new access and access to the proposed extension includes the expansion of the existing paved area to include landscaping to the Heath Road frontage and to Pilcox Land frontage. It is planned that this will be block paved.

The number of large vehicles visiting the site are few, typically one vehicle a day and often less. Vehicles do not usually park on the site although occasionally a vehicle will arrive from the continent during the evening or at the weekend if difficulties are experienced on-route, but this is a rare occurrence. Lorries shown on the plans do not indicate the expected use but are used to demonstrate the parking options.

The proposed bus lay-by has been included in order to provide a safer and more convenient drop off/picking up point for the local community. By providing off-road capacity for buses, the situation will undoubtedly be safer for children and those responsible for their welfare as it will provide enhanced pedestrian facilities.

The application is accompanied by Stage 1 Road Safety Audit and Arctic Manoeuvring Plan.

The Highway Authority raise no objection on highway safety and access grounds, subject to the imposition of a number of conditions which will be imposed where necessary.

The application has been carefully considered by The Highway Authority and been subject to a Stage 1 Road Safety Audit. The new access is advanced to improved accessibility to the site. In the absence of any evidenced material harm, there is no objection to the provision of a new and improved vehicular access at this site, irrespective if additional traffic is to be generated or not.

Ecology and Biodiversity

The application is accompanied by a Preliminary Ecological Appraisal dated January 2019 and a follow up Reptile Survey and Outline Mitigation Strategy dated September 2019.

The purpose of the Preliminary Ecological Appraisal is to identify potential ecological constraints to development, particularly in relation to potential legally protected species onsite, confirm the need for further survey work to confirm all baseline ecological conditions, if necessary and highlight opportunities for ecological enhancement.

The following habitat types were recorded within the survey area:

- Buildings and hardstanding;
- Dense scrub;
- Poor semi-improved grassland;
- Intact species-poor hedgerow;
- Scattered trees.

The findings of the extended Phase 1 Habitat Survey confirm that the habitats onsite have the potential to support reptiles, birds and foraging and roosting bats. The site is not considered suitable for Otter, Water Vole, Hazel Dormouse, Great Crested Newt or Badger.

The constraints to development will be the removal of habitats considered suitable for protected species, including trees, hedgerows and scrub suitable for foraging and roosting bats and breeding birds, and the grassland and scrub considered suitable for reptiles.

Given the onsite presence of potential bird nesting habitat, any clearance of vegetation, should be timed to avoid the bird breeding season (March-August inclusive). If this is not possible, these habitats can only be removed following confirmation by a suitably qualified ecologist that they are not in active use by nesting birds. Any lighting used within the development should not overspill onto the site boundary or trees. A full list of lighting recommendations is included.

A Reptile presence/absence survey (mid-March-October) was recommended within the Phase 1 Habitat Survey to determine the usage of the site for reptiles. Providing the lighting recommendations are followed and the potential roost features in trees are not disturbed, then there will be a negligible impact on bats and no need to carry out a survey.

At the time of The Reptile Survey Common Lizard and Grass Snake were found to be using the site, within the dense scrub and semi-improved grassland. There was a maximum adult count of one Common Lizard and a single juvenile Grass Snake noted on one occasion, indicating a breeding population in the local area. Based upon the higher than average number of ACOs placed per hectare and the onsite peak adult count of one, it is estimated that the site supports a low population of Common Lizard and transient population of Grass Snake on the site. The potential impacts of this development are the killing and injuring of the reptiles, and localised loss of habitat within the site

boundary. It will be necessary to take precautions before site clearance or building begins to prevent reptiles from being harmed as detailed within Section 4 of this report

Appropriately worded conditions will be added to ensure that the recommendations, mitigation and enhancements set out within Section 7 of the Preliminary Ecological Appraisal and Section 4 of The Reptile Survey are adhered to. This will reduce the impact on protected species and minimise potential negative impacts on protected species, if present, to a negligible level.

Flooding and Surface Water Management

Careful consideration has been given to the disposal of the surface water and a consultant's report and Flood Risk Assessment accompanies this application. It is proposed to use a sustainable drainage system using permeable paving, to control the discharge of surface water including under paving attenuation together with the inclusion of a pond that will provide further attenuation and cleaning of the surface water. Foul water disposal will not be significantly increased by this proposal above that which has previously been the case and the existing sewage treatment plant is considered to be adequate.

The Lead Flood Authority raise no objections subject to conditions which will be added where necessary.

Contamination

This application includes the contamination report as submitted with the original application, together with a Remediation Method Statement for Groundwater to address the small amount of contamination that was identified in the original report.

The Council's Environmental Protection Team raise no concerns.

Representations

Tendingr Parish Council object to the application. The concerns raised can be summarised and addressed as follows;

- Overdevelopment of the site
- Safety and visibility issues regarding Pilcox Hall Lane
- Insufficient screening for visual and noise
- Number of parking spaces are excessive

The principle of development, visual impact, impact on amenity and highway safety are considered in the main report above.

- Land the application crosses; ownership concerns

Land ownership is not a planning matter.

No individual letters of objection have been received.

Conclusion

For the reasons set out above, the proposal is considered to represent a sustainable form of development that will contribute positively both economically and socially to the District. The environmental impacts are not significant and suitable landscaping and mitigation further minimises the impacts. The application is therefore recommended for approval subject to conditions.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in complete accordance with the details shown on the submitted drawings: Drawing No. 716/LOC, Drawing No. 716/LOC E, Drawing No. 716/05 B, Drawing No. 716/06 B, Drawing No. 716/08 A, Drawing No: IT1421/DD/002, DRAWING NO: SNOW 322/8-001. REV. B., SNOW 322/8-002. REV. B. and SNOW 322/8-002 received 25th September 2019.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 All changes in ground levels, boundary treatment hard landscaping, planting, seeding or turfing shown on the approved landscaping details, as shown on DRAWING NO: SNOW 322/8-001. REV. B., SNOW 322/8-002. REV. B. and SNOW 322/8-002 received 25th September 2019, shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - In order to ensure that the landscape treatment to the site is carried out appropriately.

- 4 No loudspeakers or other sound amplification equipment shall be used on the site.

Reason - In the interests of residential amenity.

- 5 No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to first occupation. Any external lighting that is installed shall accord with the approved details.

Reason - In the interests of amenity and biodiversity.

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

- Limiting discharge rates to 1.1 l/s for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- The pond design should be in line with the updated landscape design in drawing snow 322/8-002.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

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

local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

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

Reason - The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

- 8 No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason - To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

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

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

- 10 Prior to commencement of development the applicants shall submit to the Local Planning Authority in writing a local recruitment strategy to include details of how the applicants/ developer shall use their reasonable endeavours to promote and encourage the recruitment of employees and other staff in the locality of the application site for the construction of the development and for the uses of the development thereafter. The approved local recruitment strategy shall be adhered to therein after.

Reason - In order to recruit and procure services locally to help and improve employment and training opportunities for local residents.

- 11 Prior to occupation of the proposed development, the existing proposed light vehicle vehicular access shall be reconstructed and the proposed HGV vehicular access shall be constructed in complete accord with the details shown in Drawing Numbered 716/02 Revision E.

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

- 12 Prior to the proposed HGV access being brought into use, vehicular visibility splays of 82m by 4.5m 90m, as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction clear to ground.

Reason - To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

- 13 No unbound materials shall be used in the surface treatment of the proposed HGV vehicular access within 18m of the highway boundary.

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

- 14 All new parking areas and areas of hardstanding shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the site.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

- 15 Any gates erected at the proposed HGV vehicular access shall be inward opening only and shall be recessed a minimum of 18m from the nearside edge of carriageway of the existing road.

Reason - To ensure that vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of highway safety.

- 16 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 Local Planning Authority.

Reason - To prevent or reduce the risk of flooding of the adjoining highway, in the interests of highway safety.

- 17 The development shall not be occupied until such time as the car parking area, indicated in Drawing Numbered 716/02 Revision E 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.

- 18 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.

- 19 Prior to occupation of the proposed development, the vehicular turning facility for delivery vehicles of at least size 2 dimensions shown in Drawing Numbered 716/02 Revision E. 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.

- 20 Prior to the occupation of any of the proposed development, the bus layby and associated new footway adjacent the proposed HGV vehicular access shall be provided in accord with the details shown in Drawing Numbered 716/02 Revision E, including the provision of level entry kerbing, any adjustments in levels, surfacing and any accommodation works to the carriageway channel to the specifications of the Highway Authority and being provided entirely at the applicant/Developer's expense.

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

- 21 The Powered two wheeler and bicycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

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

- 22 The development hereby approved shall be carried out in strict accordance with the findings and recommendations set out within Section 7 of the Preliminary Ecological Appraisal Report Number: 3571,EC,AR/PEA/TC,RF,KL/28.01.19/V1 Dated 28/01/2019

Reason – In the interests of biodiversity.

- 23 The development hereby approved shall be carried out in strict accordance with the ecological enhancements recommended within Section 4 of the Reptile Survey and Outline Mitigation Strategy Report Number: 4054,EC/REPTILE/GG,RF,KL/24-09-19/V1 Dated 24 September 2019.

Reason – In the interests of biodiversity and protected species.

- 24 The removal of all vegetation shall only be carried out outside of the bird nesting season (March to August inclusive) unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the protection of birds potentially nesting on site.

- 25 The development hereby approved shall be carried out in strict accordance with the Arboricultural Survey Report Number: 3571,EC,AR/ARB/LT,RF,KL/28.01.19/V1 and Appendix 6 Tree Constraints Plan Drawing ref. 3571,EC,AR/001/Rev 0 Dated 28 January 2019.

Reason - To ensure that the trees to be retained are protected in the interests of visual amenity and landscape character.

- 26 Prior to the commencement of any demolition or construction works, an Arboricultural Method Statement to show how the trees to be retained will be physically protected for the duration of the construction phase of development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the trees to be retained are protected in the interests of visual amenity and landscape character.

27 The development hereby approved shall be carried out in strict accordance with the Remediation Method Statement Report Number: 1031,RS/RMS/JD,PD/05.02.15/V2 05 February 2019 addressing the findings of Report ref. 802,SI/TP,PD/23-05-14/V1 dated May 2014.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements, which is subject to the approval in writing of the Local Planning Authority. The remediation shall be carried out in accordance with the approved scheme prior to first occupation.

Reason - To ensure the proper investigation and where necessary, remediation of the site in the interests of the amenities of the locality and future occupants of the development.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informatives

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

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

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

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