

## DELEGATED DECISION OFFICER REPORT

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
File completed and officer recommendation:	NW	31/01/2022
Planning Development Manager authorisation:	JJ	01/02/2022
Admin checks / despatch completed	SH	01/02/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	01.02.2022

**Application:** 21/01691/FUL                      **Town / Parish:** Clacton Non Parished

**Applicant:** FGH Essex Ltd

**Address:** Telford Business Park Telford Road Clacton On Sea

**Development:** Proposed development of 28 No. business units, to operate under use classes B2 (General Industrial), B8 (Storage and Distribution) and Class E(g) (offices, research, light industrial uses) only

### **1. Town / Parish Council**

Not Parished.

### **2. Consultation Responses**

Environment Agency      No Comments Received

ECC Archaeology      The above planning application is for the proposed development  
25/01/2022      of 28 business units.

A previous application (12/00026/OUT) for the wider development had an archaeological condition (Condition 9) for evaluation as the site lies within an area highlighted on the Essex HER as containing heritage assets. The evaluation was carried out in 2013 and confirmed the presence of features identified on the HER and revealed prehistoric and Roman archaeological features in the northeastern part of the site.

An application was received to discharge condition 9 for application 13/00229/OUT which was a variation of condition application. The condition was discharged (13/00723/DIS) for Areas 1, 2 and 4 only as a programme of archaeological excavation was recommended as a mitigation strategy for Areas 5 and potentially Area 3. The condition states that no development should take place across these areas until a mitigation strategy has been received and approved and a programme of further archaeological investigation carried out.

There is no objection to the above planning application which lies within Areas 1 and 2 on the basis that no associated construction activities will be required within Areas 5 and 3.

If you have any questions about this advice, please do not hesitate to contact me.

Environmental Health  
19.01.2022

No comments received.

Tree & Landscape  
Officer  
29.10.2021

No trees or other significant vegetation will be adversely affected by the development proposal.

The soft landscaping shown on the western boundary has been planted and is beginning to become established helping to improve the screening already provided by a strong boundary hedgerow feature containing large trees.

It would appear that the site layout does not make provision for internal soft landscaping to soften the appearance of the development however it is perhaps questionable as to the extent that this is required in a functional business area.

ECC Highways Dept  
23.11.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. A site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. It is noted that this section of Telford Road is classified as being private. On the approach to the site from Stephenson Road there is extensive on-street parking either side of Telford Road, however, this application does provide adequate off-road parking; while the planning application is for Phase 2 of a larger development that has planning permission (12/00026/OUT) varied under application: 13/00229/OUT; taking these factors into account:

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. vehicle routing,
  - ii. the parking of vehicles of site operatives and visitors,
  - iii. loading and unloading of plant and materials,
  - iv. storage of plant and materials used in constructing the development,
  - v. wheel and underbody washing facilities
  - vi. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where

necessary ensure repairs are undertaken at the developer expense when caused by developer.

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 DM 1.

2. Prior to the occupation of any of the proposed development the internal road layout, site access and footway layout shall be provided in principle and accord with Drawing Number:

- 0110-02 Rev. C Block plan (phase 2) blocks 4-8, units 9-36

Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

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

Reason - To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 & 6.

4. No development shall be commenced unless and until full details and plans have been submitted to and approved in writing by the Local Planning Authority which provide for:

1. Where possible (over land either highway or within the applicant's control) completion of a 2-metre-wide footway across the site frontage and southwards connecting with the existing footway on the western side of Telford Road and north of Stephenson Road.

2. Upgrade of the two nearest bus stops on Telford Road to the proposal site to current Highway Authority specification to include but not limited to Kassel Kerbs, bus stop flagpole, timetable, and bus stop cage markings.

3. Pedestrian dropped kerbs and tactile paving in Stephenson Road at its junction with Telford Road between the proposal site and the two nearest bus stops.

4. Introduction of waiting restrictions at the junction of Stephenson Road and Telford Road for a maximum distance of 20 metres each side of the junction.

Reason - In the interests of encouraging sustainable travel and accessibility, in accordance with policy DM9.

5. 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, 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.

6. The public's rights and ease of passage over public footpath no.25 (Great Clacton\_167) shall be maintained free and unobstructed at all times.

Reason - To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

7. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

8. 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.

9. Prior to occupation of any business units, the submission of a 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.

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:

- Prior to any works taking place in the highway the developer should enter into an S278 agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.
- 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)
- Street lighting will be provided in accordance with ECC Operational Plan.
- All highway related details should be agreed with the Highway Authority.

Informative:

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](mailto:development.management@essexhighways.org) or by post to:

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

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3: 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.

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 Clacton-Holland Haven 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 reconsulted 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. We please find below our SuDS website link for further information.

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

Environmental  
Protection  
22.12.2021

Thank you for your consultation regarding the proposed development above. The Environmental Protection Team's comments are given below:

#### Construction Method Statement

In order to minimise potential nuisance to nearby existing businesses caused by construction and demolition works, Pollution and Environmental Control ask that the following is submitted:

Prior to the commencement of any construction, ground works or demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Pollution and Environmental Control. This should at minimum include the following where applicable.

## - Noise Control

1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

2) 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.

3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

## - Emission Control

1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

2) No materials produced as a result of the site development or clearance shall be burned on site.

3) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the



best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

### Contaminated Land

I would recommend that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification.

Minimum requirements for dealing with unexpected ground conditions being encountered during construction.

1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.

2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.

3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.

4. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.

5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.

6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.

7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.

8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared

surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.

9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.

10. A photographic record will be made of relevant observations.

11. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be: o re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or o treatment of material on site to meet compliance targets so it can be re-used; or o removal from site to a suitably licensed landfill or permitted treatment facility.

12. A Verification Report will be produced for the work.

ECC SuDS Consultee  
06.01.2022

Thank you for your email received on 15/12/2021 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 watersince the 15th April 2015.

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

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

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission for planning application 21/01691/FUL

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>

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented as agreed.

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](mailto:suds@essex.gov.uk).
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

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

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

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

#### Appendix 1 - Flood Risk responsibilities for your Council

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

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

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions. We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

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

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

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient

construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

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

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

- Sustainability of the development

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

Policy Section                      No Comment

### **3. Planning History**

12/00026/OUT	Extension to industrial estate.	Approved	13.06.2012
13/00204/DISCON	Discharge of condition 13 of planning permission 13/00229/OUT - Phasing strategy of development - FOR INFORMATION ONLY	Approved	21.06.2013
13/00229/OUT	Variation of conditions 1 (Time Limit), 2 (Reserved Matters) and 8 (Highway Works) of planning permission 12/00026/OUT.	Approved	20.05.2013
13/00603/DETAIL	Extension to industrial estate.phases 1 & 1A (following outline approval 13/00229/OUT).	Approved	11.09.2013

13/00723/DISCON	Discharge of condition 09 of planning permission 13/00229/OUT - Archaeology Report - FOR INFORMATION ONLY.	Approved	07.08.2013
13/00725/DISCON	Discharge of conditions on planning permission 13/00229/OUT - Condition 03 - Landscaping, 06 -Details of protection of public footpath, 07 - Wheel Cleaning Details, 08 Highways details, 10 - Surface water strategy, 11 - Foul water strategy and 12 - Scheme for provision and implementation of water, energy and resource efficiency measures - FOR INFORMATION ONLY.	Approved	29.11.2013
16/01146/FUL	Proposed MOT centre, workshop and vehicular access (existing dropped kerb) and vehicular sales.	Approved	26.09.2016
16/01717/FUL	Removal of condition 3 (as shown on block plan). Drawing no. 2 to be part of condition 2 and condition 7 to be varied to allow construction to commence. (From original application 16/01146/FUL).	Approved	08.12.2016
20/00969/FUL	External alterations.	Approved	17.09.2020
20/01210/FUL	Proposed new storage unit	Approved	30.10.2020

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond (January 2022)

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP5 Employment

SP7 Place Shaping Principles

SPL1 Managing Growth

SPL3 Sustainable Design

PP6 Employment Sites

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

DI1 Infrastructure Delivery and Impact Mitigation

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Tendring Landscape Character Assessment

### **Status of the Local Plan**

Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively) together with any relevant adopted Neighbourhood Plan.

In relation to housing supply:

The Framework requires Councils boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The application relates to the new Telford Park complex an extension to the established Gorse Lane Industrial Estate located to the north of the site off Telford Road, Clacton on Sea. The application site is located on the western side of the Telford Road.

The host site measures 1.3 hectares and forms part of a wider allocated Employment site measuring 6.8ha. As established, the emerging Local Plan allocates the land as being within an 'Employment Allocation' as covered by Policy PP7.


There are no Listed Buildings nearby and the site is not within a Conservation Area. There are no protected trees nearby.

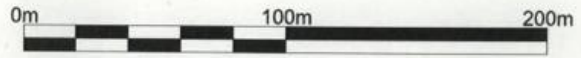
### Relevant Planning History

Outline Planning permission was obtained by in 2012, on behalf of the then land owner for the development of an extension to the Gorse Lane Industrial Estate to the north of Telford Road (reference 12/00026/OUT & 13/00229/OUT). Subsequently in 2013, Reserved Matters were approved for Phases 1 & 1A (now Phase 2) under reference 13/00603/DETAIL. (See Proposed Phasing Plan, Drawing No. 5949/06).





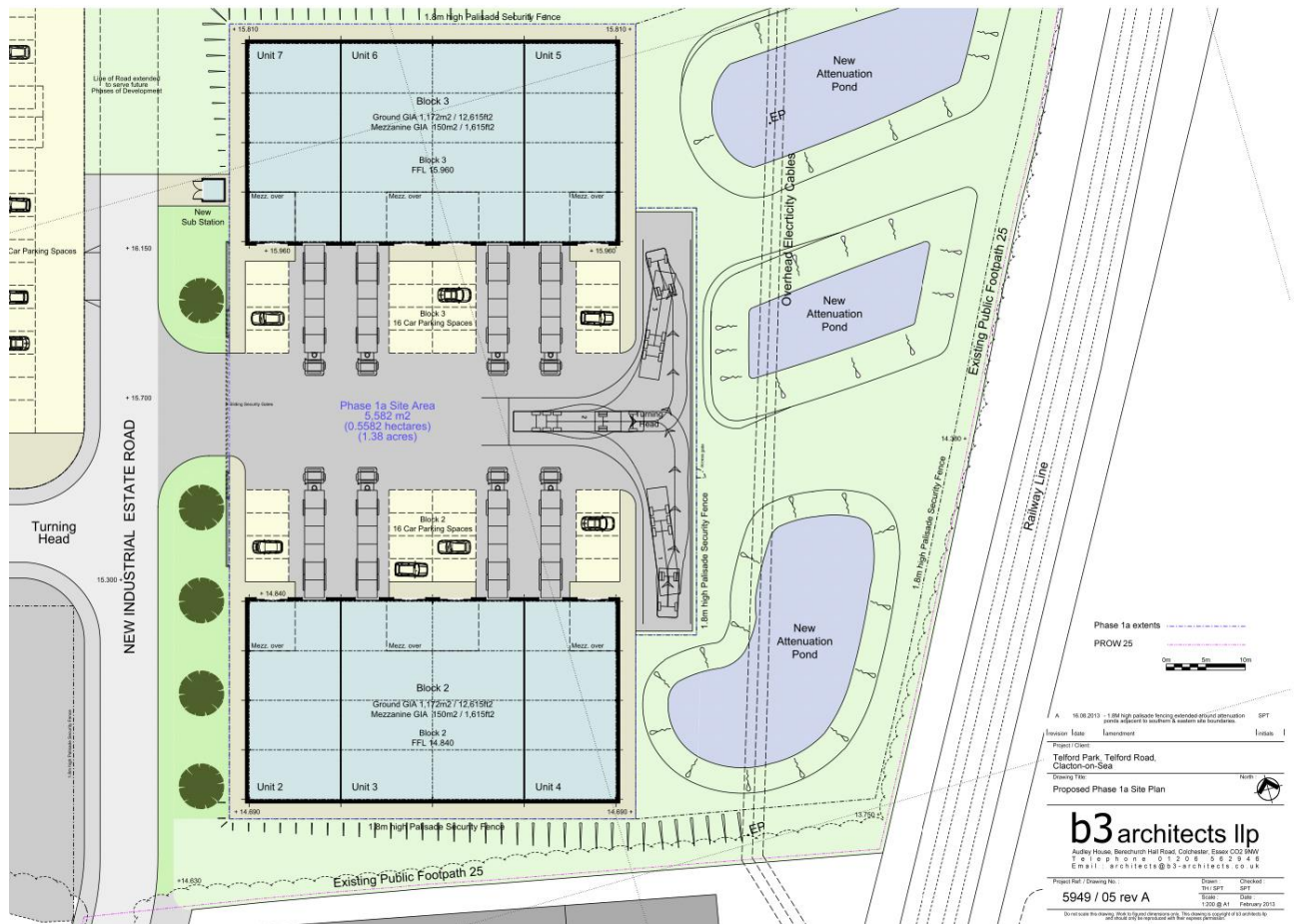
Revision	Date	Amendment	Initials
Project / Client:		Project Ref: North : 	
Telford Park, Clacton-on-Sea		Drawing No. : 5949 / 06	Scale : 1:2500 @ A4
Drawing Title:		Drawn : SPT / TH	Date : February 2013
Proposed Phasing Plan		Checked : SPT	Date : February 2013



**b3 architects llp**  
 Audley House, Berechurch Hall Road, Colchester, Essex CO2 9NW  
 Telephone 01206 562946  
 Email : architects@b3-architects.co.uk

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Phase 1A has been built out (See Proposed 1a Site Plan, Drawing No. 5949/05 Rev A Of 13/00603/DETIAL).



Therefore, development has begun on both applications 12/00026/OUT & 13/00229/OUT. Application 12/00026/OUT required development to begin within 18 months of the decision notice being issued (17<sup>th</sup> January 2012). While application 13/00229/OUT sought to vary the timeframe condition (No.1) to begin on or before 13<sup>th</sup> December 2013.

What is interesting in this case was that there was not the normal Outline Planning condition relating to timing. Outline planning applications normally have the following condition:

1. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
2. The application for approval of the reserved matters for the development, shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

These conditions were not attached to either application 12/00026/OUT or 13/00229/OUT. Therefore, when application 13/00603/DETAIL was submitted and Phase 1A was built out. This would mean that there are in affect two extant permissions on the site. Namely, 12/00026/OUT & 13/00229/OUT.

In October 2020, planning permission was granted for a new storage unit for Silverton Aggregates in conjunction with their occupation of one of the units on Phase 1A 20/01210/FUL. This development has since been constructed and is in use.

## Proposal

This planning application seeks permission for Proposed the erection of 28 new business units on land to the west side of the new estate access road. This involves the construction of 5 buildings totalling 4,710m<sup>2</sup> (50,700ft<sup>2</sup>) separated into 28 new business. The uses shall include B2 (General Industrial), B8 (Storage and Distribution) and Class E(g) (offices, research, light industrial uses).

The construction of the spine road as an extension of Telford Road has already been implemented as part of Phase 1. This current scheme seeks approval for a new estate road to the west of Telford Road serving Blocks 4 & 8 and the principal parking area together with a Type 1 turning facility. A further 3 blocks would be accessed off an internal road with direct access to the various units and respective Type 5 turning facilities. The layout plan indicates provision of 105 vehicle parking spaces, with a mix of spaces for cars and vans.

The warehouse style buildings are modern in appearance. They will be portal frame units with profile metal sheeting and extensive areas of glass on the frontage. Similar to Phase 1, the principle colour scheme will be Merlin Grey with complimentary coloured window and door frames, roller shutter doors, rainwater goods and signage panels.

Block 4 is approximately:

25.8m Depth  
47.8m Wide  
6m Eaves  
6.9m Ridge

Block 5 is approximately

15m Depth  
45m Wide  
4.8m Eaves  
5.6m Ridge

Block 6 is approximately

15m Depth  
60m Wide  
4.8m Eaves  
5.6m Ridge

Block 7 is approximately

15m Depth  
45m Wide  
4.8m Eaves  
5.6m Ridge

Block 8 is approximately:

25.8m Depth  
47.8m Wide  
6m Eaves  
6.9m Ridge

## Principle

Policy PP7 of the new Local Plan seeks to establish allocations of employment land that incorporates a mix of all employment uses. The pre text to the Policy states

*'Only a certain proportion of jobs are located in employment areas and fall within the B use classes: B1 business; B2 general industrial; B8 storage and distribution; and uses that are classified as sui generis if they are akin to employment type uses which accord with the caveats set out in Policy PP6.... Therefore, when making provision for jobs in Policy PP7 only jobs falling into the B use classes (and appropriate sui generis uses) will be acceptable unless the site allocation policies for Policy PP7, in Chapter 9 - Delivering Places state otherwise.'*

The Policy itself highlights the 'Extension to Gorse Lane Industrial Estate, Telford Road' citing the area of the total site area is 6.8ha. The Policy then goes on to add, 'some sites have permission for B1 use, now Class E (g).

The host application seeks permission for the:

The Proposed development of 28 No. business units, to operate under use classes B2 (General Industrial), B8 (Storage and Distribution) and Class E(g) (offices, research, light industrial uses) only.

The development is deemed consistent with Policy PP7.

Other similar sites in the District have been given similar approvals including E(g) use namely, Systematic Business Park, Old Ipswich Road, Ardleigh, Colchester, via Reference: 20/01783/FUL. Although this was not an 'allocated Site' the principle of development was similar, the approved development consisted of the: 'Construction of up to 30 'start-up' business units under flexible E(g), B2 and B8 use and associated development'. This application was approved on 10.12.2021.

As such, the development is considered to represent sustainable development and given the character of the area, the extant planning permission for warehousing and the proximity to transport links the development is acceptable in principle. Consideration therefore turns to the specific impacts of the development, including, design and layout, impacts upon landscape character, highways and ecology interests.

## Layout/Design

There are five warehouse buildings proposed. The width, height and length of the buildings are considered acceptable in this location.

The proposed overall heights of the buildings reflect that of the existing ridge of the building in Phase 1A and is similar to the to the more recently approved development to the north east of the site in Phase 3, namely Ref: 20/01210/FUL for a new B8 storage unit.

The appearance of the proposed buildings will be of a contemporary nature and will seek to create visual interest through a variation of material finishes. A condition is suggested to the following:

'The materials used in the in the development hereby approved shall match as closely as possible in colour, type and texture, of that used in the construction of Units 6, 7 and 8 of Phase 1 (within application 20/00969/FUL)'

Thus keeping a uniformity across the site.

The submitted parking plan shows that the quantum and scale of development proposed can be accommodated on the site in a manner which is sympathetic to the character and appearance of the area whilst providing sufficient on-site parking.

The development is therefore considered to be acceptable in terms of mass, bulk, appearance and overall height.

#### Landscape Impact/Trees

The Landscape Officer has confirmed the no trees or other significant vegetation will be adversely affected by the development proposal.

The soft landscaping shown on the western boundary has been planted and is beginning to become established helping to improve the screening already provided by a strong boundary hedgerow feature containing large trees.

The Landscape Officer also states, *'It would appear that the site layout does not make provision for internal soft landscaping to soften the appearance of the development however it is perhaps questionable as to the extent that this is required in a functional business area'*.

No conditions are suggested from the Landscape officer and officers recommend no further landscape conditions.

#### Impact upon Neighbours

The main impacts on neighbours will be by virtue of potential noise; light pollution and increased traffic.

As there are similar building on the site and to the south, there will be no visual impact. In terms of the vehicle movements this is considered acceptable due to the increased use of the site via the site allocation of such a use. The site does not adjoin any residential properties or even any site for which planning permission has been granted for residential development. Given the enclosed nature of the site light pollution is not considered to be a concern in this area.

With regards to the use of the buildings for a flexible E(g) (offices, research, light industrial uses), B2 (General industrial) and B8 (storage and distribution) use. The nearest residential dwellings are some 500 metres to the south. No noise assessment has been provided or requested by the Environmental Protection team. Given the distances involved to the nearest neighbouring residential properties no objection is raised.

The Environmental Protection Department recommend a Construction Management Plan and Land contamination informative. However, a Construction Management Plan has been submitted and is included in the list of approved plans and documents. The informative is included in the decision notice.

Subject to planning conditions no objection is raised towards impact on neighbouring properties.

## Highways/Legal Agreement

Paragraph 110 of the NPPF requires Councils, when making decisions to ensure:

- a) appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Policy CP1 in the Local Plan states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.

There are no new or altered means of access to the main highway proposed as part of this proposal. Only internal private spur roads from the Telford Road. Essex County Council Highways have confirmed that they have no objections to the application subject to planning conditions.

ECC Highways have noted that this section of Telford Road is classified as being a private road. Also that the approach to the site from Stephenson Road includes extensive on-street parking either side of Telford Road, however, this application does provide adequate off-road parking.

The original outline approval (12/00026/OUT and 13/00229/OUT) included a legal agreement to allow for a Travel Plan agreement between ECC Highways and the developer to take place.

Separate to this there was a Grampian condition (No. 8) that required the following:

*'No development shall be commenced unless and until full details and plans have been submitted to and approved in writing by the Local Planning Authority which provide for:*

- 1) Where possible (over land either highway or within the applicant's control) completion of the footway along the western side of Telford Road between the proposal site and Stephenson Road.*
- 2) Upgrade the two bus stops in Telford Road nearest the proposal site to current Highway Authority specification to include but may not be limited to real time passenger information.*
- 3) Dropped kerbs and tactile paving in Stephenson Road at its junction with Telford Road and any existing kerbed site access and side road off Telford Road between the proposal site and the two nearest bus stops.*

*The design of the items in 1, 2 and 3 above should accord with current adoptable design standards of the Essex County Council highway authority. All the works above shall be completed in accordance with the details approved by the Local Planning Authority before any part of the site is first occupied unless otherwise agreed in writing with the Local Planning Authority.*

*Reason - To ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.'*

Despite the fact that Phase 1A was built out, it appears that some of the requirements of this condition remains outstanding. The Councils Planning Enforcement Department will be informed to carry out a separate enforcement investigation.

On the host application, ECC Highways have suggested a similar condition:

‘4. No development shall be commenced unless and until full details and plans have been submitted to and approved in writing by the Local Planning Authority which provide for:

1. Where possible (over land either highway or within the applicant’s control) completion of a 2-metre-wide footway across the site frontage and southwards connecting with the existing footway on the western side of Telford Road and north of Stephenson Road.
2. Upgrade of the two nearest bus stops on Telford Road to the proposal site to current Highway Authority specification to include but not limited to Kassel Kerbs, bus stop flagpole, timetable, and bus stop cage markings.
3. Pedestrian dropped kerbs and tactile paving in Stephenson Road at its junction with Telford Road between the proposal site and the two nearest bus stops.
4. Introduction of waiting restrictions at the junction of Stephenson Road and Telford Road for a maximum distance of 20 metres each side of the junction.

Reason - In the interests of encouraging sustainable travel and accessibility, in accordance with policy DM9.’

However, in light of the issues highlighted above, officers consider this an unreasonable planning condition as it seeks the same improvement works that were sought as part of the original site wide approvals (12/00026/OUT and 13/00229/OUT). In addition the host site is one ‘Phase’ of the wider site. It does not appear reasonable that the developer for this ‘Phase’ of the wider site is tasked with the responsibility for the above offsite Highways Condition when the original applicant for the wider site via approvals (12/00026/OUT and 13/00229/OUT) should have been required to undertake these responsibilities. Equally, the application in Phase 2 (Ref: 20/01210/FUL), the Silverton Logistic Centre included no such a condition.

Furthermore, the suggested ‘Work Place Travel Plan’ condition from ECC Highway includes a £6,000 monitoring fee.

Such a condition is recommended to be submitted to the LPA and available for inspection at any given time, however the £6,000 monitoring fee is deemed unreasonable because ECC Highways have given no explanation as to where this fee would be spent or how this figure has been calculated.

There is clear a National Guidance on such matters (financial obligations) in Paragraph 57 of the NPPF. The condition alone would not make the development acceptable in planning terms. Also, the contribution does not appear to be a fair or reasonable given this was not imposed on the earlier approvals. Therefore, the request for additional fees would fail the statutory tests under Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraph 57 of the NPPF.

Aside from the one objected and one amended Highway planning conditions, the remaining ECC Highway suggested planning conditions. These include a Construction Traffic Management Plan, the internal road layout, details of the estate roads and footways, vehicle parking hard surfaced, sealed and marked. The public’s rights and ease of passage over

public footpath no.25 (Great Clacton\_167) shall be maintained free and unobstructed at all times. Parking space dimensions, the Cycle / Powered Two-wheeler parking and a workplace travel plan.

The Estate Roads and footways is not included in the recommendation. There is no physical connection to the public highway for either the estate roads or footways. The majority of the estate road was constructed in 2014. At this time, Essex County Highways did not require the road to be constructed to adoptable standards and no S.278 highways agreement was undertaken. Therefore, this condition is not included.

The travel plan condition is not included as no travel plan has been sought or agreed in relation to Phases 1. The site is readily accessible by public transport from a bus stop on the corner of Stephenson Road and Telford Road, only 100m from the site.

### Ecology

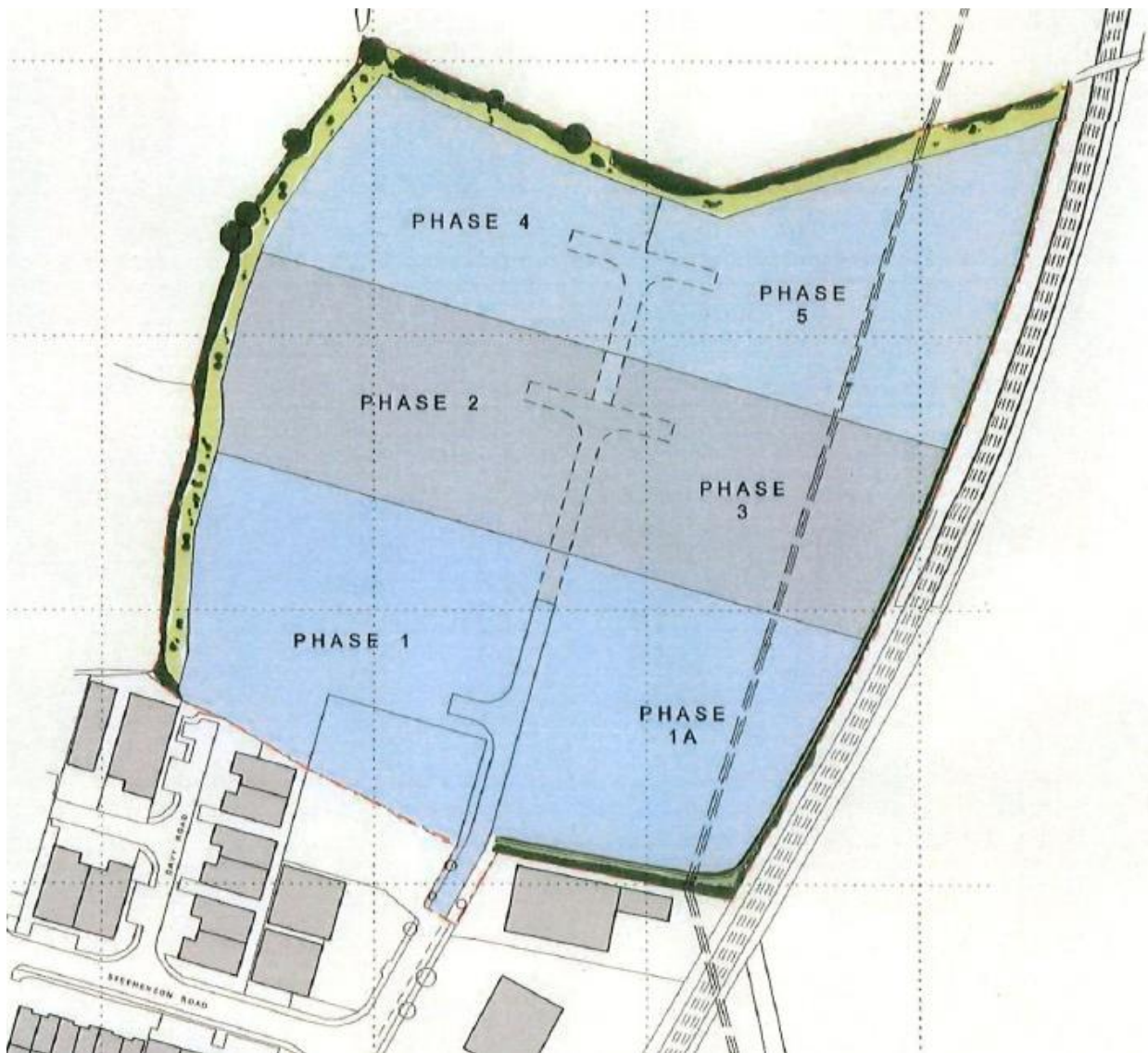
Given the nature of the development and the existing landscape buffer, there are no realistic opportunities to enhance ecological measures as part of this application.

### Historic Environment

A previous application (12/00026/OUT) for the same development had an archaeological condition (Condition 9) for evaluation as the site lies within an area highlighted on the Essex HER as containing heritage assets. The evaluation was carried out in 2013 and confirmed the presence of features identified on the HER and revealed prehistoric and Roman archaeological features in the northeastern part of the site.

An application was received to discharge condition 9 for application 13/00229/OUT which was a variation of condition application. The condition was part discharged (13/00723/DISCON) as a programme of archaeological excavation was recommended as a mitigation strategy. The report was approved for areas 1, 2 and 4. The only element that was not approved was in relation to area 5 and part of area 3 (alongside boundary with area 5). The proposed development is within areas 1 and 2 therefore no conditions are recommended.





### Other Considerations

A Contaminated Land informative has been included at the request of the Environmental Protection team. ECC Suds have offered no objections to the details submitted. The Flood Risk and Drainage Strategy Rev B includes adequate drainage information to ensure a bespoke Planning condition is not required. Anglian Water have not objected to these arrangements however, equally they have stated none of their assets are located in the area. They have not objected to the development. The surface drainage scheme has already been constructed pursuant to the 2013 approval. This scheme merely provided limited pipework to connect to the established and fully functioning scheme. The estate is private with a private management scheme for all tenants

The applicant has asked about the use of a trade counter function at each unit. These are almost always seen as ancillary, unless its obvious that its not ie (% of floorspace devoted to ancillary retail at the trade counter). This is based on 'fact and degree' in each case.

An informative on this topic is recommended. That being:

'If more that 10% of the floor area of any one unit is given over to the trade counter / sales area, this is likely to fall outside the remit of Use Classes of B2, B8 and E(g). In such circumstances, the Local Planning Authority should be contacted to advise if a separate bespoke permission is required for the change of use for any individual or collective group of business units. If in doubt, please contact the Local Planning Authority for advice.

No further letters of representation have been received.

## 6. Recommendation

Approval

## 7. Conditions / Reasons for Refusal

- 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:

Date Received	Plan number	Description
14 Dec 2021		Kwl drainage letter
14 Dec 2021	Rev b	Amended flood risk assessment and drainage strategy addendum
14 Dec 2021	10916/sk1 b	Scheme plan
14 Dec 2021	10916/101 c	Engineering layout - sheet 1 of 2 (kwl)
14 Dec 2021	10916/102 b	Engineering layout - sheet 2 of 2 (kwl)
14 Dec 2021	10916/mp1	Suds maintenance plan (kwl)
14 Dec 2021	10916/100 a	Scheme plan (kwl)
01 Oct 2021	0110-02 c	Block plan (phase 2) blocks 4-8, units 9-36

01 Oct 2021	0110-06 c	Floor plans and elevations - block 7, units 26-30
01 Oct 2021	0110-07 c	Floor plans and elevations - block 8, units 31-36
01 Oct 2021	0110-03 c	Floor plans and elevations - block 4, units 9-13
01 Oct 2021	0110-04 c	Floor plans and elevations - block 5, units 14-18
01 Oct 2021	0110-05 c	Floor plans and elevations - block 6, units 19-25
01 Oct 2021	0110-01 c	Site location plan
31/01/2022		Construction Management Plan

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

3. Prior to the occupation of any of the units hereby approved the internal road layout, site access and footway layout shall be provided in accordance with Drawing Number:

- 0110-02 Rev. C Block plan (phase 2) blocks 4-8, units 9-36

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

4. The proposed development shall not be occupied until such time as the details for the surfacing treatment of the road and parking areas have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be used in the development unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the materials used in the construction are sufficient for the lifetime of the development.

5. 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, 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.

6. The surface water and foul water drainage scheme as detailed in the 'Amended flood risk assessment and drainage strategy Rev b' shall be implemented in full prior to the occupation of any business unit hereby approved.

Reason - To ensure the surface water drainage system and foul water drainage system function as intended to ensure mitigation against flood risk.

7. The public's rights and ease of passage over public footpath no.25 (Great Clacton\_167) shall be maintained free and unobstructed at all times.

Reason - To ensure the continued safe passage of the public on the definitive right of way and accessibility.

8. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety.

9. 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.

10. The buildings shall be used for E(g) (offices, research, light industrial uses), B2 (General Industry) and B8 (Storage and Distribution) and for no other purpose including any other use of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or in any provision equivalent to that Class in any Statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the interests sustainability, highway safety and visual amenity.

11. The materials used in the in the development hereby approved shall match as closely as possible in colour, type and texture, of that used in the construction of Units 6, 7 and 8 of Phase 1 (within application 20/00969/FUL)

Reason - To ensure a satisfactory appearance of the development.

- .12. Unless otherwise authorised in writing by the Local Planning Authority there shall be no external storage, stacking or deposition of goods on the site.

Reason - The external storage of goods would detract from the visual amenity of the area.

## **8. Informatives**

Positive and Proactive Statement

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

### Highways Informative:

1. Prior to any works taking place in the highway the developer should enter into an S278 agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works. 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) street lighting will be provided in accordance with ECC Operational Plan. All highway related details should be agreed with the Highway Authority.

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

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

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

3. On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

4. 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.

### Contaminated land Informative

Minimum requirements for dealing with unexpected ground conditions being encountered during construction.

1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.

2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.

3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.
4. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.
5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.
9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.
10. A photographic record will be made of relevant observations.
11. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be: o re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or o treatment of material on site to meet compliance targets so it can be re-used; or o removal from site to a suitably licensed landfill or permitted treatment facility.
12. A Verification Report will be produced for the work.

### Suds Informatives

1. Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
2. Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
3. 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.
4. 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.

## Anglian Water Informatives

1 - 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 - 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 - 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 - 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 - 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.

## Trade Counter Use

If more than 10% of the floor area of any one unit is given over to the trade counter / sales area, this is likely to fall outside the remit of Use Classes of B2, B8 and E(g). In such circumstances, the Local Planning Authority should be contacted to advise if a separate bespoke permission is required for the change of use for any individual or collective group of business units. If in doubt, please contact the Local Planning Authority for advice.

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