



# TENDRING DISTRICT COUNCIL

## Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

**AGENT:** Mr Matthew Salanyk - UMC Architects  
Newark Beacon  
Cafferata Way  
Newark  
NG34 2TN

**APPLICANT:** Mr Colin James - Penguin Random House UK  
Penguin Random House UK  
The Book Service Distribution Centre  
Colchester Road  
Frating  
Colchester  
Essex  
CO7 7DW

### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 21/00719/FUL

**DATE REGISTERED:** 19th April 2021

Proposed Development and Location of the Land:

**Proposed extension to existing B8 warehouse to provide additional warehouse space, new marshalling pod with associated loading bay, service yard, access roadway, fire access track, sprinkler tanks and peripheral soft landscaping. Penguin Random House UK The Book Service Distribution Centre Colchester Road Frating**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY GRANT PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted, subject to the following 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 accordance with the following approved plans:

19107 P0101 C	SITE LOCATION PLAN
19107 P0103 D	PROPOSED SITE LAYOUT PLAN
19107 P0105 C	PROPOSED FLOOR PLAN
19107 P0106 B	PROPOSED ROOF PLAN
19107 P0107 D	PROPOSED EXTERNAL MATERIALS
19107 P0109 C	PROPOSED ELEVATIONS
19107 P0110 C	EXISTING AND PROPOSED SECTIONS
19107 P0111 D	INDICATIVE SPRINKLER TANK DETAIL
19107 P0112 C	FENCE PLAN
19107 P0113 C	CYCLE SHELTER DETAILS
19107 P0114 B	TREE REMOVAL PLAN
133224/2000 F	PROPOSED DRAINAGE LAYOUT
133224/2001 C	PROPOSED LEVELS

133224/2002 C PROPOSED CUT AND FILL  
 19-150-EX-001 PROPOSED EXTERNAL LIGHTING LAYOUT  
 03 A ILLUSTRATIVE LANDSCAPE SECTIONS  
 02 A LANDSCAPE CONCEPT PLAN

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

- 3 Prior to the commencement of works of the development hereby approved, a Construction Environmental Management Plan (CEMP for Biodiversity) shall have first been submitted to and approved in writing by the local planning authority. The CEMP for Biodiversity shall include the following:
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.
  - i) Containment, control and removal of any Invasive non-native species present on site.

The CEMP for Biodiversity shall be adhered to and implemented throughout the construction period in accordance with the details as may have been approved.

Reason: In order to conserve protected and Priority species.

- 4 Prior to the commencement of works of the development hereby approved, a construction traffic route plan avoiding Frating and Elmstead, detailing appropriate directional signage, shall have first been submitted to and approved by the local planning authority. The construction traffic route plan shall be via the A133 Colchester Road/A120 route. Thereafter, the construction traffic route as may have been approved shall be adhered to for the duration of construction.

Reason: In the interests of highway safety.

- 5 Prior to the commencement of works of the development hereby approved, precise details of the locations and type of wheel washing facilities to be provided and road cleansing measures shall have first been submitted to and approved in writing by the local planning authority. Thereafter, wheel washing and road cleansing shall take place in accordance with the details as may have been approved for the duration of construction.

Reason: In the interests of highway safety.

- 6 Other than as may have been agreed under Condition 4 (construction traffic route plan) and 5 (wheel washing facilities/road cleansing), the development hereby approved shall take place in strict accordance with the submitted Construction Logistics Strategy and Construction Method Statement.

Reason: In the interests of highway safety.

- 7 Prior to the commencement of works of the development hereby approved in proximity to any tree to be retained, a tree care plan for retained trees shall have first been submitted to and approved in writing by the local planning authority. Thereafter, trees to be retained shall be protected during construction in accordance with the tree care plan as may have been approved.

Reason: In order to protect retained trees during consideration, in the interests of visual amenity and biodiversity conservation.

- 8 Prior to cladding of the exterior of buildings hereby approved, notwithstanding Condition 2 above, precise details of the external cladding and the colour scheme shall have first been submitted to and approved in writing by the local planning authority. Thereafter external cladding and the colour scheme shall be in accordance with the details as may have been approved.

Reason: In the interests of protecting visual amenity and the landscape.

- 9 Prior to above ground works of the development hereby approved, notwithstanding Condition 2 above, details of a revised Sustainable urban Drainage System (SuDS) scheme shall have first been submitted to and approved in writing by the local planning authority. The scheme shall include long term maintenance proposals. Thereafter, the revised SuDS scheme as may be have been approved shall be implemented in full and retained in working order for the lifetime of the development.

Reason: In order to prevent the risk of flooding being increased elsewhere.

- 10 Prior to above ground works of the development hereby approved, a Biodiversity Enhancement Strategy (BES) for Protected and Priority species shall first been submitted to and approved in writing by the local planning authority. The BES shall include the following:

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

Thereafter the development shall proceed in accordance with the details as may have been approved. The approved biodiversity enhancement measures shall be retained for the lifetime of the development.

Reason: In order to conserve protected and Priority species and secure a net gain in biodiversity.

- 11 Prior to first use of the development hereby approved, a scheme for the installation of solar photovoltaic panels and electric vehicle charging points shall have first been submitted to and approved in writing by the local planning authority. Thereafter the scheme shall have been implemented prior to first use and retained for the lifetime of the development.

Reason: In order to secure renewable energy generation and promote sustainable transport, and contribute towards addressing the climate change implications of the development.

- 12 Prior to first use of the development hereby approved, the following shall have first been

provided:

- a) The footway west of the existing site access shall, where feasible, be widened and resurfaced, to a maximum width of 2 metres for a distance of approximately 41 metres (to the pedestrian crossing point that serves the bus stop on the south side of Colchester Road).
- b) The upgrade and/or relocation of the nearest bus stop on the east side of the junction to the site which would best serve the development, to include new pole, flag, timetable, and 5m of raised kerb (details of which shall have first been submitted to and agreed in writing by the Local Planning Authority).

Reason: In the interests of pedestrian movement and safety, and to ensure the development is accessible by more sustainable modes of transport, such as public transport, cycling and walking, in accordance with policy DM1 and DM9.

- 13 Prior to first use of the development hereby approved, the vehicle parking areas indicated on the approved plans, including any parking spaces for HGV's and for disabled and wheelchair users, have been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained for the lifetime of the development, free of obstruction for their intended use.

Reason: In order to avoid pressure for on-street parking on adjoining streets in the interests of highway safety, and to ensure that appropriate parking facilities are provided in accordance with Policy DM8.

- 14 Prior to first use of the development hereby approved, cycle/two-wheel powered bike parking facilities shall first have been provided in accordance with drawing no. 19107 P0113 C. Thereafter, the facilities shall be retained for their intended purpose for the lifetime of the development.

Reason: To ensure appropriate cycle/two-wheel powered bike parking is provided in the interest of highway safety and amenity, in accordance with Policy DM8.

- 15 Prior to first use of the development hereby approved, a new/updated Workplace Travel Plan shall first have been submitted to and approved in writing by the local planning authority. The Workplace Travel Plan as may have been approved shall be actively implemented for a minimum period of 5 years following first use.

Reason: In order to promote sustainable transport.

- 16 No vehicle connected with construction works shall arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Construction working hours shall be restricted to between the hours of 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no construction work of any kind permitted on Sundays or any Public/Bank Holidays.

Reason: In the interests of protecting neighbouring residential amenity.

- 17 Prior to the installation of external lighting to serve the development hereby approved, notwithstanding Condition 2 above, an assessment of the effect of proposed external lighting on wildlife shall have first been submitted to and approved in writing by the local planning authority, including any amended external lighting plans as may be required. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging, and show how and where external lighting will be installed in these areas (through the

provision of appropriate lighting contour plans, Isolux drawings and technical specifications), so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. Thereafter, external lighting shall be installed only in accordance with the revised details as may have been approved, and shall be retained for the lifetime of the development.

Reason: In order to protect protected species.

- 18 Prior to above ground works of the development hereby approved, a hard and soft landscaping scheme shall have first been submitted to and agreed in writing by the local planning authority, including details of any boundary treatment. Thereafter, the hard landscaping and boundary treatment shall be implemented in accordance with the details which may have been agreed prior to first occupation. Soft landscaping shall be implemented in accordance with the details which may have been approved in the first planting season following substantial completion of the development. Any species planted becoming diseased or dying within 3 years of planting shall be replaced to the satisfaction of the local planning authority.

Reason: In the interests of visual amenity, biodiversity enhancement and landscape protection.

**DATED:** 21st October 2021

**SIGNED:**




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Graham Nourse  
Assistant Director  
Planning Service

**IMPORTANT INFORMATION :-**

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

National Planning Policy Framework 2021 (the Framework)

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

QL2 Promoting Transport Choice

QL11 Environmental Impacts and Compatibility of Uses (part superseded)

COM1 Access for All

COM2 Community Safety

COM21 Light Pollution

COM31A Sewerage and Sewage Disposal

EN1 Landscape Character

EN6 Biodiversity

EN6B Habitat Creation

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN12 Design and Access Statements

EN13 Sustainable Drainage Systems

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

ER1 Employment Sites

ER2 Principal Business and Industrial Areas

ER7 Business, Industrial and Warehouse Proposals

TR1A Development Affecting Highways

TR3A Provision for Walking

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

Relevant Section 1 Policies (adopted)

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

Relevant Section 2 Policies (emerging)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL8 Conservation Areas

- PPL9 Listed Buildings
- PP6 Employment Sites
- CP1 Sustainable Transport and Accessibility
- DI1 Infrastructure Delivery and Impact Mitigation

#### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

This permission contains a condition precedent. This requires details to be agreed and/or activity to be undertaken before you commence the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission.

This decision is the subject of a legal agreement and should only be read in conjunction with the agreement. The agreement addresses the following issues: Off-site highway mitigation and infrastructure works and travel plan monitoring fee.

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

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

or by post to:

SMO1 - Development Management Team  
 Ardleigh Depot,  
 Harwich Road,  
 Ardleigh,  
 Colchester, CO7 7LT

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.

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).

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

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

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

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.

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

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Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Essex Police note the applicant's Design and Access Statement, p35 show security considerations have been considered for the proposed build however we would encourage the applicant to apply for Secured by Design - Commercial accreditation.

Essex Police would be keen to work with the applicant in this project to mitigate potential security risks by employing the principles of Crime Prevention through Environmental Design using Secured by Design as an enabler. Essex Police provide a no cost, impartial advice service to any applicant who request this service. We are able to support the applicant to achieve appropriate consideration of the Secure by Design requirements and invite them to contact Essex Police via [designingoutcrime@essex.police.uk](mailto:designingoutcrime@essex.police.uk)



Those schemes that attain SBD accreditation will exceed the requirements of Approved Document Q1 and improve the health and wellbeing of the community. Upon review of the documentation, to date, Essex Police have had no Pre-application consultation which we would very much welcome.

The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert.

Application forms and further information can be found at:  
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Anyone carrying out these activities without a permit where one is required, is breaking the law.

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

**The attached notes explain the rights of appeal.**

## NOTES FOR GUIDANCE

### WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

#### APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
  - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
  - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
  - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

#### ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.