

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DC	18/10/2021
Planning Development Manager authorisation:	JJ GN	20/10/2021
Admin checks / despatch completed	ER	21/10/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	21.10.2021

Application: 21/00719/FUL **Town / Parish:** Great Bentley Parish Council

Applicant: Mr Colin James - Penguin Random House UK

Address: Penguin Random House UK The Book Service Distribution Centre Colchester Road

Development: 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.

1. Town / Parish Council

Mrs Great Bromley Parish Council
10.06.2021

Although not directly in the parish of Great Bromley, residents can see the site from the village. Great Bromley Parish Council was concerned at the proposed height and size of the development, and potential light pollution.

2. Consultation Responses

ECC Highways Dept

The Highway Authority has considered all the information submitted with the planning application. It acknowledges that the proposals and alterations to the site are internal and have no impact on the existing vehicular or pedestrian with the A133. It is noted that the new internal floorspace area of the store will be an additional 13796 square metres with a final number of 441 car park spaces remaining the same but an additional 12 cycle parking spaces being provided and conforms to the EPOA Parking Standards. The Highway Authority is satisfied that the applicant has demonstrated the impact of the proposal on the highway network would be unlikely to be severe.

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

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities
- v. traffic management plan and route card for construction traffic, avoiding Frating and Elmstead.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

2. No occupation of the proposed extension shall take place until the following have been provided or completed:

- a) Where feasible the footway west of the existing site access shall be widened and resurfaced for 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) To current Essex County Council specification, 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 proposal site to include new pole, flag/ timetable and 5m of raised kerbs (details shall be agreed with the Local Planning Authority in conjunction with the Highway Authority prior to commencement of the development).

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1 and DM9.

3. A Section 106 financial contribution of £20,000 (index linked) towards the design and/or delivery of the upgrade of the traffic signals at the A133 Main Road/ Colchester Road/ B1029 Great Bentley Road/ Bromley Road junction, Frating. Such contribution to be paid on commencement of development. (Payback 5 years).

Reason: In the interests of highway safety and efficiency.

4. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired and HGV's, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

5. As per drawing no. 19107 P0113 B the Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

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

6. A Traffic Management Plan and Route Card shall be provided outlining a designated route to and from the site for the majority of

HGV movements via the A133 Colchester Road/ A120 route to be agreed in advance with the Local Planning Authority in consultation with the Highway Authority.

Reason: To control the location and direction of HGV vehicle movements to and from the site in the interests of highway safety and Policy DM1.

7. Prior to first occupation of the proposed extension, the Developer shall submit a new/updated workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years. It shall be accompanied by a monitoring fee of £6,000 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5-year period.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

8. Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety in accordance with Policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Notes:

- All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)
- Prior to any works taking place in the highway the developer should enter into an S106 and/or S278 agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.
- The internal parking should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009.

Informatives:

1: 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 – Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester, CO7 7LT

2: 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.

Tree & Landscape Officer
02.06.2021

The development proposal involves an increase in the footprint and height of buildings on the land. Part of the building will increase from a height of 18m to a height of 20.5m.

In terms of the impact of the development proposal on trees situated on the land the applicant has submitted a Preliminary Arboricultural Assessment which adequately demonstrates that no important trees will need to be removed or otherwise be adversely affected by the development proposal.

In order to show the degree to which the proposed development would cause harm to the local landscape character the applicant has provided a Landscape and Visual Impact Assessment (LVIA). This document quantifies the likely impact of the completed development on the local landscape character. The document identifies several locations (visual receptor viewpoints) from which the application site can potentially be viewed and include steps to minimise and/or mitigate harm

It should be noted that, at the present time, the existing building is well screened from some locations and clearly visible from some other viewpoints. In order to fully consider the information contained in the LVIA a site visit was made to view the site from the selected visual receptor viewpoints.

VP1. From a distance of 800m the existing building is just visible and the increase in height of the building will consequently increase the impact of the structure on the local landscape character.

VP2. From a distance of 450m the existing building features prominently in the landscape. It can be clearly seen above the boundary vegetation. It should however be noted that views are only available from vehicles using the A133. There is no pedestrian access from this point.

VP3. From a distance of 425m the existing building is just visible and the increase in height of the building will consequently increase the impact of the structure on the local landscape character.

VP4. From this viewpoint and at a distance of 375m the existing building benefits from a good level of screening provided by boundary

vegetation. A taller building will be seen above the existing boundary vegetation. There is some potential for screening to increase by annual extension growth to help to replicate the current level of screening for a taller structure.

VP5. A relatively close viewpoint situated 240m from the application site from which the existing building is well screened. A taller building will be seen above the existing boundary vegetation.

VP6. A fairly distant viewpoint from where the building is clearly visible and a taller building will feature more prominently in the landscape.

VP7. At a distance of 1.6km the existing building is not visible. It is likely that a building as proposed would not be visible from this viewpoint.

VP8. From a distance of 1.4km the existing building dominates the view. The building will become more prominent, for users of the Public Right of Way (PRoW) when approaching from the south.

From most locations the colour of the existing building (white) helps it to blend into the sky and is clearly the most appropriate colour; however, consideration should be given to a palette of colours that may improve the assimilation of the building into its setting from this viewpoint. It may be possible for the lower parts of the building to be painted a darker colour which would blend in with the surrounding landscape features; namely trees and other vegetation.

Notwithstanding the above a taller building will be more prominent in the landscape.

VP9. Clear but distant views from 1.2km from the application site. A taller building will be more prominent in the landscape.

VP10. The existing building is just about visible from this viewpoint set at 950m from the application site.

In general it is considered that the proposed increase in the height and mass of the building will have an adverse impact on local landscape character. However the degree to which this will affect the public's use and enjoyment of the surrounding countryside is unlikely to be significant.

The building is already a large feature in the countryside and the proposed increase in height, by approximately 2.5m, will not significantly alter the current impact of the building on the local landscape character.

In terms of mitigation the size and height of the proposed extension is such that it will not be possible to achieve complete screening of the building with new soft landscaping. However, annual incremental extension growth on existing trees and hedgerows ' especially the coniferous hedge on section of the boundary of the application site ' will, to a degree, improve screening over time.

In addition to mitigation by way of screening it would be desirable to consider innovative ways of minimising the impact of the structure on the character and appearance of the area. This could be by way of the careful selection of appropriate colours to paint the building.

On balance and in landscape terms the LVIA acknowledges that the development proposal will cause low level harm to landscape character from some viewpoints. However the degree of harm is such that it will not degrade the local landscape character to such an extent that the public's perception of and enjoyment of the countryside will be significantly affected.

ECC SuDS Consultee
17.07.2021

Thank you for your email received on 06/07/2021 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 wish to issue a holding objection to the granting of planning permission based on the following:

- Proposed Discharge rates – The Flood Risk Assessment section 7.1.7 states that the proposed discharge rate from the western part of the development is 3l/s and from the eastern part of the development is 3.2l/s. The FRA states the total site area is 1.81ha. Please submit the greenfield runoff rate calculations to evidence discharge from the site is in accordance with the calculations. If the discharge rate is higher than Q1 then it should be limited to Q1 rate for all storm events up to and including 1 in 100 year plus 40% allowance of climate change.
- Water Treatment – pollution mitigation table 2 indicates the surface runoff will be treated by swale at northern network. However, drainage drawing No: 133224/2000 Rev D did not indicate the location of swales.
- Rainwater/storm water reuse - In line with the Essex SuDS Design Guide, rainwater harvesting should be utilised as much as possible in the first instance. It is questioned why surface water cannot be recycled within the commercial aspect of the development.
- Storage Calculation - Storage calculation and half drain time

for storage features should be re calculated with reference to discharge rate approval.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.
- <https://www.essex.gov.uk/protecting-environment>

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.

- 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.

ECC SuDS Consultee
08.06.2021

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:

- Document Quality - The quality of scanned document is not clear to read the information specially for drainage plans. Please re-submit the drainage plan in a readable format.
- Proposed Discharge rates - The proposed discharge rates in Flood risk assessment should be evidenced by runoff rate calculation. LLFA recommends restricting discharge from the site at 1 in 1 year greenfield runoff rate for all storm events up to and including 1 in 100 year plus 40% allowance of climate change. The discharge rates for two extension buildings and proposed service yard area should be calculated for combined impermeable area accounted for proposed development. It should be ensured discharge from two separate outfalls should not exceed the rates calculated for combine impermeable area for new warehouse extension, new high bay extension and proposed service yard area.
- Rainwater/storm water reuse - In line with the Essex SuDS Design Guide, rainwater harvesting should be utilised as much

as possible in the first instance. It is questioned why surface water cannot be recycled within the commercial aspect of the development.

- Half Drain Time - Demonstrate that all storage features can half empty within 24 hours for the 1:30 year RP plus 40% climate change critical storm event.
- Water Quality - Due to poor quality of drawing the location of proposed features to mitigate the water quality and surface water passing through these features cannot assess. Therefore the water quality aspects of the development are still outstanding. Table 10 of Flood Risk Assessment have indicated the mitigation indices for petrol interceptor (Class 1). It is required to submit manufacture details which specify the mitigation indices proposed for this feature.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.

<https://www.essex.gov.uk/protecting-environment>

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.

Anglian Water Services
Ltd
03.06.2021

ASSETS

Section 1 - Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Great Bromley Water Recycling Centre that will have available capacity for these flows

Section 3 - Used Water Network

This response has been based on the following submitted documents: Flood Risk Assessment. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most

suitable point of connection.

(1) INFORMATIVE - 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.

(2) INFORMATIVE - 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.

(3) INFORMATIVE - 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.

(4) INFORMATIVE - 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.

(5) INFORMATIVE: 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.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board.

The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

The applicant has indicated on their application form that their method

of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry.

The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. Please find below our SuDS website link for further information:

<https://www.anglianwater.co.uk/developers/drainage-services/sustainable-drainage-systems/>

Environmental Protection
25.05.2021

The Construction Method Statement pretty much covers all of our concerns, that being said, we were unable to find any mention of the proposed construction working hours for the development, therefore Environmental Protection would recommend that the CMS includes the following:

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

Building Control and
Access Officer
17.05.2021

No comment.

Natural England
20.05.2021

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>

Essex Wildlife Trust

Not received.

Highways England
07.06.2021

Notice is hereby given that Highways England's formal recommendation is that we:

a) offer no objection;

Highways Act Section 175B is not relevant to this application.

Annex A

HIGHWAYS ENGLAND has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard 21/00719/FUL and has been prepared by Alice Lawman. Due to the location of the site and the nature of the proposed development set out within the Transport Statement provided, this application is not considered to have an adverse impact on the SRN. Consequently, we offer no objection.

Environment Agency
26.05.2021

Thank you for consulting us on the above application, we have reviewed the documents as submitted and can confirm that we do not object to the proposed development. We have provided information below for the applicant in regards to Flood Risk Activity permits.

Flood Risk Activity Permits

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.

Arch. Liaison Off, Essex
Police
19.05.2021

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

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.

Waste Management
17.05.2021

No comments.

Essex County Council
Ecology
15.06.2021

No objection subject to securing biodiversity mitigation and enhancement measures.

We have reviewed the Updated Ecological Walkover Survey, (Middlemarch Environmental, January 2021), the Preliminary Bat Roost Assessment (Middlemarch Environmental, October 2019), the Dormouse Habitat Assessment and Vegetation Clearance Method Statement (Middlemarch Environmental, March 2021), the Herpetofauna Reasonable Avoidance Method Statement (Middlemarch Environmental, March 2021), the Badger Survey Report (Middlemarch Environmental, March 2021) and the Landscape Concept Plan (BCA, March 2021) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats.

We are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Updated Ecological Walkover Survey, (Middlemarch Environmental, January 2021), the Preliminary Bat Roost Assessment (Middlemarch Environmental, October 2019), the Dormouse Habitat Assessment and Vegetation Clearance Method Statement Middlemarch Environmental, March 2021), the Herpetofauna Reasonable Avoidance Method Statement (Middlemarch Environmental, March 2021), the Badger Survey Report (Middlemarch Environmental, March 2021) and the Landscape Concept Plan (BCA, March 2021) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species. We recommend that these are collated in a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) and secured as a condition of any consent.

We note that the aforementioned reports state that there is suitable habitat onsite for Hazel Dormice, Badger, Herpetofauna, but the scheme has been designed to ensure the retention and enhancement of these features. The Preliminary Bat Roost Assessment (Middlemarch Environmental, October 2019) identifies that a single tree has High suitability for roosting bats, but this will be retained as part of the development, and the Updated Ecological Walkover Survey, (Middlemarch Environmental, January 2021) verifies the conclusions of this report.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured as a condition of any consent. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. Submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Updated Ecological Walkover Survey, (Middlemarch Environmental, January 2021), the Preliminary Bat Roost Assessment (Middlemarch Environmental, October 2019), the Dormouse Habitat Assessment and Vegetation Clearance Method Statement (Middlemarch Environmental, March 2021), the Herpetofauna Reasonable Avoidance Method Statement (Middlemarch Environmental, March 2021), the Badger Survey Report (Middlemarch Environmental, March 2021) and the Landscape Concept Plan (BCA, March 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

2. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

"A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (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 approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

3. PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy 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).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter."

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

4. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. 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 (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.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained

thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

3. Planning History

00/01479/FUL	Expansion of facility comprising additional 5870m ² high bay warehouse, additional 2790m ² low bay warehouse, additional 1534m ² offices, additional 191m ² staff facilities, new service yard and access road	Approved	27.06.2001
01/00512/FUL	Extension to office/staff facilities	Approved	18.06.2001
91/00821/OUT	Business Park comprising approximately 400,000 sq ft of Classes B1, B2 and B8 uses and access to Colchester Road and off site sewer works.	Approved	11.04.1994
95/01166/DETAIL	Distribution facility for 24 hour operation comprising principally goods receipt and despatch, storage, order processing, together with loading/unloading facilities, ancillary office accommodation and car parking.	Approved	18.01.1996
96/00845/FUL	Distribution facility for 24 hour operation comprising principally goods receipt and dispatch, storage, order processing, together with loading/unloading facilities, ancillary office accommodation and car parking.	Approved	06.08.1996
97/00844/ADV	(The Book Service Ltd., Distribution Centre, Land north of Colchester Road, Great Bentley) Signage on north and east elevations	Approved	28.08.1997
97/00845/FUL	() Application for CCTV mast installations, revised office canopies, flag pole installation and a stand-by generator exhaust flue to control room all as a variation to planning permission TEN/95/1166/D	Approved	28.08.1997
97/00846/FUL	Use of wildflower meadow north of building to be mown and used	Refused	28.08.1997

	occasionally as a football pitch (part variation to condition 3 imposed upon planning permission TEN/95/1166)		
99/01768/FUL	Modular building 9m x 12m, to provide extension to existing canteen	Approved	10.02.2000
05/00837/FUL	Variation of condition 1 of planning permission 00/01479.	Approved	15.07.2005
06/00926/FUL	Proposed communication equipment enclosure.	Approved	26.07.2006
07/01973/ADV	2 x high level, externally illuminated signs. Dimension: 8000mm x 3800mm.	Approved	
08/00179/ADV	Erection of 2 no. high level externally illuminated signs (signs 20 and 21).	Refused	11.04.2008
08/01124/ADV	Retention of 2 no. signs (signs 20 and 21).	Approved	16.10.2008
09/00188/TELCO M	Free standing pole mount on roof of building.	Current	10.03.2009
10/00776/FUL	Variation of Condition 1 of planning permission 00/01479/FUL (extension of time of previously approved application 05/00837/FUL).	Approved	05.10.2010
13/30060/PREAPP	Creation of hardstanding to provide car parking for an additional 100 cars, to include stone chippings, concrete kerbs and a prepared base.	Approved	
14/00059/FUL	Proposed car parking to provide 100 additional bays including the removal and relocation of a number of existing young trees to facilitate the parking.	Approved	18.03.2014
14/00462/DISCON	Discharge of conditions 03 (Biodiversity) and 04 (Lighting Columns) of approved application 14/00059/FUL.	Approved	25.04.2014
15/30016/PREAPP	Installation of an energy-efficient ventilation system and replacement split systems.		11.02.2015
16/01627/FUL	Proposed car parking to provide 39 additional bays.	Approved	08.12.2016
17/00649/FUL	Proposed installation of security	Approved	14.07.2017

	gatehouse and barrier.		
17/00650/FUL	Proposed single storey extension and internal rearrangement to existing canteen.	Approved	14.07.2017
17/00651/FUL	Proposed single storey extension to existing toilet block including addition of a disabled WC.	Approved	13.07.2017
17/00652/FUL	Single storey extension to reception area, removal of existing internal lobby space and installation of turnstiles.	Approved	13.07.2017
17/00988/FUL	Proposed temporary external office accommodation comprising of 6 modules fixed together.	Approved	14.09.2017
17/01635/FUL	Proposed single storey extension.	Approved	29.11.2017
18/00751/FUL	Proposed in filled area creating a three-sided enclosure underneath part of the existing canopy, to create temporary, short term holding space for palletised stock.	Approved	10.08.2018
19/30130/PREAPP	Proposed extensions to existing warehouse.		10.09.2019
19/01766/NDPNO T	Proposed solar photovoltaic system situated on the roof of distribution centre.	Determinati on	13.01.2020

4. Relevant Policies / Government Guidance

National Planning Policy Framework 2021 (the Framework)
Planning Practice Guidance

Local:

Saved Tendring District Local Plan 2007 Policies (the 2007 Local Plan)

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 with 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
TR3	Provision for Walking
TR7	Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond (the 2013-33 Local Plan)

Section 1 (adopted):

SP1	Presumption in Favour of Sustainable Development
SP3	Spatial Strategy for North Essex
SP7	Place Shaping Principles

Section 2 (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

Supplementary Planning Guidance:

Essex County Council Development Management Policies 2011 (the Highways SPD)
 Essex County Council Parking Standards Design/Good Practice Guide 2009 (the Parking SPD)
 Tendring Landscape Character Assessment 2001 (TLCA)

Status of the Local Plan

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to emerging Section 2 of the 2013-33 Local Plan which contains more specific policies and proposals for Tendring has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29th June 2021. The Council held a six week public consultation on the Main Modifications and associated documents,

which began on 16th July 2021. The consultation ran for just over 6 weeks, closing at 5pm on 31st August 2021. Adoption is expected later this year. Section 2 will join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

5. Officer Appraisal

The Site

Penguin Random House is a substantial modern distribution centre occupying a 30 acre site which is operated as a bulk book storage facility. The site is located to the east of Frating and Balls Green between the A120 and A133 main roads. The site is situated adjacent to Manheim Auctions to the north and on one side, a small number of dwellings to the south of the site, and other commercial uses to the south west. Otherwise, the immediate surroundings are largely agricultural.

The existing facility comprises approximately 26,756m² of warehouse and office space together with service yard and car parking areas. The height of existing buildings on the site ranges from approximately 8.2m (offices) to between 9m and 18m (warehousing). The site is accessed from the A133 and benefits from good access to the A120 and the wider Strategic Road Network.

The Proposal

Full planning permission is sought for a 13,796m² extension of the facility. The proposal comprises the following main elements:

- New low bay warehouse extension (3,205m², 9.0m approximate ridge height)
- New high bay warehouse extension (9,337m², 20.5m approximate ridge height)
- New marshalling pod (1,254m², 12m ridge height) with 4 dock door loading bays
- Service yard, access roadway and reinforced grass fire access track
- Sprinkler tanks and pumphouse
- Landscaped bunds to site boundaries
- Drainage attenuation pond with aquatic planting
- Additional HGV parking spaces and external pallet storage space
- Cycle Shelters
- External seating and smoking shelter

The application is supported by the following documents and information which have been considered in the determination of the application:

- Design and Access Statement
- Elevations, site plans, levels and details of cut-and-fill
- Drainage Layout
- Tree Removal Plan
- Landscape Concept Plan
- Illustrative Landscape Sections
- Visual Appraisal
- Transport Statement
- Geo-environmental and Geotechnical Desk Study Report
- Construction Logistics Strategy
- Construction Method Statement
- Ecological Walkover Assessment
- Preliminary Bat Roost Assessment
- Badger Survey
- Dormouse Habitat Suitability Assessment and Vegetation Clearance Method Statement
- Herpetofauna Reasonable Avoidance Method Statement
- Flood Risk Assessment
- Part 'L' Compliance Design Stage Report
- External Artificial Lighting Assessment Report
- Additional SUDS information

The roof and walls of the extensions would be clad in light-grey profiled metal cladding to match the existing building, with a mid-grey feature band. Windows and doors would also match the existing. The development would operate 24 hours a day, in alignment with the current operation.

Principle of Development

When Part 1 of the 2013-33 Local Plan was adopted in January this year saved Policy QL1 and the spatial strategy of the 2007 Local Plan were superseded. The spatial strategy for Tendring is now set out in Policy SP3, under which existing settlements will be the principal focus for additional growth. Development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role.

Emerging Policy SPL1 sets out a settlement hierarchy, within which Frating is identified as a ‘Smaller Rural Settlement’. The site is located within a proposed settlement development boundary (SDB) under emerging Policy SPL2 (Local Map B.9 Frating). Modification A to Map B.9 Frating is proposed to “*Show the Manheim Auctions/TBS [Penguin Random House – the application site] and Smiths businesses as a protected ‘Employment Site’ in line with the suggested amendments to Policy PP6*”. No objections to this modification were received during consultation and there are no unresolved objections to the inclusion of the site within the SDB for Frating, within which there is a presumption in favour of development.

The Council wishes to support the growth of existing firms and will grant permission for extensions to established businesses, providing they have an acceptable impact on visual and residential amenity, rural amenity, and transportation considerations. Saved Policy ER7 a) requires that the scale and nature of the expansion is appropriate to the locality, including its relationship with adjacent uses. Because it is located on land that is proposed to be protected for employment uses and adjacent to other employment uses, the scale and nature of the expansion is appropriate to the locality.

The development applied for falls within the B8 Use Class of storage and distribution. The proposal would result in full-time equivalent employment for 575 employees, a net increase of 20. In accordance with Paragraph 48 of the Framework considerable weight is attached to emerging Policy PP6, which protects the site for employment uses. Considerable weight is also given to the proposed inclusion of the site within the SDB for Frating. For these reason, in accordance with the development plan, the proposal is acceptable in principle.

Highways

Access to the site would be via the existing access from the A133, which would remain unaltered, and no public right of way would be directly impacted upon. Parking provision would be as follows:

Type of Vehicle	Existing	Proposed	Difference
HGV	18	33	15
Car	441	441	0
Cycle	10	22	12
Motorcycle	11	11	0

The Local Highway Authority notes that the proposed parking provision would be sufficient to comply with the EPOA Parking Standards. Having regard to the submitted Transport Statement and Paragraph 111 of the Framework, no highway safety objections are raised, and the impact of the proposal on the highway network is considered to be unlikely to be severe. Having considered the effects of the development on the Strategic Road Network, National Highways (formerly Highways England) do not object.

In the interests of highways safety conditions are necessary to require precise details of wheel and road washing facilities and measures, and identification of a designated construction traffic route avoiding Frating and Elmstead. Conditions are also necessary to require the formation and subsequent retention of cycle and vehicle parking facilities, including for disabled people and wheelchair users.

To promote sustainable transport and comply with the accessibility requirements of the development plan and the Framework, footway and bus stop improvements (widening, resurfacing, kerbs and signage) are required. In order to handle increased traffic flows in a safe manner, a financial contribution of £20,000 (index-linked) is necessary to upgrade the A133 Main Road/Colchester Road/B1029 Great Bentley Road/Bromley Road signalised junction. In accordance with the development plan and Paragraph 113 of the Framework, to reduce the need to travel by car and promote other modes of transport, a revised Travel Plan is necessary, together with the appropriate monitoring fee. Because these obligations meet the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 they are consistent with Paragraph 57 of the Framework. These off-site highway infrastructure needs and travel plan monitoring fee requirements are the subject of an S106 legal agreement which has been signed by the applicant.

Having regard to the highways implications of the development and subject to the above conditions and obligations, the proposal would accord with the requirements of saved Policies TR1, TR3, TR7, adopted policy SP3, emerging Policies CP1, DI1 and SPL 3, and the Highways and Parking SPDs.

Character and Appearance and Landscape

The site comprises a range of buildings that have a considerable footprint and height located adjacent to other expansive structures. The existing building is well screened in some views, but is clearly visible in others. As the description of the proposal sets out, the development would result in a significant increase in footprint and height; parts of the building would increase to a ridge height of 20.5m. As a result, a taller building will be more prominent in the landscape and Great Bromley Parish Council is concerned about this.

Saved Policy EN1 seeks to protect the quality of the district's landscape and its distinctive local character, and where possible secure its enhancement, whereas saved Policy E7 (b) requires that there is no unacceptable impact on amenity, in terms of appearance. Adopted Policy SP7 states that development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs.

Emerging Policy PPL3 states that the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance. Policy PPL3 Part A (b) requires that development relates well to its site and surroundings, particularly in relation to its siting, height, scale, massing, form, design and materials. Policy PPL3 Part A (c) requires that development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features.

The Framework at Paragraph 174 b) states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Under the Tendring Landscape Character Assessment 2001 (TLCA) the site is located within the 7A 'Bromley Heaths' Landscape Character Area. The TLCA describes the Bromley Heaths as an elevated plateau that extends from Colchester to Wix in the east, Thorrington in the south, and corresponds to the highest part of the district. In terms of change the TLCA, amongst other things, recognises pressure for large scale built development at major road junctions with potential for a very high visual impact.

The Councils Tree and Landscape Officer has reviewed the submitted Landscape Visual Impact Assessment (LVIA) which includes steps to minimise and mitigate harm. The LVIA acknowledges that the development will cause low level harm to landscape character from some visual receptor viewpoints (VPs). To summarise, from the LVIA:

- VP1 at a distance of 800m (increase visible);
- VP2 at a distance of 450m (from vehicles using the A133 - features prominently);
- VP3 at a distance of 425m (features prominently);
- VP4 at a distance of 375m (seen above vegetation);
- VP5 at a distance of 240m (seen above vegetation)

- VP6 distant viewpoint (features prominently);
- VP7 at a distance of 1.6km (unlikely to be visible);
- VP8 at a distance of 1.4km (by users of a PRow);
- VP9 at a distance of 1.2km (more prominent), and;
- VP10 at a distance of 950m (just about visible).

The Tree and Landscape officer comments that from most of these locations the colour of the existing building [white] helps it to blend into the sky. However, consideration should be given to a palette of colours that may improve the assimilation of the building into its setting. For example, it may be possible for lower parts of the building to be painted a darker colour which would blend in with the surrounding landscape features. Details of precise final external finishes and colour are capable of being required by the use of a planning condition.

From the above summary, the development would clearly be seen and cause low level harm to landscape character from some viewpoints. However, the degree to which this would affect the public's use and enjoyment of the surrounding countryside is unlikely to be significant. It would also result in some limited localised harm to the character and appearance of the area, by virtue of the mass and scale of extensions. The harm is lessened by the site's context, and, overall, the level of harm would be moderate. Nevertheless, this harm weighs against the proposal.

It would not be possible to achieve complete screening with new soft landscaping. However, annual growth of existing trees and the coniferous hedge on the boundary of the site would, to a degree, improve screening in more close-up views over time. The proposals set out in the landscape concept plan would introduce additional planting, mainly to the north and south-east of the site. While precise details of this additional landscaping can be made a conditional requirement, there would nevertheless be a degree of conflict with saved Policies EN1 and EN7, adopted Policy SP7, and emerging Policies SPL3 Part A (b) and (c).

Flood Risk and Drainage

Saved Policy EN13 requires that development proposals should normally include Sustainable Urban Drainage Systems (SuDS). Adopted Policy SP7, amongst other things, states that all new development should include measures to promote environmental sustainability, including addressing energy and water efficiency, and provision of appropriate water/wastewater and flood mitigation measures. Criterion g) of Part B to Emerging Policy SPL3 requires development reduces flood risk and integrates sustainable drainage within the development. Emerging Policy PPL5 also requires that new development makes adequate provision for drainage and should include SuDS.

Paragraph 159 of the Framework states that inappropriate development in areas at risk of flooding should be avoided. Paragraph 167 of the Framework states that when determining applications local planning authorities should ensure that flood risk is not increased elsewhere, and, where appropriate, applications should be supported by a site specific flood risk assessment (FRA). Paragraph 169 of the Framework states:

“Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;*
- b) have appropriate proposed minimum operational standards;*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) where possible, provide multifunctional benefits.”*

Having regard to the above development plan and national planning policy requirements, and the location of the site, Bentley Brook passes the site running north to south. However, the site is located within Flood Zone 1 with the lowest probability of flooding and the application is supported by the requisite FRA. The Environment Agency (EA) confirms that they do not object to the proposal.

In line with Paragraph 169 (a) of the Framework the EA highlight that the Council ought to consult the Lead Local Flood Authority (LLFA) and give informative advice on the potential need an environmental permit. Following initial consultation, the LLFA (Essex County Council Flood Risk) issued holding objection. In response, additional SuDS information was provided by the applicant (including revised plans and run-off calculations). The revised information includes the following drainage measures:

- Underground attenuation to cater for the 1 in 100 year + 40% climate change event
- Online pond with a volume of 330m³
- Flow control measures, headwalls, and hydraulic brakes
- Pumping and restricted discharge measures and defenders

Following re-consultation on 17th July the LLFA issued a further holding objection. The objection is on the basis of: a requirement for greenfield run-off rate evidence that discharge rates from the site are in accordance with the submitted calculations; a revised plan to indicate the location of swales; a wish to see rain/storm water re-use, and; storage and half-time drain calculations with reference to the discharge rate. However, none of these requirements undermine the acceptability of the principle of the development, nor do they suggest that, with some refinement and amended plans, the SuDS solutions proposals would unduly increase the risk of flooding downstream. Because of this and so as not to hold up the decision making process longer than has been necessary, for the above reasons, and subject to the use of conditions, it is considered that the above policy requirements for SuDS could be met.

Saved Policy COM31a and emerging Policy PPL5 require satisfactory sewage disposal. Anglian Water confirm that foul drainage from the development is in the catchment of Great Bromley Water Recycling Centre, and that it would have available capacity for the flows generated.

Biodiversity

Saved Policy EN6 states that development proposals will not be granted planning permission unless the existing local biodiversity is protected and enhanced. Policy EN6 (a) considers protected species, whereas EN6 (b) refers to habitat creation. The fourth bullet of adopted Policy SP7 requires that all new development should incorporate biodiversity creation and enhancement measures.

Emerging Policy SPL3 Part A (d) states that the design and layout of development should maintain or enhance ecological value, whereas emerging Policy PPL4 states that proposals for new infrastructure and major development should consider the potential for enhanced biodiversity, appropriate to the site and its location. Where new development would harm biodiversity planning permission will only be granted in exceptional circumstances.

In accordance with Paragraph 174 of the Framework planning decisions should contribute to and enhance the natural and local environment, by minimising impacts and providing net gains for biodiversity. Section 40 of The Natural Environment and Rural Communities Act 2006 extended the biodiversity duty set out in the Countryside and Rights of Way Act to public bodies and statutory undertakers, to ensure due regard is had to the conservation of biodiversity; *“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”*.

The applicant has submitted a Preliminary Arboricultural Assessment which adequately demonstrates no important trees will need to be removed or will be adversely affected. Biodiversity enhancement measures proposed include additional landscaping, enhancement of hedgerows to create a wider belt of habitat for dormice and other species, and aquatic planting to an attenuation basin. The following assessments and reports relating to the likely impacts of the development on designated sites, protected species, and Priority species & habitats have been submitted and considered:

- Ecological Walkover Survey, (Middlemarch Environmental, January 2021)
- Preliminary Bat Roost Assessment (Middlemarch Environmental, October 2019)

- Dormouse Habitat Assessment and Vegetation Clearance Method Statement (Middlemarch Environmental, March 2021)
- Herpetofauna Reasonable Avoidance Method Statement (Middlemarch Environmental, March 2021)
- Badger Survey Report (Middlemarch Environmental, March 2021)
- Landscape Concept Plan (BCA, March 2021)

Essex County Council Ecology (ECCE) are satisfied that there is sufficient ecological information available for determination to provide certainty over the likely effects on protected and priority species and habitats. No objections are offered, subject to conditions to require the following:

- Approval of a Construction and Environmental Management Plan for Biodiversity.
- Approval of a Biodiversity Enhancement Strategy.
- Implementation of all mitigation and enhancement measures set out in the submitted assessments/reports.
- A wildlife sensitive lighting scheme.

Subject to the above conditions, appropriate mitigation measures can be secured, and the development can be made acceptable with appropriate biodiversity enhancements. The proposal would comply with the biodiversity protection and enhancement requirements of the development plan and national planning policy guidance.

Light Pollution

The proposal is for the extension of a facility that is already significant in its land take and amount of development with existing external lighting. Furthermore, it is located adjacent to other significant employment uses whose sites are also well lit. While the immediate surroundings are not therefore free of artificial light or especially dark, the proposal is for a major development set within a rural landscape. Therefore, there is potential for harmful effects on the surroundings due to light pollution over which Great Bromley Parish Council expresses concern. As commented upon by ECCE, external lighting also has the potential to effect wildlife, and the Local Highway Authority is keen to ensure light glare does not have highway safety implications.

Saved Policy COM21 states that planning permission will not be granted for external lighting for any development if it would cause an unacceptable visual intrusion, harm to highway safety or local wildlife. Emerging Policy PPL3 states that new development within the rural landscape should minimise the impact of light pollution on the site and its surroundings, in order to protect rural amenity and biodiversity.

Paragraph 185 (c) of the Framework states that planning decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. The TCLA identifies the potential for harmful change due light pollution on the landscape at night, and recommends the use of 'full cut-off lights' and sensitively designed lighting schemes to reduce the impact of light pollution on the rural environment and night sky.

A lighting scheme based on the use of LED luminaires fixed to columns and the buildings' facades is detailed on submitted drawing no. 19-150-EX-001. The external lighting scheme would cover the extended warehouse operation and supporting development, additional parking areas, service yards, access roads and loading doors. The application is supported by an External Artificial Lighting Assessment Report prepared by mba Consulting Engineers. The report has been prepared following industry lighting design best practice to achieve the criteria outlined in The Institution of Lighting Professionals (ILP) 'Guidance Notes for the Reduction of Obtrusive Light' 2011 covering Environmental Zones E0 to E4. On the basis of a desktop study, the report classifies the baseline conditions of the site's surroundings as being a 'Zone E2 - Low Business District Brightness' – examples of such zones being village or relatively dark outer suburban locations. The Council agrees with this classification.

The report emphasises that lighting columns will be lower than the adjacent warehouse building and that to minimise light spill luminaires would be set to a zero degree tilt to finished road surfaces, and have light shields. The report concludes with a summary stating that the artificial

lighting proposed has been fully evaluated theoretically using specific lighting software, employing best practice design and methodology, and in compliance with current standards. While the report refers to the superseded 2018 National Planning Policy Framework, no substantive changes in this regard were made in the revised Framework published in 2021.

The land immediately surrounding the development does not contain a high density of residential property. The Council's Environmental Protection Team have reviewed the application and do not raise any concerns in relation to the effect of external lighting on neighbouring residential amenity. Necessarily, the development will increase the amount and spread of external lighting across the site, and invariably this will increase its effect on the landscape and local environment. That said, the site is co-located with an adjoining car auction site with significant areas of lit customer parking and lighting to buildings, and the nearby A120/A133 roundabout benefits from highway lighting columns. Furthermore, the A133 Main Road on approach to the site from the west is also lit. Therefore, the proposal does not introduce lighting to an area where the nocturnal sky is free of external lighting.

While the concerns of Great Bromley Parish Council in this regard are appreciated, external lighting proposed follows best practice and the ILP Guidance. The submitted report states that BREEM has been achieved and that the results of modelling show the lux output of the lighting scheme would fall within established guidelines for the Environmental Zone in which the site is located. As such, and for the above reasons, it is not considered that the proposal would result in an unacceptably harmful level of light pollution. The proposal would not result in a harmful level of glare for highway users. Nevertheless, and notwithstanding the submitted plans, a condition is necessary to consider the effect of increased lighting on wildlife, and in particular foraging bats, and to require any reasonable adjustments as may be necessary.

Heritage Considerations

There is a duty when considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

In this context the nearest listed buildings are a Grade II listed C19 milestone located opposite the access to the adjacent Manheim Auctions, and a Grade II listed C16/17 cottage (the Thickets) located on Chapel lane approximately ½ km to the north-west in Balls Green. Situated in the wider area are the Mannings Grade II listed C17 house and pump (both Grade II) on Great Bentley Road 1km to the south-west. Pudners, Thatched Cottage and Forge Cottage, all Grade II listed are located on the south side of the A133 within Frating Green. Although the proposal is large in scale, in the context of the existing buildings it would not make a negative contribution to the surroundings in which these heritage assets are experienced, and it would not harm their special architectural or historic interest. Nor would it result in harm to any non-designated heritage asset.

There is also a statutory duty for decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising planning functions. Great Bentley Conservation Area is located to the south-east of the site, approximately 2km away. Across the distance involved the proposal would not harm the wider setting of the Conservation Area.

Taking the above into account it has not been considered necessary to seek specialist heritage advice. The proposal would not conflict with saved Policies EN17 or EN23, emerging Policies PPL8 or PPL9, or Section 16 of the Framework.

Renewable Energy and Energy Conservation Measures

Emerging Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. The submitted Part 'L' Compliance Design Stage Report prepared by verte sustainability sets out the applicants low carbon strategy, and covers the building fabric and building service parameters. The report concludes that the development will deliver a 3% improvement over Part L2A of the Building Regulations and proposes the installation of solar photovoltaics (PV) on a building mounted array, and upgraded more efficient internal

lighting. The applicant confirms some of these solar installations have already been implemented. Subject to the use of conditions to require precise details and additional charging facilities for plug-in and other ultra-low emission vehicles, the requirements of these policies to contribute towards addressing climate change and Paragraphs 112 (e), 152 and 154 (b) of the Framework would be met.

Living Conditions of Neighbours

Part-Saved Policy QL11, adopted Policy SP7, and emerging Policy SPL3, together, seek to avoid land use conflict and protect the amenity of neighbours. The nearest dwellings are The Paddocks and Muffins located to the south of the site fronting the A133. Due to the layout and siting proposed in relation to them, coupled with the degree of separation and existing mature boundary treatment, the proposal would not give rise to any unacceptable adverse effects on the daylight, natural light or privacy enjoyed by their occupants, nor would it be overbearing in their outlook.

Other Matters

In relation to the crime reduction and community safety aspects of saved Policy COM2, adopted Policy SP7 and emerging Policy SPL3, Essex Police note the applicant's Design and Access Statement shows that security considerations have been considered, and encourage through informative advice that the applicant applies for 'Secured by Design' - Commercial accreditation.

Consultees have recommended a number of conditions in order to address statutory duties, development plan policies and the Framework. In the interests of precision and enforceability, and so as to meet the tests for the use of conditions set out in Paragraph 57 and Footnote 25 of the Framework, conditions have been phrased accordingly, and pre-commencement conditions have been agreed with the applicant prior to decision.

Representations

The application was publicised by way of site and press notices and neighbours of the site were notified in writing. In response no third-party letters of objection were received. The concerns of Great Bromley Parish Council in relation to visual impact and potential light pollution have been fully considered above.

Conclusions and Planning Balance

The development accords with emerging Policies SPL2 and PP6 to which considerable weight is given, following the application of Paragraph 48 of the Framework. Subject to the use of conditions and the completed S106 legal agreement the transport, infrastructure, flood risk, biodiversity protection and enhancement, and the sustainability requirements of the development would all be met. The proposal would not harm the living conditions of existing occupants or any designated or non-designated heritage asset.

However, due to the effects of the proposal on the landscape and the character and appearance of the area there would be degree of conflict with Saved Policy EN1, adopted Policy SP7, and emerging Policy SPL3 Part A criteria (b) and (c). Overall, the resultant harm to the landscape would be low level and the harm to the character and appearance of the area would be limited in view of the site's context. Nevertheless, this harm attracts moderate weight in the overall planning balance.

Against this harm the benefits to the local economy and job retention/creation would be substantial, and very significant weight is given to these benefits. The weight given to these benefits clearly outweighs the moderate weight given to the low level harm to the landscape and the limited harm to the character and appearance of the area. For these reasons, planning permission should therefore be granted, subject to the completed S106 legal agreement and the conditions recommended below.

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 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.

8. Informatives

1. 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.
2. 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.
3. 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.
4. 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 – Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester, CO7 7LT

5. 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.
6. 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.

7. 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.
8. 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.
9. 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.

10. 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.
11. 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.
12. 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

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.

13. 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.

<p>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</p>		NO
<p>Are there any third parties to be informed of the decision? If so, please specify:</p>		NO