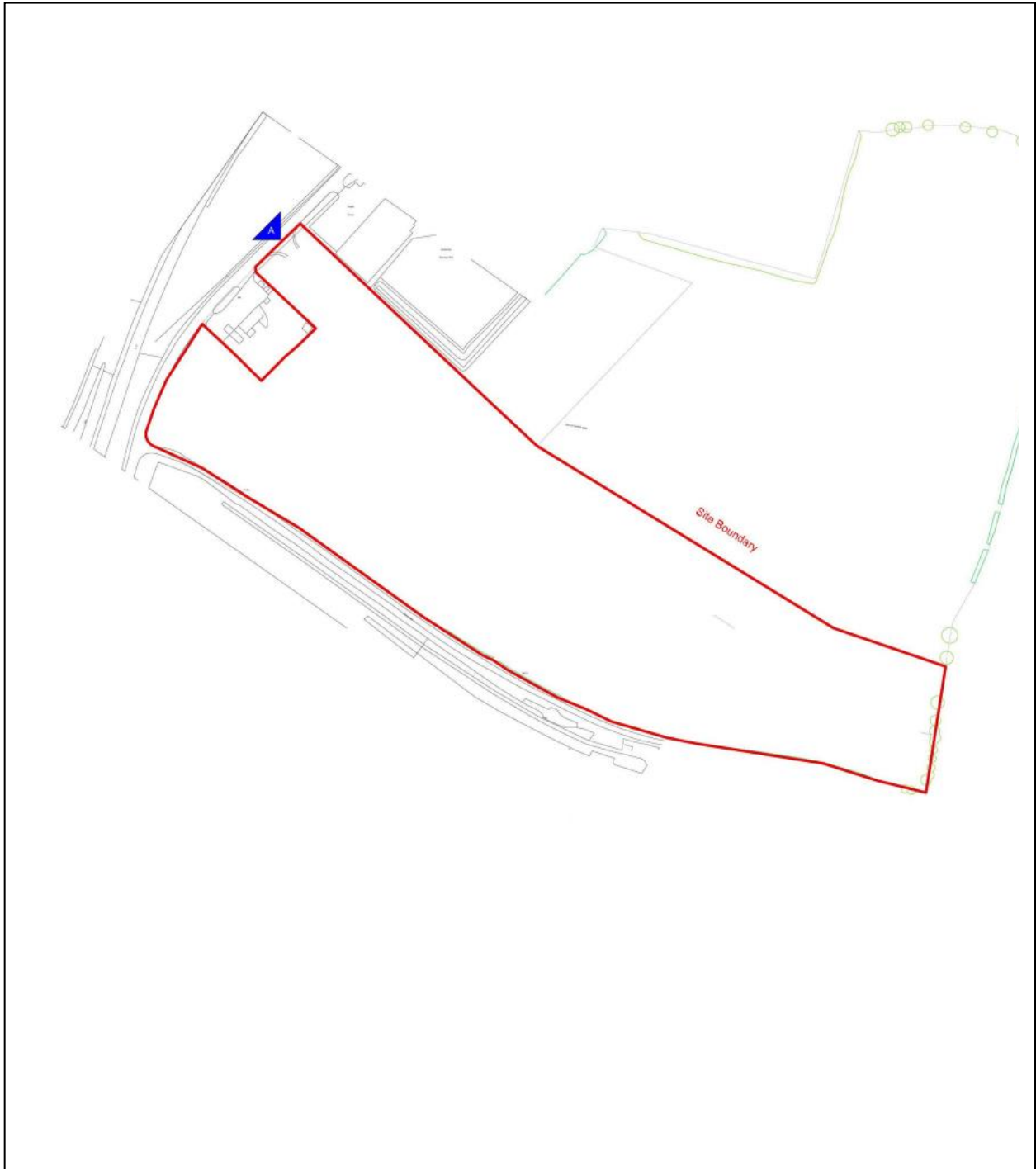


PLANNING COMMITTEE

22 SEPTEMBER 2022

REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

**A.1 PLANNING APPLICATION – 20/00594/FUL – LAND ADJOINING IPSWICH ROAD AND WICK LANE ARDLEIGH CO7 7QL**



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

**Application:** 20/00594/FUL

**Town / Parish:** Ardleigh Parish Council

**Applicant:** Flying Trade Group PLC

**Address:** Land adjoining Ipswich Road and Wick Lane Ardleigh CO7 7QL

**Development:** Full planning for food storage and distribution facility and associated parking, logistics yard and offices.

## 1. Executive Summary

- 1.1 The application proposes a large warehouse to be used as a food storage and distribution facility, with a height of between 16-20m, and a depth of up to 170m set in an extensive area of proposed hard standing. New access arrangements are proposed from Old Ipswich Road, including car parking as well as a large vehicle yard to the rear (south east of the proposed warehouse building) with facilities for vehicle washing and re-fuelling. The proposal also includes provision for a large attenuation pond for managing surface flows.
- 1.2 Clear policy conflict has been identified in terms of the landscape harm, and the harmful impact of the 'in depth' part of the warehouse and HGV hardstanding area on the character and appearance of Wick Lane and the immediate hinterland to the east of the site, as well as the impact of the large warehouse on residential amenity by way of light pollution and being overbearing in nature to nearby residents, especially those residents to the north west and east of the site. These harmful elements weigh significantly against the development proposal. The proposal will also result in the loss of agricultural land and as a result there is conflict with Paragraph 174 a) of the National Planning Policy Framework 2021 ('the Framework').
- 1.3 Against this harm the benefits to the local and wider economy, the benefits to the food distribution sector in particular, and direct and indirect job retention/creation would be substantial, and very significant weight is attributed to these benefits.
- 1.4 All other material planning considerations have been taken into account and where relevant, where harm arises, these can be mitigated against by way of planning conditions or s106 obligations, all these elements are neutral in the planning balance.
- 1.5 Ultimately, the weight given to the substantial benefits as outlined in this report is considered to very marginally outweigh the significant weight given to the landscape and character harm, as well as the identified harm to residential amenity. For these reasons, it is recommended that planning permission be granted, subject to the completed S106 legal agreement and the conditions as recommended in section 7.0 below.

### **Recommendation:**

(1) On appropriate terms as summarised below and those as may be deemed necessary to the satisfaction of the Assistant Director for Planning to secure the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters:

- To promote sustainable transport and comply with the accessibility

requirements of the development plan and the Framework, the submission of a workplace travel plan is necessary, such approved travel plan shall be actively implemented for a minimum period of 5 years and shall be accompanied by a one-off monitoring fee of £6,383 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5-year period.

- To also promote sustainable transport the Development has agreed to provide a free minibus service that will operate between the site and the Colchester Park and Ride and/or to and from the nearest bus stops (Old Ipswich Road – Balkerne Gate) during the AM and PM peak periods; the service and route will be agreed and finalised by both the developer and ECC Highways as part of the Workplace Travel Plan. Provision of this service including the routing and frequency will be dependent on the demand for the service which will be monitored through the Workplace Travel Plan and employee surveys.
- A Traffic Management Plan shall be provided outlining a designated route to and from the development for all HGV movements via the Crown Interchange/ A12/A120 to be agreed in advance with the Local Planning Authority in consultation with the Highway Authority;
- A financial contribution of £10,000 (to be index linked) towards the implementation of future speed reduction on Old Ipswich Road in the vicinity of the site (not restricted to but including the introduction of a 40-mph speed limit). Scheme to be agreed in writing by relevant Highways authority prior to commencement of any development, and agreed scheme implemented in full before the development hereby approved is first brought into use.
- A financial contribution towards waiting and parking restrictions on Old Ipswich Road either side of the site access junction, on either side of the Wick Lane junction and opposite each junction, the extent of the restrictions to be agreed in writing in advance with the Highway Authority and prior to commencement of any development, and agreed scheme implemented in full before the development hereby approved is first brought into use.
- A £15,000 financial contribution (index linked) towards the feasibility, design and/or delivery of pedestrian/cycle improvements (or part thereof) between the development site and the existing cycleway network in North Colchester/ Colchester Business Park or the proposed cycleway network for North Colchester forming part of the Local Cycling and Walking Infrastructure Plan. Such contribution to be paid on commencement of development. (Payback 5 years).
- A Section 278 agreement to secure off site highways improvement works in partnership with Highways England and ECC Highways
- The use local contractors to implement the development (as far as possible and practicable) and that any temporary or permanent employment vacancies (including apprenticeships) will be advertised through agreed channels to reach and prioritise local people.

(2) That the Assistant Director for Planning be authorised to Grant Planning Permission upon completion of the legal agreement subject to conditions as stated in Section 7.0 (or as need to be varied\*) and those as may be deemed necessary by the Assistant Director for Planning

(3) And the informative notes as may be deemed necessary:

(4) That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 6 months that the Assistant Director for Planning be authorised to refuse the application on appropriate ground at their discretion.

\*To account for any errors, legal and necessary updates

## 2. **Planning Policy**

### Status of the Local Plan

2.1 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 neighbourhood plans that have been brought into force.

2.2 The following National and Local Planning Policies are relevant to this planning application.

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

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

Section 1:

SP1 Presumption in Favour of Sustainable Development  
SP3 Spatial Strategy for North Essex  
SP5 Employment  
SP6 Infrastructure and Connectivity  
SP7 Place Shaping Principles

Section 2:

SPL1 Managing Growth  
SPL2 Settlement Development Boundaries  
SPL3 Sustainable Design  
HP1 Improving Health and Wellbeing  
HP3 Green Infrastructure  
PP4 Local Impact Threshold  
PP7 Employment Allocations  
PP12 Improving education and skills  
PP13 The Rural Economy  
PPL1 Development and Flood Risk  
PPL3 The Rural Landscape  
PPL4 Biodiversity and Geodiversity  
PPL5 Water Conservation, Drainage and Sewerage  
PPL7 Archaeology  
PPL8 Conservation Areas  
PPL9 Listed Buildings  
PPL10 Renewable Energy Generation and Energy Efficiency Measures

PPL13 Ardleigh Reservoir Catchment Area  
 CP1 Sustainable Transport and Accessibility  
 CP2 Improving the Transport Network  
 DI1 Infrastructure Delivery and Impact Mitigation

Essex Minerals Local Plan 2014 (MLP)

Of specific reference is policy S8 (Safeguarding mineral resources and mineral reserves) of the MLP

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)

Other relevant documents

Ardleigh Neighbourhood Area Designation

2.3 Tendring District Council received an application to designate a neighbourhood area from Ardleigh Parish Council over the winter of 2019-20. The application proposed that the neighbourhood area should cover the entire parish of Ardleigh and that this would be the area covered by the Ardleigh Neighbourhood Plan. At the time of writing this report, and according to Ardleigh Parish Council's website, the PC is currently working with various stakeholders as part of finalising the Policy Headings for their draft neighbourhood plan.

**3. Relevant Planning History**

93/00729/FUL	(Land adjoining Wick Lane and Old Ipswich Road, Ardleigh) - Change of use to airfield for group 1 purposes [light aircraft] including part regrading of land with buildings and associated facilities	Refused	19.07.1994
95/00042/FUL	Construction of a building for the sale, repairs, maintenance of agricultural and horticultural machinery together with ancillary access road, car parking, storage and servicing (Variation of Condition No. 1 to extend the time limit for commencement for further 5 years)	Refused	14.03.1995
96/00885/FUL	Variation of the design of a building previously approved and partly implemented to be used for the sale, repair and maintenance of agricultural and horticultural machinery together with ancillary access road, car park, storage and servicing facilities	Approved	14.12.1998
04/01623/CMTR	Development of offices, industry,	Withdrawn	18.02.2005

	stores and metal recycling centre.		
10/01270/FUL	Use of land as car dealership:- Erection of building for use as car show room, workshop and ancillary offices with associated car parking and landscaping, and construction of new access and upgrading of existing access.	Withdrawn	07.03.2011
11/00289/FUL	Use of land as car dealership:- Erection of building for use as car show room, workshop and ancillary offices with associated car parking and landscaping, and construction of new access and upgrading of existing access.	Approved	13.06.2011
16/01036/FUL	Erection of 2 No. new workshop buildings and 7 No. office cabins with associated surfacing works to create new depot for the fitting/repairing of hire container units.	Approved	27.01.2017
17/00976/FUL	Erection of 2 No. new workshop buildings and 7 No. office cabins with associated surfacing works including formation of new site access off Wick Lane create new depot for the fitting/repairing of hire container units.	Withdrawn	23.10.2017
17/01777/DISCON	Discharge of conditions 04 (illumination Scheme), 05 (Working hours), 07 (access), 08 (Visibility Splays), 09 (Surface Treatment), 10 (Off Road Parking), 11 (HGV Parking and Turning Facilities) and 13 (Surface Water Drainage) of planning permission 16/01036/FUL.	Approved	22.01.2018
20/30024/PREAPP	Proposed logistics and distribution centre.	Advice provided	Meetings held in 2020 and first part of 2021
20/00594/FUL	Full planning for food storage and distribution facility and associated parking, logistics yard and offices (reconsultation: Supplementary Sequential Test Statement received 23/03/2022).	Current	
21/00003/FUL	Retrospective erection of warehouse	Approved	08.03.2021

building for roofing trade supplies

21/02042/EIASCR	Environmental Impact Assessment (EIA) Screening request for proposed food storage and distribution facility and associated parking, logistics yard and offices.	Not EIA Development	04.02.2022
-----------------	---	---------------------	------------

Other relevant Planning History in the vicinity of the application site

20/01783/FUL (Systematic Business Park, Old Ipswich Road, CO7 7QL) – this site is directly to the north of the application site	Construction of up to 30 'start-up' business units under flexible E(g), B2 and B8 use and associated development.	Approved	10/12/2021
19/01939/OUT (Crown Quarry Business Park) – located on opposite (south side) of Wick Lane	Proposed small business park development of B1, B2 and B8 storage. The construction of a new internal access from the existing access road, relocation of the existing temporary quarry office to a new building together with associated car / cycle parking.	Approved	06/08/2020
17/00720/FUL and 14/01044/FUL (DTE Scaffolding site – this site is located to the south of the 'Crown Quarry Business Park site mentioned above)	Proposed detached two storey office building (17/00720/FUL)  Change of use of land to premises for use of scaffolding and safety netting contractor together with erection of 3 No. detached single storey buildings (14/01044/FUL)	Approved  Approved	14/07/2017  19/09/2014
18/02118/FUL (Crown Business Centre 'Evolve' – this site is located further to the south along Old Ipswich Road next to Junction 29 and adjacent to the Crown Inn Public House)	The construction of 90 small B1 & B8 use commercial units with ancillary facilities, associated car parking and landscaping; and the construction of 5 commercial office blocks with B1 use with associated car parking and landscaping.	Approved	17/06/2019
18/01840/OUT (Crown Business Centre and Golf Driving Range Old Ipswich Road, CO7 7 QR) – this site is to the south of	Outline planning application with all matters reserved for the residential development of 0.2 ha of land to create 4 detached dwellings with associated garaging and parking (following demolition of existing B1a offices and driving range shelter).	Approved	18/11/2019

Crown Business Centre. (Renewal and variation to previously approved 15/00669/OUT).

#### 4. Consultations

##### Statutory and Other Consultees

Anglian Water Services Ltd No response

Ardleigh Reservoir Operator No response on file but explained that details of the application were passed onto their colleagues at Anglian Water.

East Anglia Green No response

National Grid No response

Colchester Borough Council  
04.02.2022

Thank you for consulting Colchester Borough (your letter dated 17.1.22) regarding the above development close to our mutual boundary. As per our previous consultation response (Our ref 201573) this is a significant development proposal on an unallocated site in open countryside within the catchment of Ardleigh Reservoir and sited adjacent to Wick Lane, a Protected Lane. The application site lies in close proximity to the Dedham Vale and Stour Valley AONB designation.

The Borough Council still wishes to acknowledge the important contribution made by the applicant to the local economy and the considerable inward investment this represents. Nevertheless, as per our previous comment, the application site is unallocated in both the Adopted Local Plan (2007) and within the emerging Local Plan (2021-2033) and represents major development that is not directly connected to the primary road network. Consequently, Colchester shares the continuing concerns of the surrounding rural communities that this scheme will inevitably generate considerable HGV movements and has the potential to impact adversely on the capacity of the local rural road network and to potentially harm the safety of road users. There could also be a detriment to the residential amenity of occupants in the vicinity of the site and also to those who live in close proximity to roads serving the site.

As before, the Council defers to the Highway Authority and Highways England on highway safety issues, but remain very concerned that the application site is not well located to provide direct access to the primary road network and is therefore contrary to relevant adopted and emerging local plan policies concerning major employment proposals (QL10, Q11, ER2, ER7 adopted plan and PP7, PP13, PPL3, CP1,DI1 of the ELP).

We also reiterate the concerns that the scheme has the potential to prejudice the character, tranquillity and natural beauty of the wider landscape; including the Dedham Vale and Stour Valley AONB designation to the north. This is clearly contrary to para.174 and 176 of the National Planning Policy Framework and relevant local plan policies (QL1, QL7, QL9, QL11, EN5 adopted plan and PP13, PPL3 of the ELP). In this respect and notwithstanding the concerns about landscape impact, the Council's Landscape Officer has made the following comments:

"Assessment of the TDC application would indicate that in order to avoid harm to the



character of the landscape with Colchester Borough immediately adjacent and to the west of the site it will need to consider that:

*Officer comment: some of the above paragraphs refer to previous local plan policies, now superseded and replaced by the recently adopted local plan – notwithstanding, the issues raised above and below by Colchester Borough Council will be addressed in the main body of the report.*

The site adjoins Colchester Borough Landscape Character Assessment Area B7 (CBLCA B7), the Langham Farmland Plateau, this describes the character of the landscape in detail and identifies characteristics of the Area. It goes on to identify planning issue(s) relevant to this application as 'Visual intrusion from A12 corridor' and sets a landscape strategy objective to 'conserve' the landscape character of the Area. Finally, it gives a landscape planning guideline to 'Conserve the mostly rural character of the area' and a landscape management guideline to 'Seek ways to mitigate the visual impact of the railway A12 corridor through introducing new and strengthening existing parallel shelter belts'.

To help meet the above planning/management guidelines/issues and help the proposals avoid harm by ensuring it complements, conserves and enhances the landscape character of CBLCA B7, it is recommended any revised proposals address the following:

1. Propose a deep woodland shelter belt to the site frontage set behind a native hedge.
2. Develop Landscape & Visual Impact Assessment No. 1229.V.2 further to include Type 1 visualisations from viewpoints within Colchester Borough, i.e., visualisations outlining the width and height of the proposed development. This augmented with photomontaged visualisations of the mitigation woodland shelter belt (recommended in 1 above) at years 1 and at maturity from key viewpoints within Colchester Borough, i.e. viewpoints l & n."

In terms of other issues, Tendring District council is advised to have appropriate consideration in respect of impact upon trees and vegetation, ecology and archaeology.

Overall, once again the Borough Council acknowledges that there are significant public benefits associated with the development that TDC will wish to weigh in the 'planning balance' yet these benefits could be delivered on an allocated employment site, in either TDC or CBC, without the negative impacts upon the countryside and highway network associated with the current proposal. In conclusion, the current scheme is contrary to significant key local plan policies and does not represent sustainable development. Once again, the Borough Council urges TDC to support the applicant in identifying alternative allocated employment sites; including those within CBC providing good access to the primary highway network and capable of delivering the requisite mitigation for the development.

*Officer comment: All the comments from Colchester Borough Council are noted and covered in the main body of the report below. Section 2 of the Tendring Local Plan was adopted on 25<sup>th</sup> January 2022 as such the 2007 Local Plan policies are no longer relevant and the current Local Plan policies are now fully adopted and afforded full weight (as per the 'Status of the Local Plan' section above).*

Essex County  
Council

No further comments to add to the revised information submitted, Original recommendation below:

Archaeology  
17.01.2022

20/00594/FUL - LAND ADJ IPSWICH RD AND WICK LANE ARDLEIGH

The above planning application has been identified as having the potential to harm non-designated heritage assets with archaeological interest.

The Essex Historic Environment Record (HER) and Tendring Historic Environment Characterisation Project, demonstrate that the proposed development lies within an area of archaeological interest.

The site lies to the north of Crown Quarry where archaeological investigations over the last 10 years have revealed multi-period archaeological evidence. Of significance are the remains of an extensive Late Iron Age (mid-1st century BC to mid-1st century AD) settlement which includes a large D shaped enclosure and annexe which was likely used for industrial activity. The Old Ipswich road follows the route of a Roman road which lies along part of the western site boundary and Wick Lane is a historic route.

The medieval and later remains at Crown Quarry relate to a field system and enclosures predating the existing field pattern. Cropmark evidence for historic agricultural activity in the adjoining field is revealed through aerial photography adjacent to Bloomfields Farm which dates from the medieval period. A lane once joined the farm at Bloomfields to Bluegates Farm which is no longer extant and crosses the development area.

The site has remained undeveloped and preservation of any archaeological remains would be good, the site has the potential to preserve archaeological remains associated with the adjacent Roman road and known medieval settlement and activity within the immediate area.

The following recommendations are made in line with the National Planning Policy Framework:

**RECOMMENDATION: A Programme of Archaeological evaluation**

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.
2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the Local Authority archaeological advisors.
3. A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.
4. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.
5. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

#### Further Recommendations:

A professional team of archaeologists should undertake the archaeological work. A brief outlining the level of archaeological investigation will be issued from this office on request. Tendring District Council should inform the applicant of the recommendation and its financial implications.

ECC Highways  
(comments  
dated 9 June  
2022)

Essex County Council in their capacity as Highway Authority has thoroughly assessed the highways and transportation information submitted in support of the above planning application together with the additional information provided. The (rural/remote) location of the site is such that access to key active and sustainable, public transport, facilities are limited and for the vast majority of journeys the only practical option would be the car. This should be taken into consideration by the Planning Authority when assessing the overall sustainability and acceptability of the site against for example any employment benefits. Notwithstanding, the assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework in particular, the following aspects were considered: access and safety; capacity; HGV movements on routes; the opportunities for sustainable transport; and highway mitigation measures, considering these factors:

**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 DM1.

2. No occupation of the development shall take place until the following have been provided or completed:
  - a) A priority junction off Old Ipswich Road to provide access to the proposed site as shown in principle on planning application, amended viability and access plan drawing number: IT2114\_TA\_03.
  - a) Carriageway measuring no less than 9m in width for the first 30 metres.
  - b) Kerb radii measuring a maximum or no more than 15 metres.
  - c) A straight section of carriageway to be provided from the entrance junction for 30 metres.
  - d) 2-metre-wide footway on both sides of the junction and continued around the kerb radii.
  - e) Appropriate pedestrian crossing facilities (drop kerbs/ tactile paving).
  - f) Waiting restrictions shall be provided on Old Ipswich Road either side of the site access junction and on either side of the Wick Lane junction and opposite each

junction the extent of the restrictions to be agreed in advance with the Highway Authority.

g) Any other reasonable items to ensure the access is in accordance with current policy standards.

**Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner and to avoid displacement of loose material onto the highway in the interest of highway safety in accordance with policy DM1.

3. The gradient and proposed vehicular access/ road junction shall be in accordance with DMRB standards.

**Reason:** to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety to ensure accordance with safety in accordance with policy DM1.

4. Prior to occupation of the development, the road junction / access at its centre line shall be provided with minimum clear to ground visibility splay with dimensions of 2.4m x 160m to the north of the access junction 2.4m x 110m to the south of the access junction, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of obstruction above 600mm and below 2 metres at all times. In addition, the development site boundary fence/wall/vegetation should be located outside of the visibility splays.

**Reason:** To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

5. Prior to occupation of the development, the Wick Lane junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m x 98m in both directions, in accordance with drawing no. IT2114\_TA\_05, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the development becomes operational and retained free of any obstruction at all times.

**Reason:** To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

6. The existing access at (Total Roofing Supplies) north of Wick Lane which is located adjacent to the proposed car park shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge / kerbing prior to the proposed new access into the site is brought into first beneficial use.

**Reason:** To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1.

7. 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.

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. 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 one-off monitoring fee of £6,383 (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.

10. The Developer will provide a free minibus service; in principle, it will operate between the site and the Colchester Park and Ride and/or to and from the nearest bus stops (Old Ipswich Road – Balkerne Gate) during the AM and PM peak periods; the service and route will be agreed and finalised by both the developer and ECC as part of the Workplace Travel Plan. Provision of this service including the routing and frequency will be dependent on the demand for the service which will be monitored through the Workplace Travel Plan and employee surveys.

**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.

11. Prior to occupation of the development an appropriate Traffic Management Plan shall be provided outlining a designated route to and from the development for all HGV movements via the Crown Interchange/ A12/A120 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.

12. A financial contribution of £10,000 (to be index linked) towards future speed reduction measures on Old Ipswich Road in the vicinity of the site (not restricted to but including the introduction of a 40-mph speed limit).

**Reason:** To protect highway efficiency of movement and safety and to ensure the proposal site is accessible, in accordance with policy DM1 and DM17.

13. A £15,000 financial contribution (index linked) towards the feasibility, design and/or delivery of pedestrian/cycle improvements (or part thereof) between the development site and the existing cycleway network in North Colchester/ Colchester Business Park or the proposed cycleway network for North Colchester forming part of the Local Cycling and Walking Infrastructure Plan. Such contribution to be paid on commencement of development. (Payback 5 years).

**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.

**Note:** Conditions 11 and 12 requires a Legal Agreement between the Applicant/ Developer and the Highway Authority using the powers in Section 106 of the 1990 Town & Country Planning Act.

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:**

(i) 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.

(ii) The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority.

(iii) A formal Stage 2 Road Safety Audit outlining the junction detail/ footway design/ improvements will be required.

**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)

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.

Officer comment: *The above ECC Highways comments will be considered and taken into account in the main body of report below.*

ECC Highways  
(latest  
comments  
dated  
03.08.2022)

The current position is that from a highways viewpoint the proposed development is acceptable subject to the measures set out in the highway recommendation dated 9 June 2022. This includes parking restrictions and a potential speed limit change both of which would be subject to their own consultation process outside of planning. There is every chance that either of these Orders could attract objections, these objections would have to be dealt with on a case by case basis and whilst the Highway Authority are confident that a robust case could be made to the Highways Portfolio holder to support these, delivery of the required Orders cannot be guaranteed.

I have reviewed the situation in light of this and fundamentally the highway authority position is that removal of the on-street parking remains a requirement to allow the proposed new access to operate safely and for the required visibility splays to remain unobstructed. This is further supported by the stage one road safety audit, reference 2.3.1 (*attached to this committee report*).

Since the recorded traffic speeds at this location on Old Ipswich Road are significantly lower than the national speed limit of 60mph the highway authority additionally required the developer to fund a 40 mph speed limit. This would simply reflect the speed at which vehicles currently use Old Ipswich Road and the change in environment to a developed rather than rural frontage along the western side Old

Ipswich Road. A change in speed limit is also supported by the stage one road safety audit, reference 2.3.1 (*again see the stage one road safety audit attached to this committee report*).

It is possible that removal of the car parking could influence recorded vehicle speeds and the required visibility splays. However the speed survey contained in the Transport Assessment (TA) provides 85 percentile speeds from weekends when the on street parking is unlikely to be in place to the extent it is on weekdays. This has been reviewed and whilst slightly higher northbound 85<sup>th</sup> percentile speeds are recorded in February 2020 for a Saturday at 34mph and Sunday at 36mph and southbound 85<sup>th</sup> percentile speeds of 34mph the visibility splays required within the highway recommendation would remain appropriate. This also appears to be supported by the additional August 2021 speed survey data. This means that from the data contained within the TA a change in speed limit is not critical to delivery of appropriate visibility splays but from a professional viewpoint would be to better reflect the highway environment that would prevail should the planning application be approved. It is also the belief of highway officers that it would accord with the Essex Speed Management Strategy.

Given that at this stage there is no guarantee that the parking restrictions and the change in speed limit can be guaranteed the options appear to be as set out below:

- The planning application is paused and the applicant carries out Informal consultation for the required parking restrictions and speed limit change in conjunction with Essex Highways. The applicant would need to meet the appropriate costs for this and it would allow consideration to be given as to any likely objections and whether the Orders could be supported by ECC.
- By agreement with the applicant and the Local Planning Authority Grampian style planning conditions requiring the orders associated with the parking restrictions and speed limit change to be made prior to any development taking place. (Following the order being made there is a period of 2 years during which the required markings and signage can be provided to support the order and for it to come into operation.)
- Refusal of the planning application on the grounds of highway safety on the basis that without removal of the on street parking visibility from the site access will be compromised which in combination with the additional traffic movements associated with the planning application and shuttle/one way operation of Old Ipswich Road created by the on-street parking would give rise to highway safety concerns.

I hope this is highway position statement is sufficient for you to engage with the applicant's agent and should you require further support from the Highway Authority with this please let me know.

*Officer comment: Again the above ECC Highways comments will be considered and taken into account in the main body of report, under the relevant Highways section below.*

Essex County  
Council  
Heritage  
09.02.2022

The application is for full planning for food storage and distribution facility and associated parking, logistics yard and offices.

The proposed site is in proximity of several designated heritage assets, all Grade II listed, which are located in close proximity to its boundary, and potentially a number of non-designated assets, as

Wick Lane Cottages:

- Blue Barns Farmhouse and Cottage;
- Thorpe Ley;
- Bloomfields Farmhouse and Barn;
- Fountain Farmhouse;
- Wick Farmhouse and Barn;
- Clarke Farmhouse; and
- Milestone on east verge approximately 240 metres south of Harts Lane.

The visual impact of the development on the above-mentioned heritage assets was assessed by the applicant in their Planning Statement to be low or neutral. Residual impacts would be mitigated by existing and proposed additional landscaping along the site boundaries, including the insertion of a balancing pool at the South-East corner. Following site inspection, I have no objection to the proposed development subject to the following conditions:

- Prior to installation, a schedule of drawings that show details and specifications of proposed landscape at appropriate scales, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

ECC Planner  
Minerals  
(response  
dated  
18/05/2022

Thank you for re-consulting the Essex Minerals and Waste Planning Authority (MWPA) on the above application. This response primarily restricts itself to commenting on matters raised in an Advice Note (AN) sent by the promoter to Tendring District Council (TDC) on 14th May 2022, which sought to provide additional information to address minerals safeguarding issues. This response does not supersede previous responses and should be read in conjunction.

The AN seeks to address issues raised by the MWPA in relation to both potential impacts on the safeguarded mineral resource located within the proposed development site, and potential impacts on a safeguarded mineral development located in proximity. This latter development is Crown Quarry, whose operation was originally permitted under Application ESS/57/04/TEN in January 2013. This is an active permission for mineral extraction followed by the construction of a public water storage reservoir as an extension to the Ardleigh Reservoir, with restoration also including landscaping and an area of public open space. Crown Quarry is located to the south of the proposed development, to which it is separated by Wick Lane. Issues relating to the safeguarding of the mineral resource within the application site, and to the operations at Crown Quarry, are addressed in turn.

In summation, whilst the AN accurately summarises the final position reached with regards to safeguarding considerations in relation to existing mineral resources at the application site, it does not accurately set out the planning context with regards to permitted operations at Crown Quarry.

Nonetheless, the MWPA removes its holding objection in those areas where it remained extant following its earlier correspondence dated 1st March 2022, provided that TDC, as the determining authority, is satisfied that the development will not have an impact on the existing mineral operation at Crown Quarry. The following response is considered to contain material considerations in relation to permitted operations at Crown Quarry which may not yet have been taken fully into account in documentation supporting Application 20/00594/FUL.

### **Safeguarding of the Mineral Resource**



As set out in the consultation response from the MWPA dated 31st January 2022, the entirety of the application site is located within land which is designated as a Mineral Safeguarding Area (MSA) and therefore the application is subject to Policy S8 of the Essex Minerals Local Plan 2014 (MLP). A Minerals Resource Assessment (MRA) was subsequently requested.

Following the receipt of correspondence from the site promoter dated 22nd February 2022, the MWPA understood that there is currently a leasehold interest on the majority of the application site which restricts any access to prepare a MRA at this time. In its response to that letter, dated 1st March 2022, the MWPA stated that if, as the determining authority, TDC considers that there is a need for the proposed development, the MWPA would not object to non-conformity with the part of Policy S8 relating to development in an MSA due to the restrictions placed on accessing the site to carry out the MRA.

The AN subsequently states that 'the applicants consider that this places the decision firmly back in the court of the LPA. Should the economic benefits outweigh the environmental considerations, then there is a demonstrable need for the proposed development, and consequently, the MWPA concerns regarding the Minerals Safeguarding will fall away.' The MWPA confirms that it has removed its holding objection with regards to the safeguarding of mineral resources at the application site. The MWPA however makes no comment with regards to the points made in the AN regarding easements and whether the proposed development represents a true sterilisation of the resource as they are not considered to be sufficiently evidenced within the AN and would not impact in any event on the overall conclusion.

### **Mineral Consultation Areas**

The application site passes through a Mineral Consultation Area (MCA) associated with Crown Quarry, as shown in Appendix One and listed in Appendix Two of this response. With regards to MCAs, Policy S8 of the MLP seeks to ensure that existing and allocated mineral sites and infrastructure are protected from inappropriate neighbouring developments that may prejudice their continuing efficient operation or ability to carry out their allocated function in the future.

The AN includes, at Appendix One, a Minerals Infrastructure Impact Assessment (MIIA) which seeks to establish whether the proposed development would have any potential impact on the safeguarded mineral development at Crown Quarry. The MIIA contains a number of inaccurate statements which the MWPA clarifies below.

The MIIA states that 'The mineral resource is now almost entirely used, with interim restoration underway and the construction of an additional water storage reservoir in the near future.' It is further stated that 'Quarrying operations are winding down, with the extended reservoir expected to be in use within three years of the opening of the proposed development.' These statements are potentially misleading and do not accurately convey what the planning permission for Crown Quarry permits, nor the stage of operations on-site.

It is uncertain what is meant by the statement that quarrying activities are 'winding down'. The permission has an end date of July 2028. Although naturally mineral extraction is a temporary development, the rate of extraction is not proposed to reduce as operations progress. The MIIA also states that 'the proposed development includes a substantial increase in the tree belt to the south, while actual operations at the safeguarded facility are closer to 235m south of Wick Lane'. The MWPA clarifies that the processing area for the extracted mineral is circa 235m from the proposed development but that the closest working is potentially 50m away from the proposed

development depending on the extent of the resource, which will be ascertained through progressive working. The red line boundaries of the two planning permissions are even closer than that.

Further, the mineral site is being worked anti-clockwise and one of the final extraction phases will be in the north-west, which is the closest part of Crown Quarry to the proposed development. Given indicative timelines, there is the potential for extraction to be taking place in the north-west of Crown Quarry after the development proposed under Application 20/00594/FUL would be operating. In addition, as the processing plant area is worked the likelihood is that mobile plant will be needed and chances are this will also be installed and used somewhere in the locality immediate to the proposed development, as it will be the only area available by virtue of not being in the process of being restored to a reservoir. As such, to say that the mineral development is 235m south of Wick Lane is not correct. As set out above, future extraction is currently permitted at a location approximately 50m from the proposed development.

It is also important to note that as part of the application permitting mineral extraction, the MWPA have secured, by way of legal agreement, that the open space around the reservoir is to become "public open space" which the public will have use of for at least 55 years after the reservoir is complete. This legal agreement needs to be considered in the context of the MIIA seemingly suggesting that there is only potentially three years overlap between the two permissions ('...the extended reservoir expected to be in use within three years of the opening of the proposed development'). As the determining authority, TDC will need to give consideration to the impact (if any) the proposed development may have on the quality and attractiveness of this public open space in the long term.

In this context, the MIIA statement that 'The proposed development will help to shield sensitive development to the north, residential properties etc., from any excess noise from the quarry.' is questioned, as the long-term use of the mineral extraction site as established through its agreed restoration scheme is that of public open space.

The MIIA also states that 'The proposed development is not a type of development that is likely to be particularly sensitive to the continued working of the quarry, as it is a commercial operation...The offices to the front of the development will be glazed with sufficient noise protection due to the close proximity of the strategic road network.' The MIIA concludes that 'The proposed development is not expected to suffer any sensitivity to the existing or future operations on the Crown Quarry site. Noise, air quality and visual impact assessments all took into account the safeguarded site during their evaluation.'

It is important that TDC as the determining authority is satisfied that all bespoke assessments associated with the proposed development sufficiently take the existing mineral workings/ permission into account. This includes the programme of mineral working, which has not been accurately captured in the AN, and which brings extraction closer to the proposed development over time.

Due to the existence of the mineral working, the proposed development is considered to be an Agent of Change for the purposes of assessing the provisions of NPPF Paragraph 187 and subsequently Policy S8 of the Essex Minerals Local Plan 2014. NPPF Paragraph 187 states that 'Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.' TDC must therefore be satisfied that the land use subject to Application 20/00594/FUL will not give rise to any potential incompatibility with the existing mineral operation as it is this proposed development that is the Agent of Change that will be required to demonstrate that any impact can be mitigated as part

of its planning application, and not the existing business.

Finally, the MIIA further states that 'The safeguarded development has been designed to minimise the impacts beyond the boundaries of that site with regards to noise, dust, odour, traffic, visual impact, and light. Nothing in the design proposals for this application changes that.' Whilst this conclusion is not disputed, and as alluded to above, it is noted that the existing business is not required to retrospectively take into account any change of local sensitivities brought about by the Agent of Change. To conclude, whilst the MPWA remove its holding objection with regards to this application, this is on the proviso that TDC is satisfied that any potential impact between the proposed development and the existing mineral development has been suitably assessed and mitigated ahead of permission being granted.

Environment  
Agency -  
(Initial  
response  
dated  
07.03.2022  
(following re-  
consultation  
and receipt of  
new  
information))

Thank you for your consultation. We have inspected the application and are maintaining the holding objections in our response dated 31 July 2020, referenced AE/2020/125343/01

#### Foul Water Disposal

We do not have enough information to determine if it is reasonable to connect to the foul sewer. Page 21 of the drainage strategy indicates the nearest foul sewer is in excess of 2km away. Basic checks we've undertaken indicate there may be a foul sewer within a closer distance to the site. The applicant should demonstrate that they have approached the local sewerage undertaker and provide their formal response regarding connection to the public foul sewer.

Information on the estimated total flow in litres per day of waste water, including any trade effluent should be provided. This information, along with supporting calculations will also help assess if it may be reasonable to connect to the public foul sewer.

#### Overcoming our objection

The applicant should thoroughly investigate the possibility of connecting to the main sewer or provide evidence to show why this is not feasible.

The applicant shouldn't automatically assume that an environmental permit will be granted to allow treated effluent from a package water treatment plant to be discharged into a nearby watercourse. If a permit were to be granted there may be a requirement for additional treatment to be provided.

The applicant may wish to consider parallel tracking their planning application with an environmental permit application. Pre-application advice can be obtained at: Get advice before you apply for an environmental permit - GOV.UK ([www.gov.uk](http://www.gov.uk)) Environmental permit applicants will need to demonstrate why it isn't feasible to connect to the foul sewer. Guidance on what information needs to be provided can be found in the application form and supporting guidance. These can be obtained via the pre-application advice service.

Advice for local authorities on non-mains drainage from non-major development -  
Advice for local authorities on non-mains drainage from non-major development -  
Planning Portal

#### Trade Effluent

Section 16 of the revised application form indicates trade effluent will be produced. The applicant should elaborate on this as the description provided appears to indicate

waste will be sorted and taken off site. It is not clear if the applicant is confusing general dry wastes with trade effluent.

Trade effluent includes any effluent which is discharged from premises used for carrying on any trade or industry, other than surface water and domestic sewage. The site plan in appendix A of the drainage strategy indicates vehicle washing will take place. Waste water arising from this activity is a trade effluent. The applicant should confirm how waste water from this activity be managed, treated and disposed of. The applicant should also confirm if there are going to be any activities in the buildings or elsewhere on site which will produce trade effluent.

#### Overcoming our objection

Further information needs to be provided to show how trade effluence will be dealt with and disposed of.

#### Further Advice

The suitability of draining the emission reduction substance (ERS) dispensing area to the foul drainage plan should be discussed and confirmed with the manufacturer of the package treatment plant as it could have a negative impact and the plant may not be able to treat this material. ERS are water soluble so won't be retained in a treatment plant. A site pollution incident response plan should identify what actions need to be taken in the event of a spillage of ERS.

We don't agree with the applicants statement in appendix G of the drainage strategy about most spillages being of compounds that do not pose a risk to the environment.

Certain food products can be highly polluting. The applicant should develop a pollution incident response plan outlining suitable response to all incidents which have the potential to cause pollution. We'd recommend that actions in this plan reference the principles of the pollution control hierarchy, guidance on which can be found at: Containment - ENP | NFCC CPO ([ukfrs.com](http://ukfrs.com))

The applicant should confirm that they have considered how any firefighting run off would be managed on this site. Firefighting run off arising from various food products has the potential to be highly polluting. A firefighting strategy should be developed in conjunction with the local fire and rescue service to plan how pollution could be avoided, for example using a controlled burn strategy and consideration of the feasibility of reusing any firefighting water. The applicant could consider the installation of penstocks on the outlet to the attenuation basin to prevent water discharging off site. We'd recommend the applicant considers installing isolation valves in the surface water drainage system to allow pollutants to be contained local to the source in the event of a leak or spill. Higher risk areas include delivery bays. Containing pollutants at or as close to the source follows the principles in the pollution control hierarchy.

Environment  
Agency -  
(Subsequent  
Response  
dated  
05/04/2022)

Following the submission of our previous response reference AE/2020/125343/02 dated 7 March 2022, we have had further discussion and correspondence with the applicant regarding this proposal. As a result of this we are now able to remove our previous holding objection

The applicant has calculated 10m<sup>3</sup> of treated sewage effluent will be discharged each day. Using this volume, we'd be asking them to consider connecting to the foul sewer if it was within 400m of the site, which it isn't and therefore we are satisfied with the arrangements for foul water disposal proposed.

Natural  
England  
11.08.2020

No objection - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Natural  
England  
03.02.2022

Thank you for your consultation.

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 11 August 2020 Reference 323828

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Suffolk Coast  
and Heaths  
Area of  
Outstanding  
Natural Beauty  
07.02.2022

Proposal - Full planning for food storage and distribution facility and associated parking, logistics yard and offices.

Thank you for consulting the AONB team on the above planning application.

The site lies 1.2km north of the boundary with the Dedham Vale Area of Outstanding Natural Beauty (AONB). In our response to the previous application, (20/00594/FUL), the AONB team raised concerns about the potential impacts of a similar type but larger development at this location on the setting to the Dedham Vale AONB. These concerns were driven mainly by the scale of the proposed development and the materials, namely the reflective metallic finish proposed to construct the warehouse in the scheme. The need for a Landscape and Visual Impact Assessment was also highlighted.

The AONB team welcomes that an LVIA has been completed to support the revised proposal. The AONB team broadly concurs with the conclusion in the LVIA regards potential impacts on the Dedham Vale AONB. I visited the site and AONB on 28 January 2022. The topography between the application site and the AONB boundary is flat but there is substantial intervening vegetation between the two areas as well as some development to the north of the site. Due to these factors, the AONB team concur that there is likely to be no inter-visibility between the application site and the AONB.

The walls of the warehouse will have a metallic finish comprising 'horizontal bands of colour in an ombre'. Given the scale of the warehouse, the colour selected will need careful consideration. While the site lies outside the AONB, (the boundary is 1.2km to the north) to assist the colour selection process the AONB team suggest reference is made to The Selection and Use of Colour in Development Guide for the Dedham Vale AONB. If an ombre design is not supported, the use of colour guide may be helpful for identifying an alternative block colour suitable for the warehouse at this location to help integrate it into the landscape.

It is not clear if the proposal will indirectly impact the Dedham Vale AONB by increasing the amount of HGV traffic passing through the nationally designated

landscape. The minor road network leading to and across the AONB is not appropriate in terms of scale to accommodate any significant increase in HGV traffic. Any such increase could adversely impact on tranquillity, one of the defining qualities of the AONB. The Local Planning Authority should satisfy itself that the scheme will not result in an increase in HGV traffic in the AONB, with a resultant erosion of tranquillity.

Lighting will be needed at this site and without careful consideration this could add to the growing sky glow from north Colchester, which is already visible from parts of the Dedham Vale AONB. The EIA Scoping Opinion (application ref 21/02042/EIASCOR) highlighted the need for wildlife sensitive lighting. The Revised Design and Access Statement prepared to support application 20/00594/FUL recommends the need for 'a Lighting Strategy to reduce the potential impacts on foraging and commuting bats and to maintain dark corridors.'

The AONB team fully supports the need for a Lighting strategy given the proximity to the AONB. The Design and Access Statement (DAS) makes no specific reference about the need to manage light pollution/spill within the setting to the AONB to help conserve Dark Skies. The DAS recommends installing a wildlife friendly lighting scheme at this site. While this would go some way towards managing light spill levels, any lighting scheme at this location should also be designed to avoid excessive upwards light spill and excessive sky glow to minimise light pollution. This approach will ensure compliance with emerging Local Plan policy PPL3 (The Rural Landscape). If the Local Planning Authority is minded to approve this proposal the need for a lighting strategy should be secured by condition.

The AONB team also recommends that the landscape mitigation measures referenced in section 6 of the LVIA are worked up into a detailed landscaping scheme and secured via condition if the scheme is approved.

ECC SuDS  
Consultee  
01.02.2022

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

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

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

#### Lead Local Flood Authority position

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

#### Condition 1

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

- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30

plus 40% climate change critical storm event. In case the half drain down time is more than 24 hours then demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.

- Although FFL level and existing ground levels were provided, however the proposed ground levels of the development were not provided. Provide a drainage plan which details exceedance and conveyance routes, FFL and proposed ground levels. Provide an updated written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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](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.

ECC Schools  
Service

Thank you for providing details of the above hybrid planning application for employment. I have calculated that the proposal would create a demand for 6 Early Years and Childcare (EY&C) places.

Please note that any developer contribution figures referred to in this letter are calculations only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation.

#### Early Years and Childcare

Essex County Council has a statutory duty under the Childcare Act 2006 to ensure that there is sufficient and accessible high-quality early years and childcare provision to meet local demand. This includes provision of childcare places for children aged between 0-5 years as well as wrap around provision for school aged children (5-11 or up to 19 with additional needs).

The proposed development is located within the Ardleigh and Little Bromley ward. According to Essex County Council's childcare sufficiency data, there are 5 early years and childcare providers within the ward. Overall a total of 30 unfilled places were recorded. As there are sufficient places available in the area, a developers' contribution towards new childcare places will not be required for this application.

Highways  
England  
02.03.2022

Reference: 20/00594/FUL

Location: land adjoining Ipswich Road and Wick Lane Ardleigh Essex

Proposal: Full planning for food storage and distribution facility and associated parking, logistics yard and offices. Outline planning to comprise further B8 distribution warehouses and offices.



National Highways Ref: 88616

Referring to the consultation on a planning application dated 15 July 2020 referenced above, in the vicinity of the A120 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A - National Highways recommended Planning Conditions & reasons);

Highways Act 1980 Section 175B is not relevant to this application.

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk) and may not determine the application until the consultation process is complete.

Annex A National Highway's assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a 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 20/00594/FUL and has been prepared by Mark Norman.

We have reviewed the technical information provided in support of this planning application. And we recommend the following conditions

1. Before any development on planning application 20/0594/FUL amended commences the developer shall have submitted and approved in writing by the local planning authority in consultation with Highways England the following design details relating to the required improvements to the A12 Junction 29. The scheme for traffic signals shown in outline on Intermodal Transportation drawing no IT2214/TA/04 titled Proposed Roundabout improvement, Ardleigh Deport for the Flying Trade Group PLC dated Jan 2021.

Scheme details shall include drawings and Documents showing:

- i. How the improvement interfaces with the existing highway alignment and carriageway markings including lane destinations
- ii. Full construction details relating to the highway improvement. This should include any modifications to existing structures or proposed structures with supporting analysis.
- iii. Full Signing and Lighting details
- iv. Confirmation of compliance with Departmental standards (DMRB) and policies (or approved relaxations/departures from standards)
- v. Evidence that the scheme is fully deliverable within land in the control of either the

applicant or the Highway Authority.

vi. An independent Stage 2 Road Safety Audit (taking account of and stage 1 Road Safety Audit recommendations carried out in accordance with Departmental Standards (DMRB) and Advice Notes.

vii. A construction Management plan detailing how construction traffic will be managed.

2. The above scheme approved by the Local Planning Authority shall be implemented and completed to the satisfaction of the Local Planning Authority in consultation with the Highways Authorities and NO beneficial occupation shall take place unless and until the junction improvements shown in outline on Intermodal Transportation drawing no IT2214/TA/04 titled Proposed Roundabout improvement, Ardleigh Depot for the Flying Trade Group PLC dated Jan 2021 have been delivered and are fully operational.

3. The total floor areas of the development will not exceed

B2 Office space 1,300 SQM

B8 Warehouse 16,188 SQM

4. No part of the development hereby approved shall be brought into use unless and until the Travel Plan has been approved in writing by the Local Planning Authority who shall consult with Essex County Council and National Highways as Highways Authorities.

The Travel Plan shall be in line with prevailing policy and best practice and shall as a minimum include:-

- The identification of targets for trip reduction and modal Shift
- The methods employed to meet these targets
- The mechanisms for monitoring and review
- The mechanisms and review
- The penalties to be applied in the event that targets are not met
- The mechanisms for mitigation
- Implementation of the travel plan to an agreed timescale or timetable and its operation thereafter
- Mechanisms to secure variations to the Travel plan following monitoring and reviews

A travel plan is required to encourage sustainable travel behaviour to and from the proposed development in accordance with national planning policy to encourage sustainable travel and to ensure that the A12 continue to serve its purpose as a part of a national system for through traffic in accordance.

Reason: To ensure that the A12 and A120 trunk roads continue to serve their purpose as a part of a national system for through traffic in accordance with Section 10 of the Highways Act 1980, and to satisfy the reasonable requirements of road safety.

The National Highways 'Informative' re S278 agreements dated in respect of planning application 20/00594/FUL relating to the development known as warehousing Ardleigh, is attached and should be appended to any subsequent planning permission'

Essex County  
Council  
Ecology  
(final

We have reviewed the Amended Preliminary Ecological Appraisal (Iceni Ecology, April 2022) and Amended Landscape And Visual Impact Assessment (Arborterra, November 2021) to the likely impacts of development on designated sites, protected species and Priority species & habitats and identification of appropriate mitigation

comments dated 22 April 2022 following amended ecological and associated information provided by Applicant)

measures.

We are now satisfied that there is sufficient ecological information available for determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Amended Preliminary Ecological Appraisal (Iceni Ecology, April 2022) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly reptiles, nesting bird, bats, Badger, and Stag Beetles.

### Internal Consultees

Building Control and Access Officer  
25.03.2021

No adverse comments at this time.

TDC Economic Growth Team  
06.04.2022

Flying Trade Group PLC - Land Adjoining Ipswich Road and Wick Lane

Application No: 20/00594/FUL

The economic Growth Team supports this application in the view that the new the development would bring new jobs into Tendring for the residents of Tendring. The number of new jobs this development would create is unclear as many of the 348 jobs mentioned on the application form will be existing.

This application promotes the development of commercial space on (in part) a speculative basis (supported by an identified demand/need) and it is this approach that will assist in growing the district's economy and broadening Tendring's business base.

The site occupies a key location in close proximity to strategic transport infrastructure, making the site more attractive than employment sites in Clacton or Harwich. It is not thought that the development of this site would have any negative impact on employment sites or existing commercial activity.

Environmental Protection (EP)  
07.04.2021

20/00594/FUL - Land Adjoining Ipswich Road and Wick Lane, Ardleigh, Essex, CO7 7QL

Noise Impact Assessment

We would require a Noise Impact Assessment to be carried out by a relevantly qualified, competent person. This will need to focus on the impact from the proposed use for the site including B8 activities (Storage and Distribution).

Lighting

Any external lighting on the proposed development shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to neighbouring

residential properties. The applicant shall demonstrate compliance with the Institute of Lighting Professionals code of practice. ([www.theilp.org.uk](http://www.theilp.org.uk)).

#### Air Quality

With reference to the submitted Transport Statement, the proposed development will increase traffic flow by over 500 LVG's.

This total is above the threshold required for an air quality assessment as outlined within the planning guidance (Land-use Planning and Development Control: Planning For Air Quality, January, 2017 v1.2), which sets the level of change at 500 LDVs per day (as an annual average daily traffic flow) outside of an Air Quality Management Area (AQMA). There are no AQMAs declared within the Tendring District. There are residential receptors located on Old Ipswich Road (slip off the A12) which have the potential to be impacted.

The Environmental Protection team also ask that the agent / applicant confirms the levels of HGV movement from the proposed site.

Due to the significant change in traffic flow within the local area, the Environmental Protection team ask that the applicant undertakes a detailed air quality assessment to assess compliance with the UK air quality objectives for consideration with this application.

Reason: To prevent people from being exposed to unacceptable levels of air pollution.

#### Construction Phase

Prior to the commencement of any demolition and/or construction works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Pollution and Environmental Control.

##### - 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

The historical use of the site indicates potential land contamination, we are requesting that a watching brief for signs of contamination is kept during groundworks. If visual / olfactory signs of contamination are identified the Local Authority must be notified, works should stop and a risk assessment be undertaken and submitted in writing to the Local Authority. We have no objections to the discharge of this condition, and request the above comments are noted.

Environmental  
Protection  
03/02/2022

#### Air Quality

EP have reviewed the air quality assessment carried out by Ardent dated 2021. The report highlights that the impact from operations is 'negligible' and will have 'no significant impact'. EP have no comments to make in relation to the report and agree with suggested mitigation outlined in part 6.0 relating to the construction phase. This should be implemented in their construction method statement.

#### Noise

EP have reviewed the noise impact assessment carried out by Pace Consult dated 22<sup>nd</sup> October 2021. The report concludes that the noise generated from operations would be considered 'negligible' and having a low impact at the nearest resident. Environmental Protection have no further comment to make in relation to this

All other comments made by Environmental Protection on 7<sup>th</sup> April 2021 relating to Lighting, Construction Phase and contaminated land remain the same

TDC Tree &  
Landscape  
Officer – On  
landscape  
considerations:

(Officer Summary: *Objection*)

Commented as follows:

In terms of the impact of the development proposal on the local landscape character it is clear that it has the potential to have a significant and permanent harmful impact on both the character and appearance of the local landscape.

To quantify the degree of harm likely to arise from the development of the land is important to recognise the existing qualities and value of the landscape and to quantify the potential impact of the proposed development on the local landscape.

The Tendring District Council Landscape Character Assessment defines the area within which the application sits as the Bromley Heaths Landscape Character Area

(LCA). The development site is situated on the western boundary of the district and is immediately adjacent to land within the administrative boundaries of Colchester Borough Council. In this regard it will be important to obtain their views on the development proposal.

In terms of the impact of the development proposal on the setting of The Dedham Vale Area of Outstanding Beauty (AONB) it will also be important to secure the views of the Dedham Vale Area of Outstanding Beauty (AONB) Project Team. This is the body engaged, and funded by all local planning authorities with land designated as AONB to produce a Management Plan on their behalf. (it is a statutory requirement for local planning authorities to produce a management plan) That is; Essex County Council, Colchester Borough Council and Tendring District Council. Therefore considerable weight should be given to the views of the AONB team to ensure that the aims of the management plan are fully considered and where possible followed.

In order to assess the impact of the development proposal on the local landscape character the applicant has submitted a Landscape and Visual Assessment (LVIA). The LVIA has been carried out in accordance with Landscape Institute and Institute of Environmental Management and Assessment guidance contained in the Guidelines for Landscape and Visual Impact Assessment Third Edition 2013. The document identifies several locations (visual receptor viewpoints) from which the application site can be viewed. Two of these (n and o) being situated within the administrative boundaries of Colchester Borough Council.

The document accurately describes existing landscape character and qualities of the landscape. It identifies and records the potential impact of the development on the character of the landscape and the way that it is perceived and enjoyed by the public. It goes on to quantify the degree of harm to both the physical character of the landscape and its visual qualities. It contains information to show how design principles and soft landscaping will try to mitigate the harm.

It is recognised in section 7 Conclusions, of the LVIA that the development of the land will cause a degree of change to the local landscape character and its visual qualities. In effect this is describing the degree to which harm will be caused

In terms of landscape effects on landscape receptors the LVIA describes in section 7.4 the 'low sensitivity of the landscape elements and the medium magnitude of change' and goes on to say, in section 7.6, in relation to the effect on landscape character that 'the effect to landscape character is considered moderate due to the medium sensitivity of the landscape of the 'Bromley Heaths' and the medium magnitude of change to the wider landscape'.

It is also important to note that section 7.7 of the LVIA it makes it clear that the proposals beyond Phase 1 will lead to a far greater actual impact as a result of the cumulative effect of the development of the whole site.

It is considered that the size and scale of the current development will result in a permanent harmful effect on landscape character changing land from agriculture to industrial with a building of such a size that mitigation by way of soft landscaping cannot be effective. Further phases of the proposed development would extend and increase the harm.

In terms of the visual effects from residential properties sections 7.9 and 7.10 of the LVIA draws the conclusion that there will be only a slight/moderate visual effect. Nevertheless it is considered that the development proposal of a building 20m tall and covering 7 hectares; leading to a completed site covering 18 hectares, will completely

and permanently change the visual qualities of the local landscape and living experience for local residents.

The impact of the development for users of Public Rights of Way (PRoW) is described in section 7.11 of the LVIA and states that 'two footpaths are considered to have high sensitivity; the magnitude of change is medium for users of Footpath 1 for a short section of the PRoW, leading to a substantial/slight effect on views. There is a moderate slight effect on a short section of Footpath 2.

The views from the PRoW's are fairly distant and the extent of the development may not be fully apparent from these locations however the size and scale of the 20m tall main building will 'loom large' in the landscape and be a dominant feature in its setting. The building will be visible from both PRoW's.

Section 7.12 addresses the impact of the development from Wick Lane but the designation of Wick Lane as a 'Protected Lane' does not appear to have been addressed in the LVIA. Special consideration must be given not only to views from Wick Lane but also to the impact of the development on the character and qualities of the protected lane.

On balance whilst the LVIA describes the impact of the development in accordance with recognised guidelines this does not fully reflect the permanent change to the local landscape character or the visual impact of a structure 20 tall in a semi 'rural setting on a development site covering 18 hectares.

The size and scale of the development is out of keeping with the local settlement pattern, even when taking into account existing adjacent uses of land. The height of the main building and the area of land covered by the development proposal would result in a complete and permanent change in the character and visual appearance of the area.

The harm caused cannot be adequately mitigated by soft landscaping although it is recognised that a degree of screening can be achieved and that there would be associated ecological benefits associated with new planting

TDC Tree & Landscape Officer – on Tree considerations – comments dated 2 Aug 2022:

The report provides an accurate description of the health and condition of the trees on the land and the extent to which they are a constraint on the development potential of the application site.

The AIA shows that all established trees will be retained along with other existing, important and valued landscape features, such as field boundary hedgerows.

In terms of vegetation removal the implementation of the development proposal will necessitate the removal of a short section of hedgerow adjacent to the Old Ipswich Road in order to facilitate vehicular access to the land.

In landscape terms the remnant hedgerow is not a significant feature in its setting and the minor harm caused by its removal can be relatively easily mitigated by new soft landscaping that can be secured by a planning condition.

An internal hedgerow of low quality containing small trees is also identified for removal. This feature does not have a significant positive impact on the local landscape character and its removal will not cause harm to the character or appearance of the countryside.

In essence, it is considered that it has been demonstrated, by way of the information

contained in the AIA, that the development proposal could be implemented without causing harm to the best trees and hedgerows on the land.

Details of soft landscaping should be secured by a planning permission attached to any planning permission that may be granted.

## **5. Parish Council Representations**

- 5.1 Ardleigh Parish Council objects to the proposal on the following grounds:
- 5.2 Precedent - Tending District Council as the Local Planning Authority (LPA) will also be aware that they are obliged, as decision-makers, to "approach similar cases consistently". The Local Plan has only very recently been adopted and if the LPA chooses to ignore its most important spatial policies, in the absence of compelling justification, then this will set a negative precedent for all similar cases throughout the rest of the plan period to 2033
- 5.3 The Parish Council is aware that TDC is a business-friendly authority and that the Local Plan could support employment development beyond site allocations. However, this still requires regard to be had to the settlement hierarchy - i.e. major employment development should be directed to higher tier settlements. If this development goes ahead in Tendring, it should be provided in a suitable and sustainable location within the district having regard to the plan led approach.
- 5.4 The applicant has been quoted in the press to emphasise that they will be bringing jobs to the area, but no attempt has been made to engage with the Parish Council on this (or any other) matter or to outline where it expects its workforce to travel from. As Colchester BC has pointed out, a relocation to a suitable and sustainable site could retain or increase all positive impacts of the development whilst substantially reducing the negative impacts. There is thus absolutely no compelling reason to ignore the settlement hierarchy in this instance. If the LPA would refuse a major housing development on this site (which they surely would - in spite of its multiple social and economic benefits - due to its unsustainable location) there is absolutely no good reason why they should take a different approach to major employment developments.
- 5.5 We reiterate our view that the applicant's sequential test falls far short of justifying this choice of site above any other more sustainable site in the district or beyond.
- 5.6 If refused, there is every chance that the applicant could find a more sustainable site in Tendring that still met all of the business's functional needs (e.g. access to the strategic road network) was more conveniently located for employees (e.g. close to urban centre like Harwich no in the rural countryside of Ardleigh/Langham) and had a far lesser impact on the countryside and landscape character.
- 5.7 Highways/Sustainability – The Parish Council note the comments received by Highways including the onerous conditions which they would expect to be met. We note that Highways have not made an assessment as to the overall sustainability and acceptability of the site as this would be a matter for TDC
- 5.8 "The (rural/remote) location is such that access to key active and sustainable public transport, facilities are limited and for the vast majority of journeys the only practical option would be the car. This should be taken into account by the Planning Authority when assessing the overall sustainability and acceptability of the site..."
- 5.9 Our Parish Council would wish to reiterate earlier comments regarding the unsustainability of the site and call on the Local Planning Authority to reject the application on these grounds (as well as numerous others).



- 5.10 In particular, we believe that the large increase in vehicle movements, including on the rural, single tracks, lanes in the immediate vicinity of the site (Wick lane, Harts Lane, Crown Lane North) would be inevitable; that proposals or conditions for minibus services/walking links/cycling/ public transport are simply not feasible or realistic; and that the Old Ipswich Road, which includes residential properties, could not sustain the increase in HGV movements.
- 5.11 The planning conditions proposed by Highways seem very onerous and we would question whether they are practical or achievable. If this application were to gain approval, we would pay very careful attention to the conditions and monitor any sign that the developer has not or is not complying with them. We would note that if the developer failed to comply with any pre-commencement planning condition they could invalidate their planning permission. We are aware of building work on part of this site where enforcement action led to retrospective planning permission and where conditions still do not appear to have been complied with.
- 5.12 In addition to the above, a very detailed objection letter has been submitted by Planning Direct on behalf of Ardleigh Parish Council, this letter is included as an appendix to the report. The Planning Direct letter objects on the follow grounds (summarised):
- Detrimental impact on planned Public Open Space (per approved application ESS/57/04/TEN
  - The development represents a very significant departure from the development plan.
  - The major employment and transport-related development would be sited in an unsustainable location
  - The application contains insufficient detail and clarity to enable its impacts (and potential dis/benefits) on local employment figures and the economy to be properly assessed.
  - The applicant's assertion that the development would assist to tackle a number of Tendring's social and economic issues is unfounded.
  - The development would entail the permanent loss of productive, best and most versatile agricultural land
  - The applicant has failed - by a considerable margin - to justify their claim that there are no other suitable sites available anywhere in the district or wider region.
  - The development would cause substantial and permanent harm to the character, appearance, quality and integrity of the affected rural landscape.
  - Harm to biodiversity
  - Harm to heritage assets
  - Net amenity impact
  - Air quality concerns
  - Noise concerns
  - Drainage issues
  - Concerned about further future development on the former 'phase 2' section of the site (to the north)
- 5.13 Officer comment: *All the above issues will be covered and where relevant, addressed in the 'Assessment' section below.*

## **6. Description of the site and surrounding area and the development proposal**

### **Site Description**

- 6.1 The application site is approximately 9 hectares in size and is located on the north eastern corner of Old Ipswich Road and Wick Lane. The site is broadly rectangular and is approximately 180m wide (measured approximately 50m setback along Old Ipswich Road) and 630m long (along Wick Lane). The A12 is located almost immediately to the west of Old

Ipswich Road and runs more or less parallel with Old Ipswich Road for the entire length (of Old Ipswich Road) and up to the A12/A120 interchange further to the south.

- 6.2 The majority of the central and eastern sections of the site currently comprises active agricultural land. Towards the western end of the site it suddenly changes character where it becomes brownfield in nature. The westernmost section of the site comprises of an existing commercial premises, Total Roofing Supplies (TRS) with its associated buildings, all facing Old Ipswich Road. The site as a whole is not allocated for any specific land use in the current up to date TDC Local Plan to 2033.
- 6.3 Old Ipswich Road runs directly adjacent to the majority of the western site boundary, whilst trees/hedgerows and scrub vegetation form almost the entirety of the southern boundary adjacent to Wick Lane, and hedgerows form the eastern site boundary. There is a private access road leading to dwellings and providing access to agricultural fields, located immediately to the east of the hedgerows along the eastern site boundary. The site is not within or near to a Conservation Area, although there are statutorily listed buildings further away (see details under the 'heritage assets' subheading below). Wick Lane is designated as a 'protected lane' in the 2013-33 Local Plan policies map and is a characterful single country lane with occasional passing places, and mature trees and hedgerows on both sides of the lane for almost its entire length. Some of the trees are substantial to very substantial in height, occasionally reaching heights of between 14-16 metres.

#### Description of Immediate and wider surroundings

- 6.4 In terms of the immediate and wider surroundings, the site is semi-rural in nature within an area characterised by mixed arable agricultural land, some detached residential properties and light industrial/storage and distribution uses, the latter predominantly located along Old Ipswich Road. There is a separate business (PRM Commercials) located on Old Ipswich Road essentially in front of the application site because the PRM Commercials site extends eastwards which results in an indentation along the western boundary of the application site. The PRM Commercials site clearly does not form part of the application site and it can therefore only be assumed that this business will continue to operate regardless of the outcome of this application. This business (PRM Commercials) specialises in truck/HGV repairs. The A12 has a strong audible presence in the area and is located a short distance to the west of the site beyond the light industrial units located along Old Ipswich Road, whilst further industrial premises in the form of SRC Aggregates are located beyond Wick Lane to the south of the site. In some areas along Old Ipswich Road the A12 also has a strong visual presence. Indeed due to the audible presence of the A12 as well as the predominant build form along Old Ipswich Road, the character of the area changes dramatically (from rural to a mix of light industry dominated by strategic and main distributor roads) as one gets closer to Old Ipswich Road from the east along Wick Lane.
- 6.5 To the west and south west (of the site) there are residential properties along Turnpike Close and the road linking Turnpike Close to Old Ipswich Road (going underneath the A12) – the properties along Turnpike Close are separated from the site by the A12 but are nevertheless reasonably close to the site (closest property approximately 90m away). To the east of the site (along Wick Lane) are residential properties and gardens, and several large arable fields that are enclosed by woodland making up the northern extents of Anglian Water's Ardleigh Reservoir. To the north the site is bounded by agricultural land as well as the south western boundary of the neighbouring industrial site located east of Old Ipswich Road. Further to the north there are residential properties with mature gardens along Hart's Lane, more arable land and paddocks for grazing horses. Approximately 400m north of the site is a small, wooded area (Birch Wood) and a watercourse lined by mature riparian vegetation that flows east towards Ardleigh Reservoir. Beyond this, woodland patches become increasingly frequent as the land rises to the north of the site towards Dedham Area of Outstanding Natural Beauty

(AONB) - the very nearest southern boundary (of the AONB) to the application site is located approximately 1.2km away from the site.

Immediate and wider surrounding area – land uses and environmental sensitivities

6.6 In terms of particular regard to cumulation with other existing development and/or approved development, in the vicinity of the site (especially along the east side of Old Ipswich Road) there are a number of industrial/storage/distribution uses to the north, and an Aggregates Site (SRC Aggregates) to the south. The application site and wider area is also a 'safeguarded sand/gravel area' and the site and wider area is an allocated mineral extract site as per the policies map of the 2013-33 Local Plan. Tendring District Council also recently approved planning permission (under planning reference 20/01783/FUL) for the construction of up to 30 'start-up' business units under flexible E(g), B2 and B8 use and associated development, at the Systematic Business Park on Old Ipswich Road immediately to the north of the site the subject of this application. The developer of this site is currently going through the process of discharging pre-commencement planning conditions.

6.7 In addition and for completeness, there are a number of environmental sensitivities found within the wider vicinity of the site and its immediate hinterland. These are summarised below:

Birch Wood Ancient, Semi Natural Woodland and Priority Habitat Inventory Deciduous Woodland	Located approximately 400m to the north
Kiln Wood – Ancient/Semi Natural Woodland and Ancient Replanted Woodland	Located approximately 882m to the west
Ardleigh Gravel Pit (SSSI)	Located approximately 2.5km to the south east
Bullock Wood (SSSI)	Located approximately 1.7km to the south
Cattawade Marshes SSSI	Located approximately 5km to the northeast.
Stour and Orwell Estuary RAMSAR and SAC and Cattawade Marshes SSSI	Nearest boundary located approximately 7.9km to the east
Ardleigh Reservoir catchment area	The application site falls within the Ardleigh Reservoir catchment area

Heritage Assets

6.8 There are a number of statutorily listed buildings in the wider vicinity, the nearest listed buildings to the application site are:

- Blue Barn Farmhouse along Harts Lane – located approximately 163m to the north east (measured from the north-eastern boundary of the application site) – the Systematic Business Park is located between the western section of the application site and the Blue Barn Farmhouse – the farmhouse is Listed Grade II
- Blue Barn Cottage on corner of Hart's lane and Old Ipswich Road - located approximately 152m to the north east (measured from the north-eastern corner of the application site) – the Systematic Business Park is located between the western section of the application site and the Listed Grade II Blue Barn Cottage – the cottage is Listed Grade II.

- Thorpe Ley, some 177m to the north of the north western corner of the application site – Thorpe Ley is located on the west side of Old Ipswich Road just to the north of the Hart's Lane junction – the building is Listed Grade II
- Bloomfields Farmhouse and Barn – this farmhouse complex is located some 400m due north east – measured from the centre of the northern boundary of the application site to Bloomfields Farmhouse – The Farmhouse and Barn are both Listed Grade II
- Wick Farmhouse and Barn adjacent to road at Wick Farm - located some 411m east – measured from the centre of the southern boundary of application site to the farmhouse and barn – Both Listed Grade II
- Clarke Farmhouse – Located on Harts Lane further to the north of the application site, and some 660m from the northern boundary of the site – Clarke Farmhouse is Grade II Listed.
- Fountain Farmhouse – Located some 1.2km to the east of the application site (measured from the centre of the southern boundary of application site to the farmhouse) – Fountain Farmhouse is Grade II Listed.
- Historic England's website indicates the presence of a Grade II Listed Milestone on east verge (along Old Ipswich Road) directly in front of the PRM Commercials site however this milestone is clearly not in place anymore. Historic images appear to suggest that the milestone was removed at some point after the year 2000.

The site is not located in a conservation area or located near a conservation area.

#### Connectivity/Road linkages bus stops

- 6.9 The site can be accessed from the A12 (south-bound) via a slip-road that leads directly to a T-junction on Old Ipswich Road. From the T-junction a 90 degree right turn followed by some 220m in a southern direction leads to the application site and the location of the proposed new access. Around 1.1km to the north of the site Old Ipswich Road terminates. Access from the site onto the strategic road network is possible via Old Ipswich Road (south-bound) where the A12/A120 (junction 29) slip-road is located some 750m from the south western corner of the application site. It is also possible for road traffic to access the A12 north-bound via an underpass (going underneath the A12) which is located a short distance to the south of the application site. The underpass links up with Turnpike Close which in turn provides access to the A12 north-bound and other local roads located to the west of the A12. Old Ipswich Road is not subject to a restricted speed limit and therefore the national speed limit of 60mph applies. There are currently no street lights along Old Ipswich Road, or along the adjacent A12 or indeed Wick Lane. Along the frontage of the site the carriageway of Old Ipswich Road contains a horizontal curve (looking northwards as one exit the site) which currently limits visibility. Old Ipswich Road is two-way in operation up to a point approximately 40m north of its connection with the A120 slip, whereupon it is one-way northbound.
- 6.10 Wick Lane is a characterful local rural lane providing vehicular connection into the village of Ardleigh which is located some 2.5km further to the east. Wick Lane is around 5.5m wide in the vicinity of the junction with Old Ipswich Road and there are no associated footways or street lighting. There is currently a sign restriction on Wick Lane, which prohibits HGVs weighing more than 7.5 tonnes.

#### Cycle Routes, Bus Stops and Railway Stations

- 6.11 There are no bus stops in the vicinity of the site or indeed within a reasonable or safe walking distance from the site. There are also no national cycle network routes, or any recognised local cycle routes close to the site. Much further to the south of the application site, Colchester

provides cyclists with a number of cycle routes options and proposals exist to create cycle facilities around the nearby A120 grade separated roundabout junction situated at the southern end of Old Ipswich Road. Old Ipswich Road is relatively lightly trafficked during most parts of the day and is considered suitable for use by experienced cyclist. Within a 5km cycle catchment area measured along the possible cycling routes along Old Ipswich Road, it is possible for the North and East areas of Colchester to be accessed from the site, as well as the village of Ardleigh.

- 6.12 The closest bus stop to the site is on the A1232 Ipswich Road (Balkerne Gate) immediately south of the roundabout junction with the A120 and Old Ipswich Road. This bus stop is around 1.8 km from the development site. The site is located around 6.3 km from Colchester Railway Station.

#### Footpaths and Bridleways

- 6.13 There are a number of public rights of way (PROW) and footpaths in the vicinity of the site, of note are:
- PROW 139\_33 to the north of the site (west of the A12)
  - PROW 54 (close to and to the west of the A12) and linking up with PROW 139\_33 above
  - PROW 19 (from Crown Lane North to Wick Lane – located further to the east of the site).
  - PROW 45 along Lodge Lane further to the west of the site and to the west of the A12
  - PROW 23 linking Birchwood Road with Harts Lane (further to the north of the site)

#### Proposal

- 6.14 The Proposed Development would include a large warehouse to be used as a food storage and distribution facility, with a height of between 16-20m, a width along the front (Old Ipswich Road elevation) of approximately 105m, a width along the rear of 60m, and an overall depth of up to 170m set in an extensive area of proposed hard standing. Additional soft landscaping is also proposed to improve biodiversity and will include additional planting especially along the southern boundary of the site and in the area around the balancing pool in the eastern section of the site, the latter which is designed to ensure surface water run-off cannot flood into the surrounding water courses. New access arrangements are proposed from Old Ipswich Road, including car parking as well as a large HGV yard to the rear (south east of the proposed warehouse building) with facilities for vehicle washing and re-fuelling. The proposal also includes the provision for a large attenuation pond for managing surface flows.
- 6.15 In detail a new access is proposed off Old Ipswich Road in a location between the existing PRM Commercials site and the Systematic Business Park (to the north). The existing access serving the roofing supplies business will be closed and sealed off as part of the development proposals. Other off site changes include improvements to the A12 Junction 29 interchange to include a scheme for traffic signals shown in outline on Intermodal Transportation drawing no IT2214/TA/04 as well other pedestrian crossing and carriageway widening improvement works also at the A12 Junction 29 interchange. These elements are proposed to be secured through either a section 278 agreement or section 106 agreement (to be considered in the main body of the report).
- 6.16 The main building will consist of a warehouse element as well as an ancillary office element (latter located to the front and will be used in connection with the main food storage and distribution warehouse). The building will be broadly rectangular in shape, it will have a very gently sloped roof (that will appear as a flat roof in reality) with Photovoltaic panels fitting on the roof.

6.17 The Applicant has provided a detailed explanation in sections 3 and 6 of their Planning, Design and Access Statement setting out the need for the development. In essence the warehouse is required because the applicant's business is growing and they have run out of storage and distribution space at their current facility in Harwich, the Applicant has put forward arguments for an urgent requirement for a new storage and distribution centre at the application site, and for the product lines owned by Flying Trade Group. It is understood that their current facility in Harwich would be 'redeveloped' to become mainly the food processing part of the business, however this latter element does not form part of the development proposal.

#### Evolution/Amendments to Proposal

6.18 When the application was first submitted in mid-2020 it was for a significantly larger scheme which included (in addition to the warehouse) up to 25,000sqm of B8 floorspace and up to 1750 B1 flexible/start up/business units on a much larger site of up to 18.5 hectares (to include land to the north, now removed from the site). Officers raised a significant number of concerns but specifically in respect of the overall scale of the proposal on the much larger site. In accordance with the NPPF/PPG and to ensure effective collaboration and seeking solutions it was agreed that the site area can be reduced and the scheme significantly reduced (compared to the original submission) and amended to take account of these concerns - all as part of wholesale amendments to the planning application originally submitted under planning reference 20/00594/FUL (i.e. this planning application). A subsequent revised application was made and full statutory and public consultations undertaken.

#### Assessment

6.19 As set out within the Town and Country Planning Act 1990 (section 70(2)) in dealing with planning applications the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. This is reiterated within paragraph 47 of the NPPF (2018). In accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, the application must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan is defined in section 38(3) (b) of the 2004 Act as "the development plan documents (taken as a whole) that have been adopted or approved in that area".

6.20 In the District of Tendring and having regard to the location of this site and the nature of the proposed development, the Development Plan consists of:

- 2013-2033 TDC Local Plan
- Essex Minerals Local Plan 2014 (MLP)

6.21 The statutory term 'material considerations' has been broadly construed to include any consideration relevant in the circumstances which bears on the use or development of land: *Cala Homes (South) Ltd v Secretary of State for Communities and Local Government & Anor* [2011] EWHC 97 (Admin); [2011] 1 P. & C.R. 22, per Lindblom J. Whilst accepting that the NPPF does not change the statutory status of the Development Plan, para 2 confirms that it is a material consideration and significant weight is given to this in determining applications.

6.22 The main issues to consider in assessing this application are whether there is any conflict with Development Plan policies. If there is any conflict, whether the application can be considered to be in accordance with the Development Plan when taken as a whole. If the application is not in accordance with the Development Plan, whether there are any material considerations which indicate that planning permission should be granted. The key and most important material planning considerations relevant to this development proposal are set out below followed by an assessment under each heading.

### **Principle of Development**

- 6.23 The key and most important local plan policy governing new development proposals in use class B2 (General Industry) and B8 (Storage and Distribution) is policy PP7 (Employment Allocations) in the Local Plan.
- 6.24 The site in question is not allocated for B2 and / or B8, and as outlined in the 'Site Description' section above the very westernmost section of the site (fronting Old Ipswich Road) is previously developed (brownfield) land and currently in use as a workshop/trade business (retrospective planning permission approved in March 2021 under application reference 21/00003/FUL for warehouse building for roofing trade supplies). The remainder and majority of the site is greenfield land, and currently in active agricultural use with a farm access off Wick Lane.
- 6.25 In terms of the most up to date TDC Local Plan, some 32ha of land in the district of Tendring is allocated for new development in use classes B2 (General Industry) and B8 (storage and Distribution) to support a diversity of employment opportunities, the majority of which has already obtained planning permission. These allocated sites are listed in Table 6.1 of the above mentioned policy PP7. The policy clearly states '*on these sites proposals for development in use classes B2 and B8 will be supported*'. The application site clearly does not feature in table 6.1 and the Applicant undertook a site based sequential assessment (titled 'Supplementary Sequential Test Statement') to review the suitability of all the allocated sites in the district of Tendring as outlined in table 6.1. The findings of which are assessed in the section directly below.
- 6.26 Notwithstanding the above, Policy PP7 goes on to state '*Proposals for new employment-related development on land outside of these allocations will be considered having regard to their potential to support economic growth in the district and the requirements of other policies in this Local Plan.*'
- 6.27 Having regard to the relevant section of the policy as outlined above, the principle of a new food storage and distribution facility and associated logistics yard and office in this location would not be positively supported by Policy PP7. However, Policy PP7 clearly envisages that proposals for employment related development may be acceptable on land outside of these allocations having regard to their potential to support economic growth in the district and the requirements of other policies in this Local Plan. The comment from Arleigh Parish Council and other third party contributories in respect of the settlement hierarchy in the local plan, the large scale nature of the proposal (major employment development) and that it should be directed to higher tier settlements, as well as general sustainability concerns, are noted. The remainder of this report will cover these matters, including the potential for the proposals to support economic growth and it will also assess the proposal against the other policies in the Local Plan in the sections below, including the site's overall sustainability credentials (or lack thereof). The overall balance of the planning considerations is further considered in the section on planning balance below.

### **Availability of other sites including allocated sites and local impact threshold (office floorspace)**

- 6.28 As stated above, some 32ha of land in the district of Tendring is allocated for new development in use classes B2 (General Industry) and B8 (storage and Distribution) to support a diversity of employment opportunities. Due to the allocated status of these sites they are considered to be better suited for a B2/B8 development proposal of this nature. It is mainly for this reason that the LPA asked the Applicant to undertake a site based sequential assessment (titled 'Supplementary Sequential Test Statement' - SSTS) to review the suitability of all six of the allocated sites in the district of Tendring as outlined in table 6.1 of policy PP7. The policy context/background and methodology used by the Applicant is set out in SSTS.

- 6.29 The LPA's position is that it was reasonable for the SSTS to focus on allocated sites in the administrative area of TDC only, as the primary purpose of, and intent behind the proposal is to enable the expansion of the business in the Tendring area, due regard is given to the fact that the business is already a Tendring based business with the current facility located in Harwich, and because of the area's proximity to the two ports of Harwich and Felixstowe. The Applicant has also looked at sites in the administrative area of nearby Colchester Borough. On the latter, the Colchester Local Plan (CLP) identifies a number of broad locations for employment land. Table SG3 in the CLP, entitled "Colchester Employment Land Supply 2017-2033" is produced on page 25 of the CLP, which was recently adopted as the Development Plan for Colchester Borough. Table SG3 identifies one Strategic Economic Area (SEA) designed for Industrial development, including B8 Warehouse and Distribution Use. The single SEA is Stanway, which is expected to deliver 5600 square metres of industrial land. The floorspace of the proposed warehouse alone would be in the region of 16,188 square metres, or roughly three times the size of the whole allocation at Stanway. The Applicant argues that the Stanway site is unsuitable due to its size.
- 6.30 However, table SG3 also identifies a number of Local Economic Areas, which are due to deliver a combined 31,037 sqm of industrial land, however this is over a broad number of sites. For instance, 13,959 sqm is to be delivered on sites described as Edge of Centre in Colchester Town Centre.
- 6.31 The total allocated industrial land for Colchester appears to total approximately 3.6ha. While North Colchester has approximately 10.4ha of allocated employment land, this includes the entirety of the existing Severalls Business Park, which is already developed. The Applicant has explained that the available land on this site is insignificant when compared to the size of the proposed development and that none of the other allocations is larger than the site area of the proposed development site.
- 6.32 As part of the evidence base for the Local Plan, Lichfields were commissioned to produce an Employment Land Supply Delivery Trajectory, which was delivered to the Colchester Council in May 2017. Appendix 2 contains a list of the 15 employment sites considered for allocation. None of the sites allocated for Industrial Use are large enough to accommodate the proposed warehouse, let alone the required development around them. The very largest proposed site is Stanway Lakelands West, which offers 16,084 sqm of industrial space – the applicant's position is also that this site is not large enough to accommodate the proposed warehouse and associated development.
- 6.33 In conclusion, the LPA has reviewed the arguments put forward by the applicant in respect of site availability in the administrative area of Colchester and accept these arguments.
- 6.34 Below is a list the allocated sites in TDC that has been assessed in the SSTS and a summary of the findings, as well as an overall conclusion.
- 6.35 Extension to Gorse Lane Industrial Estate – The SSTS concludes that this site is unavailable and not suitable in terms of its location, site layout and operational requirements. Neither the LPA nor the Council's Economic Development Team dispute any of the findings as set out in paragraphs 4.3 – 4.8 of the SSTS. The Council's Economic Development Team is in agreement that the site is too small to accommodate the proposed development and to make it functional for its intended use.
- 6.36 Land at Stanton Europark, Parkeston - The SSTS concludes that this site is not sufficient, unavailable and not suitable in terms of its location, site layout and operational requirements. The LPA disagrees that the site is not suitable in terms of its location– the site is conveniently located adjacent to the applicants' existing Harwich facility. The Applicant has explained that the layout of this site would make development of the whole site for the warehousing use



proposed significantly compromised however the site is 3.3ha in size and no evidence or supporting information has been provided to back up this claim, and no supporting information has been submitted to demonstrate how the site could be developed to function in tandem with their current site, which is directly adjacent. Notwithstanding this, the Council's Economic Development Team accepts the findings in the SSTS in respect of this site. In addition, the LPA is currently dealing with a separate planning application submitted by the owners of the Stanton Europark Site, for a 60 bed hotel, two office buildings, four drive through restaurants, four business units, and as part of ongoing discussions with the Applicants of application ref. 21/01240/FUL, they have indicated that they are not interested in selling the site to interested parties. As such the LPA agrees that the site is not available for these proposals.

- 6.37 Land at Harwich Valley, East of Pond Hall Farm, Dovercourt - The SSTS concludes that this site is not available and not suitable in terms of its location and operational requirements. The applicant has explained that the road infrastructure requirements would have made the site financially unviable for Surya Foods however no evidence has been submitted to back up this claim – as such the LPA is discounting this reason. The Applicant has also explained that the site lacks the convenient access to the A12 Strategic Trunk Road, requiring instead the detour from Felixstowe to Harwich, and thence back to the A12, in order to distribute to customers around the country. The LPA accepts that this latter element is a constraint and the desire for a location on or close to the A12 is one of the main drivers of the application for a new warehouse facility as set out in the 'Proposed Development' section above. The Council's Economic Development Team accept the comments in the statement, which have not been disputed by any other parties, and the LPA accepts that the site is not available for the reasons given in the SSTS.
- 6.38 Land of Clacton Road/Dead Lane, Mistley - The SSTS concludes that this site is not sufficient and not suitable in terms of its location and operational requirements. Although the Assessment Matrix in Table 1 of the SSTS indicates that the site is available, the Applicant explains in supporting text that the site is no longer available and the reason given (for its unavailability) is not clear, as such the LPA is unconvinced about the unavailable status of this site. Notwithstanding, the Applicant explained that the access to the site is poor and via country roads which would be unsuitable for the proposal the subject of this report. The Council's Economic Development Team agrees that the site has poor access. At 2.0ha in size the LPA also agrees that the site is insufficient in size to accommodate the development proposal in its entirety and from an operational perspective.
- 6.39 Crown Business Centre, Old Ipswich Road, Ardleigh – The SSTS concludes that this 2.3ha site is not sufficient and not suitable in terms of its site layout, environmental considerations and operational requirements. The supporting text (in paragraph 4.29 of the SSTS) states 'With the site being unavailable and in part subject to pending applications it is considered that it is not suitable. It is also unsuitable for the proposal of food storage facilities owing to its small scale of 2.31ha when the site size needed is in line with 9ha'. The Council's Economic Development Team sees no reason to disagree with the comments in the SSTS in respect of this site.
- 6.40 Land south west of Horsley Cross – The SSTS concludes that the site is unavailable, unsuitable, and not ideal from an operational perspective. In detail the applicant has explained in the SSTS that this site is now unavailable having been placed under offer with the view to being sold under the land agents Savills. In terms of its suitability criteria, the SSTS explains that its location along the A120 whilst still fully accessible, does add further travel time and does not provide a direct link to the main trunk road that serves Essex and Suffolk linking into the wider area and beyond. Whilst the latter may well be the case in terms of the application site, it will not be the case relative to the applicants existing site at Harwich, as such the LPA is discounting this so called 'travel time' constraint. Nevertheless, the Council's Economic Development Team confirmed that this site would have been a suitable site if the land was available, but also confirmed that their understanding is that the site have been sold, or is in

the process of being sold to a local company – therefore the LPA agrees that this site is not available.

- 6.41 Application site – Land adjoining Ipswich Road and Wick Lane, Ardleigh, CO7 7QL – The SSTS concludes that this site is sufficient, available, suitable in terms of its location, layout, environmental considerations and operational requirements. The justification for the above is given in paragraphs 4.36 – 4.42. Whilst the section above this section covers the 'Principle of Development', the remainder of this report will cover other material planning considerations such as the application site's suitability from an access and layout perspective as well as environmental considerations including operational requirements and other sustainability criteria.
- 6.42 Turning to policy PP4 (Local Impact Threshold), this policy states applications for retail, leisure and office (emphasis added) development outside of a centre as defined on the Policies Map, which are not in accordance with the Local Plan, will require an impact assessment if the development is over the following floorspace thresholds in the nearest defined Town Centre:
- a. Clacton – 929 sq.m gross floorspace
  - b. Frinton-on-Sea – 929 sq.m gross floorspace
  - c. Dovercourt – 250 sq.m gross floorspace
  - d. Walton-on-the-Naze – 250 sq.m gross floorspace
  - e. Brightlingsea – 250 sq.m gross floorspace
  - f. Manningtree – 250 sq.m gross floorspace
  - g. Harwich – 250 sq.m gross floorspace

(the nearest Town Centre to the application site is Manningtree at approximately 8km away (direct line measurement)).

- 6.43 A total of 1200sq.m gross ancillary office floorspace is proposed. The offices will be used in connection with the storage and distribution use applied for and as such the proposal is arguably not an "office development" within the meaning of Policy PP4. In any event, while no impact assessment for the office floorspace has been submitted, the office element is not considered to impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal, and the impact of the proposal on the vitality and viability on the nearby town centre of Manningtree, including local consumer choice and trade in other defined centres and wider catchment will be negligible in light of the ancillary nature of the office floorspace.

### Conclusion

- 6.44 In conclusion, the Applicant has satisfactorily demonstrated that the allocated sites in the administrative area of TDC, as well as potentially suitable sites in the administrative area of Colchester are either not suitable or available (or both) for the proposed development, and therefore non allocated sites, such as this, need to be considered on its individual planning merits.

### Economic considerations and potential for proposals to support economic growth in the district

- 6.45 The Applicant has put forward arguments that a significant number of new jobs (in excess of 300 jobs) will be created as a direct result of this development – the economic benefits insofar as direct and indirect job creation is concerned is considered to be significant and attracts significant weight.

- 6.46 The proposal will result in inward investment in the local economy and will add a very considerable sum to the local economy over the next decade – again significant weight is attributed to this economic benefit.
- 6.47 This proposal, if approved, will also secure jobs at the Harwich site, which would be redeveloped as the food processing part of the business – limited weight is attributed to this economic benefit as this benefit relates to a separate site.
- 6.48 During the construction stage (which will be in the region of 3 years), the Applicant anticipates that on average 14 construction jobs would be created each year. Estimates suggest an additional 23 indirect or induced jobs would be generated per annum associated with the construction, as a result of the increased spending on goods, suppliers, and services in the area. The total number of indirect and induced jobs from the construction stage is estimated at 70. The economic benefits in terms of job creation during construction are not therefore insignificant and attract moderate weight.
- 6.49 The relevant part of policy PP12 states ‘in granting planning permission for residential and non-residential developments, the Council will use Employment and Skills Charters/Local Labour Agreements to ensure that, as far as is possible and practicable, local contractors are employed to implement the development and that any temporary or permanent employment vacancies (including apprenticeships) are advertised through agreed channels to reach and prioritise local people.’ The applicant has agreed to use local contractors to implement the development (as far as possible and practicable) and that any temporary or permanent employment vacancies (including apprenticeships) will be advertised through agreed channels to reach and prioritise local people. These elements will be secured in a 106 legal agreement should planning permission be granted and attracts moderate weight as it will offer employment opportunities for local people.
- 6.50 In conclusion, the Applicant has clearly demonstrated that the proposal has significant potential to support economic growth in the district in accordance with policy PP7. It is also considered that the economic benefits in its entirety will be very significant and will include the retention of a large local employer within the district, securing a significant number of new jobs in the district, as well as safeguarding existing jobs in the district, there will be additional spend in the local and wider economy (as a result of the new job creation and other spin offs), the development will generate inward investment and add a considerable sum to the local economy over the next decade. The basket of economic benefits will therefore be substantial.

## **Ground Conditions**

### **Loss of Agricultural Land**

- 6.51 Former saved Policy EN4 of 2007 Local Plan sought to prevent the unavoidable loss of agricultural land, and loss of the best and most versatile agricultural land unless special justification could be shown. This policy was superseded with the adoption of the Section 2 Local Plan and there is no direct replacement policy.
- 6.52 Nevertheless, Paragraph 7.3.1 of the Section 2 Local Plan states that in order to promote sustainable development, in considering where to select sites for new development in this Local Plan, the Council has taken particular care to assess the value of the landscape and, where practical, allocate sites with the lowest sensitivity, thereby helping to protect valued landscapes and the best and most versatile agricultural land.
- 6.53 The Glossary to the Framework defines best and most versatile agricultural land as land in grades 1, 2 and 3a of the Agricultural Land Classification (ALC). Paragraph 174 a) of the Framework states that planning policies and decisions should contribute to, and enhance the natural and local environment by recognising the intrinsic character and beauty of the

countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

- 6.54 Paragraph: 001 Reference ID: 8-001-20190721 of the NPPG states, amongst other things, that planning decisions should take account of the economic and other benefits of the best and most versatile agricultural land. Paragraph: 002 Reference ID: 8-002-20190721 states that soil is an essential natural capital asset that provides important ecosystem services – for instance, as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution.
- 6.55 Whilst the Natural England Agricultural Land Classification map does not specifically layer the application site, the land immediately to the south (of Wick Lane) is grade 2 and grade 3 agricultural land. Based on this it would be reasonable to assuming that the vast majority of the site currently comprises grade 2 agricultural land (where Grade 1 is best quality and grade 2 is poorest quality). The westernmost part of the site is classed as brownfield land and therefore not currently or previously in agricultural use.
- 6.56 Natural England's guide to assessing development proposals on agricultural land states that Grade 2 – very good quality agricultural is:
- “Land with minor limitations that affect crop yield, cultivations or harvesting. A wide range of agricultural and horticultural crops can usually be grown. On some land in the grade there may be reduced flexibility due to difficulties with the production of the more demanding crops, such as winter harvested vegetables and arable root crops. The level of yield is generally high but may be lower or more variable than grade 1.”*
- 6.57 Having regard to all of the above, from the 'Likelihood of Best and Most Versatile (BMV) Agricultural Land - Strategic scale map Eastern Region (ALC020)', the site has a *high likelihood* of being BMV (grade 2). Moreover and as stated, from the post 1988 ALC Magic Map, some of the land opposite has already been confirmed as Grade 2.
- 6.58 In the absence of a field survey the Council cannot be 100% certain that the site is classed as Grade 2 agricultural land. The Applicant explained in supporting statements that the site is 'uncultivated' agricultural land. However officer site visits confirmed there is currently a summer crop growing on the land as such this characteristic put forward by the Applicant has no bearing on the assessment. The proposal, if approved, will clearly result in the loss of agricultural land and there is therefore conflict with Paragraphs 174 a) and b) of the Framework which weighs against the proposal. This loss will be weighed against other benefits (if any) of the scheme as part of the ultimate planning balance.

#### Archaeology

- 6.59 Policy PPL7 states (summarised) any new development which would affect, or might affect, designated or non-designated archaeological remains will only be considered where accompanied by an appropriate desk-based assessment. Where identified as necessary within that desk-based assessment, a written scheme of investigation including excavation, recording or protection and deposition of archaeological records in a public archive will be required to be submitted to, and approved by, the Local Planning Authority. The policy also states proposals for new development affecting a heritage asset of archaeological importance or its setting will only be permitted where it will protect or where appropriate enhance the significance of the asset. Where a proposal will cause harm to the asset, the relevant paragraphs of the NPPF should be applied dependent on the level of the harm caused. The final section of the policy states proposals for new development which are not able to demonstrate that known or possible archaeological remains will be suitably protected from loss or harm, or have an appropriate level of recording, will not be permitted.

- 6.60 The above planning application has been identified by ECC Archaeology as having the potential to harm non-designated heritage assets with archaeological interest.
- 6.61 The Essex Historic Environment Record (HER) and Tendring Historic Environment Characterisation Project, demonstrate that the proposed development lies within an area of archaeological interest.
- 6.62 The site lies to the north of Crown Quarry where archaeological investigations over the last 10 years have revealed multi-period archaeological evidence. Of significance are the remains of an extensive Late Iron Age (mid-1st century BC to mid-1st century AD) settlement which includes a large D shaped enclosure and annexe which was likely used for industrial activity. The Old Ipswich road follows the route of a Roman road which lies along part of the western site boundary and Wick Lane is a historic route.
- 6.63 The medieval and later remains at Crown Quarry relate to a field system and enclosures predating the existing field pattern. Cropmark evidence for historic agricultural activity in the adjoining field is revealed through aerial photography adjacent to Bloomfields Farm which dates from the medieval period. A lane once joined the farm at Bloomfields to Bluegates Farm which is no longer extant and crosses the development area.
- 6.64 The majority of the site has remained undeveloped and preservation of any archaeological remains would be good, the site has the potential to preserve archaeological remains associated with the adjacent Roman road and known medieval settlement and activity within the immediate area. Following a consultation with ECC Archaeology they have raised no objection to the proposal subject to a condition to secure a Programme of Archaeological evaluation prior to any development of preliminary groundworks undertaken. Subject to a condition to secure the above to be included (in the event that planning permission is granted) it is considered that the proposal result in no conflict with policy PPL7. Such a condition is considered to meet the NPPF tests and will be included in the event the officer recommendation is to approve.

#### Minerals and Waste

- 6.65 The entirety of the application site is located within an allocated mineral extract site and a minerals safeguarding area (MSA) as per the latest policies map for the West Tendering area, and therefore any future planning application for a development of this nature will be subject to Policy S8 of the Essex Minerals Local Plan 2014 (MLP). The MLP can be viewed on the County Council's website via the following link:
- <https://www.essex.gov.uk/minerals-waste-planning-policy/minerals-local-plan>
- 6.66 Policy S8 of the MLP requires that a non-mineral proposal located within an MSA which exceeds defined thresholds must be supported by a Minerals Resource Assessment to establish the existence, or otherwise, of a mineral resource capable of having economic importance. This will ascertain whether there is an opportunity for the prior extraction of that mineral to avoid the sterilisation of the resource, as required by the National Planning Policy Framework (Paragraph 210). The NPPF requires policies that encourage the prior extraction of a mineral where it is practical and environmentally feasible.
- 6.67 The area of land associated with the proposed development that lies within an MSA for sand and gravel is significant and exceeds the 5ha threshold upon which local resource safeguarding provisions are applied for this mineral. Policy S8 of the MLP therefore applies, and this states "...Proposals which would unnecessarily sterilise mineral resources or conflict with the effective workings of permitted minerals development or Preferred Mineral site allocation shall be opposed."

- 6.68 Following an initial objection from the Essex Minerals and Waste Planning Authority (MWPA) the Applicant provided further information as well as an Advice Note (AN) on the issue of Minerals and Waste. Following a re-consultation with the MWPA they removed their holding objection in those areas where it remained extant following its earlier correspondence dated 1st March 2022, and provided that TDC, as the determining authority, is satisfied that the development will not have an impact on the existing mineral operation at Crown Quarry.
- 6.69 The existing minerals operation at Crown Quarry is located on the south side of Wick Lane and east of Old Ipswich Road, the Crown Quarry site is very extensive and minerals extraction is currently ongoing. Access to the Crown Quarry site is also off Old Ipswich Road, but to the south of the Wick Lane junction as well as the proposed access to the application site. The impact of the proposed development on the local and wider road network is covered in detail in the 'Highways safety and Parking' section below, however in summary, it has been demonstrated, and confirmed by ECC highways that the proposal, subject to conditions and a legal agreement, will not result in an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The LPA is therefore satisfied that the proposed development will not have an impact on the existing mineral operation at Crown Quarry (see 'Highways Safety and Parking' section below).
- 6.70 The MWPA stated that if, as the determining authority, TDC considers that there is a need for the proposed development, the MWPA would not object to non-conformity with the part of Policy S8 relating to development in an MSA due to the restrictions placed on accessing the site to carry out the MRA, and if the economic benefits is deemed to outweigh the environmental considerations, then the MWPA's concerns regarding the minerals safeguarding will fall away. Officer comment: *The LPA is satisfied that the Application has sufficiently demonstrated a need for the proposed development, as outlined in their supporting documents, subsequently considered, assessed and confirmed in the relevant sections in this report. The 'Planning Balance and Conclusion' section of this report will weigh up the economic benefits versus the environmental and other considerations.*
- 6.71 The MWPA then raises a number of issues and inaccuracies in the Applicant's Minerals Infrastructure Impact Assessment (MIIA) which can be summarised as follows:
- The red line boundaries of the two sites (the application site and the minerals site) are much closer than what is stipulated in the MIIA
  - Future extraction is currently permitted at a location approximately 50m from the proposed development (and not further away as suggested in the MIIA)
- 6.72 The MWPA (as well as Ardleigh Parish Council) also wants TDC to give consideration to the impact the proposed development may have on the quality and attractiveness of the ultimate public open space around the reservoir that will be created in the long term – Officer comment: *These aspects are covered in the next section directly below.*
- 6.73 The MWPA wants TDC as the determining authority to be satisfied that all bespoke assessments associated with the proposed development sufficiently take the existing mineral workings/ permission into account. This includes the programme of mineral working, which, according to the MWPA has not been accurately captured in the AN, and which brings extraction closer to the proposed development over time, and that the proposed land use will not give rise to any potential incompatibility with the existing minerals operation – Officer comment: *other relevant sections in this report take into account the proposed development in the context of the immediate and wider surrounding area. The LPA agrees that minerals extraction will, over time, come closer to the development site, however Wick Lane is a permanent feature in the area and a clear separation between the application site and the minerals extraction site will remain in place, and the LPA has not been provided with any evidence which conclusively demonstrates that the proposed development, due to its location*

*to the minerals site, will, over time, impact on the effective workings of permitted minerals development to the south. The impact of the proposed land use on the character and appearance of the immediate and wider area, as well as on other land uses in the vicinity, is comprehensively covered in other sections of this report.*

- 6.74 Ultimately the MWPA concludes in their consultation response that they are removing its holding objection with regards to this application, but this is on the proviso that TDC is satisfied that any potential impact between the proposed development and the existing mineral development has been suitably assessed and mitigated ahead of permission being granted (officer comment: *latter elements to be covered in remaining sections of this report and in the 'Planning Balance and Conclusion' section*).

### **Impact on Area of Outstanding Natural Beauty and Landscape Character and Appearance**

- 6.75 The first bullet of relevant Policy SP7 states that new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 Part B criterion c) states that development must respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Amongst other things, criterion d) of Part B requires that the design and layout of development maintains or enhances important existing site features of landscape value.
- 6.76 Paragraph 7.3.3 of the Section 2 Local Plan states that as a largely rural area, Tendring District's countryside is one of its main assets and maintaining an attractive rural environment is important to the quality of life experienced by both residents and visitors. It can also be an important consideration for the location of some businesses and help to expand the tourist economy and related services.
- 6.77 Policy PPL3 is criteria based, and 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, including to:
- a) *estuaries, rivers and undeveloped coast;*
  - b) *skylines and prominent views including ridge-tops and plateau edges;*
  - c) *traditional buildings and settlement settings;*
  - d) *native hedgerows, trees and woodlands;*
  - e) *protected lanes, other rural lanes, bridleways and footpaths; and*
  - f) *designated and non-designated heritage assets and historic landscapes including registered parks and gardens.*
- 6.78 In addition, 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.
- 6.79 Paragraph 7.3.2 of the Section 2 Local Plan states that the Landscape Character Assessment (2001) (the LCA) identified 30 areas with different landscape characteristics and highlighted key sensitivities which need to be considered when assessing development proposals in the rural area. Proposals within the rural landscape should have regard to the LCA (and any subsequent updates) and protect and re-enforce historic landscape features and important characteristics identified within it.
- 6.80 In this case the proposal is located within the 7A 'Bromley Heaths' Landscape Character Area. The Bromley Heaths is an elevated plateau that extends from Colchester to Wix in the east and Thorrington in the south. One of its key characteristics is of large scale productive arable fields, divided by low, gappy hedgerows, where hedgerow Oaks stand out against the skyline. In general, the area is characterised by a low density, rural settlement pattern of scattered

farms, hamlets, villages and small market towns. The network of narrow lanes, such as Wick Lane, connects the scattered farms and villages.

- 6.81 While the agricultural plateau landscape is intensively cultivated and well maintained, the condition of hedgerows and woodland has been declining due to the loss of Elm, reduction in the need for stock proof field boundaries and lack of management of hedgerows and woodland. The LCA states that the landscape character is moderate and its condition is in decline. Amongst the aspects of change identified in the LCA is pressure for development on the edge of Colchester and large scale built development at major road junctions and some highly sensitive plateau edges, with potential for very high visual impact and light pollution.
- 6.82 The Landscape Management Strategy includes, amongst other things, the following guidance (in summary):
- Conserve shelter belts of native species such as Oaks and Poplar
  - Enhance the wooded character by promoting the creation of new native woodlands
  - Maintain historic lanes and unimproved roadside verges – resisting road improvements or widening that would threaten their rural character and biodiversity interest
  - Service facilities, factories or employment sites that use local materials and informal native planting are likely to have less impact on landscape character
  - Sensitive lighting schemes
- 6.83 Paragraph 130 b) of the Framework states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 130 c) states that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Amongst other things, Paragraph 174 a) states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

#### Effects of Development: AONB impacts and Long Distance views

- 6.84 Section 6 above provides a detailed description of the site and immediate and wider surrounding area.
- 6.85 The Tendring District Council Landscape Character Assessment defines the area within which the application sits as the Bromley Heaths Landscape Character Area (LCA). The development site is situated on the western boundary of the district and is immediately adjacent to land within the administrative boundaries of Colchester Borough Council. In this regard it will be important to obtain their views on the development proposal.
- 6.86 Starting with the areas directly due north of the application site, the southernmost boundary of the Dedham Vale Area of Outstanding Natural Beauty (AONB) is located due north of the site, the very nearest southern boundary (of the AONB) located approximately 1.2km away from the site. Due to this designation the LPA sought the views of the Dedham Vale AONB Project Team – their detailed comments are outlined in section 4 of this report. The AONB Project Team is concerned that the proposal will indirectly impact the Dedham Vale AONB by increasing the amount of HGV traffic passing through the nationally designated landscape and local roads in the designated landscape. Highways and Traffic impacts, as well as the impact of the proposal on the local road network are covered in the Highway Safety/Parking section below. In addition, the A12 is already cutting through a small section of the nationally designated landscape further to the north and it is anticipated that the majority of HGV traffic (associated with the proposed development) will access the site and facility via the A12 using either junction 29 or the off-ramp to the north of the site coming off the A12 when travelling in a southbound direction. It is therefore considered that the additional HGV traffic associated with this development will not directly or indirectly impact the Dedham Vale AONB.



6.87 In terms of other impacts of the proposal on the AONB, the topography between the application site and the AONB boundary is generally flat and there is substantial intervening vegetation and sporadic build form between the two areas, as well as existing and committed development along the A12 corridor to the north of the site. Due to these factors, it is considered that there will be no inter-visibility between the application site and the AONB. Subject to conditions to secure details such as a lighting strategy (to mitigate any impacts on the AONB) and facing materials, it is considered that the proposal will result in no conflict with PPL3 (f) (insofar as the impact on the AONB is concerned).

#### Long Distance Views

6.88 Panning around in a clockwise direction, in terms of areas due north-east of the application site, long distance views, including views from the public right of way (PROW) leading to Harts Lane, towards the proposed warehouse building will be limited due to substantial intervening vegetation and sporadic build form between the two areas.

6.89 General long distance views from the east will again be limited due to the topography of the land, vegetation and well established trees and hedgerows. There will be clear intermitted views of the proposed building from PROW 19 (from Crown Lane North to Wick Lane – located to the east of the site) – especially in the winter months. The size and scale of the 20m tall main building will 'loom large' in the landscape from these views and will be a dominant feature in its setting, the additional landscaping and other mitigation proposed (such as shaded white and blue cladding) will not effectively mitigate against the development from this view, thereby resulting in clear conflict with policy SP7, as well as policies SPL3 and PPL3.

6.90 General long distance views from the south east and south will be limited but nevertheless possible through gaps in hedgerows and due to the relatively open nature of the landscape between Wick Lane and the areas to the south and south east of Wick Lane. The proposal will result in moderate conflict with policy SP7, as well as policies SPL3 and PPL3.

6.91 General long distance views from the south west and west will again be limited due to the existence of intervening built form, the A12 and significant vegetation and tree belts. There will be clear intermitted views of the top of the proposed building from much further away and from PROW 45, Lodge Lane and other public accessible lanes and roads around Lodge Park Business Centre much further to the west (of the site). The proposal, due to its height and scale, will also have a moderate impact on the Colchester Borough Landscape Character Assessment Area B7 (CBLCA B7) and the Langham Farmland Plateau, and will therefore result in conflict with relevant policies in the Colchester Borough local plan. Colchester Borough Councils' request for a deep woodland shelter belt to the site frontage set behind a native hedge was put to the Applicant however it was explained that this mitigation is not possible due to the site constraints (the PRM Commercials site is in separate ownership and the proposed car park is located to the front, with the warehouse building significantly set back from Old Ipswich Road – this setback will in itself mitigate against bulk and scale impacts when viewed from the west). The effectiveness of additional landscaping and other mitigating measures generally are covered further below in this report.

6.92 General long distance views from the north-west will be limited due to the existence of intervening built form, the A12 and significant vegetation and tree belts. There will be clear views of the proposed building from PROW 54 (close to the A12) thereby resulting in clear conflict with policies SP7, SPL3 and PPL3.

6.93 In summary and insofar as long distance views and impact on the AONB is concerned, the proposal will result in no conflict with PPL3 (f). The proposal will however have a significant and permanent harmful impact on both the character and appearance of the local landscape

as seen from certain angles (as outlined above) and will result clear conflict with policies SP7 as well as SPL3 and PPL3.

#### Effects of Development: Localised/Close up views and impacts

- 6.94 Again, starting with areas directly due north of the application site, the proposed warehouse building will be clearly visible when the site is approached from the north along Old Ipswich Road and the A12. Existing built form (along Old Ipswich Road), vegetation and established trees and hedgerows will soften the impact, however due to the height (up to 20m) and the overall depth (up to 170m) of the proposed building, the proposal, especially the 'in depth' element will result in a permanent harmful effect on landscape character, changing land from agriculture to industrial with a building of such a size that mitigation by way of soft landscaping and use of material cannot be effective. Due regard is given to the 'Systematic Approval' on the site immediate to the north (of the application site), and although the approved Systematic business and warehouse units will have a similar overall projection in depth compared to the warehouse proposed under this application, the (Systematic) buildings are generally between 12m and 16m in height, broken up into smaller industrial and warehouse units (rather than one large expanse) and as such the proposed warehouse building at up to 20m in height will clearly project above these approved units (the pre-commencement conditions for the 'Systematic' approval are currently going through the LPA process of being discharged as such there is a high likelihood that the Systematic permission will be built out).
- 6.95 In terms of localised and close up views from the north-east, east and south-east, the proposed warehouse building will project up to 170m in depth along the Wick Lane elevation, and at its closest point will be set back approximately 16m from the southern (Wick Lane) boundary of the site, and set back approximately 20m (at its closest point) from the northern edge of Wick Lane itself. Between its south facing elevation and Wick Lane a landscape bund consisting of several trees of various species is proposed (exact details to be agreed as part of a landscaping condition should planning permission be forthcoming). The Wick Lane elevation is particularly sensitive due to its designation as a protected lane and its characterful countrylane appearance, as a result the proposal, especially the in depth part of the proposal, will introduce a permanent and very harmful effect on the local landscape character of this section of Wick Lane with a building of such a size. The existing trees along the western section of Wick Lane are generally 10-12 metres tall (although occasionally some of the more established trees are probably up to 16 metres tall), nevertheless, the trees will be ineffective in screening the 20m tall warehouse. Any future tree planting between the warehouse and Wick Lane (as proposed by the Applicant), whilst it will soften the buildings' impact, will also be ineffective in terms of screening it, again due to the sheer scale of the warehouse building and a very unlikely scenario where any of the new trees will grow taller than 10m. The proposal, due to its sheer size and location, will also have a detrimental impact on the future public open space area to be created around the future reservoir to the south of Wick Lane (the existing minerals extraction site) because the warehouse building will clearly be seen from this area. In terms of this impact, again the landscape mitigation along Wick Lane by way of additional soft landscaping will be ineffective due to the overall height and depth of the warehouse building and its relative position to Wick Lane (only 16m away from the southern boundary - at its closest point). The proposal will therefore result in clear conflict with policies SP7, PPL3 and SPL3.
- 6.96 In terms of localised and close up views from the west and north west, close up views of the development from these angles will be predominantly from the A12 (directly to the west of the site), from Old Ipswich Road directly in-front (to the west) of the site, and from the slip-road leading onto the A12 (northbound). Again the proposal will be clearly and highly visible from these angles, however in light of the ever changing character along Old Ipswich Road, and in particular the 'Systematic Approval' immediately to the north of the site (this approval will include 6 blocks of warehouse buildings of up to 9m in height along the Old Ipswich Road frontage and along its southern boundary), it is considered that a warehouse building, set back

(from Old Ipswich Road) by up to 80m, will not be intrusive in the streetscene to an unacceptable degree, but only insofar as the impact on the development on Old Ipswich Road and the immediate public realm to the west and north west is concerned, no clear policy conflict is identified in this regard.

- 6.97 Notwithstanding the above, in conclusion the proposal of this size and scale, with a height of up to 20m will loom as a large building in the immediately surrounding landscape and public realm and will be a dominant feature in its setting, contrary to the relevant parts of policies SP7, SPL3 and PPL3.

Other Material Planning Considerations for the Committee to take into account:

- 6.98 As set out within the Planning and Compulsory Purchase Act 2004 (section 38(6)) and the Town and Country Planning Act 1990 (section 70(2)) in dealing with planning applications the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations (emphasis added). The next section of the report turns to other material planning considerations insofar as the policy conflict identified above is concerned:

- It is considered to be inevitable that the effect of constructing a large warehouse and associated access, hardstanding areas, external structures on the site, as proposed, would not be to enhance the character of the landscape or local views. In addition, the frontage part of the site and its immediate surrounds is not particularly important from a landscape character perspective and is not considered to be particularly strong or sensitive to change. The in-depth part of the site along Wick Lane is nevertheless considered to be highly sensitive to a change of this nature and magnitude, and it is also in this area where significant landscape and character harm will occur.
- The site is situated within relatively close proximity of a number of existing landscape quality detractors including other industrial buildings along this part of Old Ipswich Road, ongoing minerals excavation sites (works to continue there for at least another 4-5 years) to the south and the A12 with its noticeable audible presence and visually fragmented presence as the site is approached from the north and west (especially during winter months). The character of Old Ipswich Road will also undergo change over the next 3-4 years in light of the approvals outlined in section 3 above.
- The form and appearance of this, and most other warehousing developments is driven by their function in terms of the need to provide a large open regularly shaped building envelope within which to store and distribute goods with relative ease, practicality and efficiency.
- The visual impact of the development, even at the scale such as the warehouse building the subject of this application, can be somewhat improved through good design in relation to the site layout and landscaping and building detailing. In terms of design quality considerations, and the assessment of whether the proposed scheme suitably addresses site constraints and opportunities, it is considered that the revised development scheme is of a relatively good standard, is responsive to the characteristics of the frontage part of the site and the setback from Old Ipswich Road will be effective in reducing the visual harm from longer distance views from the north, west and south west.
- The Applicant has made a strong case in favour of expanding the current business with its main operation in Harwich, whilst weight can be given to the need for the expansion, no weight is given to any improvements that will arise at the Harwich site because the LPA cannot secure these matters as part of this planning application considered on its own merits. The Harwich facility will remain fully operational under its current planning

restrictions, which will also remain unchanged. Members are advised to consider this scheme as before the authority.

To this effect the Applicant is proposing the following in mitigation:

- 6.99 Shaded white and blue cladding, additional landscaping, tree planting (along all the boundaries) and an attenuation pond along in the easternmost corner of the site are proposed, as already stated, the additional landscaping and tree planting will be largely ineffective in screening the development due to its sheer size, especially during the first 5-10 years after construction. The precise details of all these elements will provide low to moderate levels of mitigation and can be secured by way of suitably worded planning conditions.

### Conclusion

- 6.100 The development would clearly be seen and would cause moderate to high levels of harm to landscape character from most viewpoints. Due to the scale and bulk of the warehouse, the degree to which this would affect the public's use and enjoyment of the surrounding countryside is likely to be significant. It would also result in localised and wider harm to the character and appearance of the area, again by virtue of the mass and scale of the development. The harm is lessened by the site's context on Old Ipswich Road but worsened due to its corner location and the characterful and protected Wick Lane running along the southern boundary. Overall, the level of harm would be moderate to significant depending on the viewpoint. This harm clearly weighs against the proposal.
- 6.101 It would not be possible to achieve complete screening with new soft landscaping, or effectively mitigate through the use of materials. However, annual growth of existing trees and the tree belt proposed along the southern 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, south and west of the site. While precise details of this additional landscaping can be made a conditional requirement, there would nevertheless be clear conflict with the relevant parts of policies SP7 as well as SPL3 and PPL3.

### Impact on Trees and Hedgerows

- 6.102 The vast majority of trees and hedgerows around the site will be retained, improved and strengthened, which is welcomed. The implementation of the development proposal will necessitate the removal of a short section of hedgerow adjacent to Old Ipswich Road in order to facilitate vehicular access to the land. In landscape terms the remnant hedgerow is not a significant feature in its setting and the minor harm caused by its removal can be relatively easily mitigated by new soft landscaping that can be secured by a planning condition. An internal hedgerow of low quality containing small trees is also identified for removal. This feature does not have a significant positive impact on the local landscape character and its removal will not cause harm to the character or appearance of the countryside. In essence, it is considered that it has been demonstrated, by way of the information contained in the AIA, that the development proposal could be implemented without causing harm to the best trees and hedgerows on the land. The proposal, subject to conditions, will therefore result in no conflict with any relevant policies insofar as the protection and enhancement of existing trees and hedgerows are concerned.

### Heritage

- 6.103 While there are no statutorily listed buildings within the site itself, the site is in proximity of several designated heritage assets, all Grade II listed, some of which are located in close proximity to its boundary, and potentially a number of non-designated assets. These heritage assets and their location relative to the site have been identified in the 'Site Description'

section above. The site is not located in, or close to any designated conservation areas to such a degree that the development could have an impact on such a designated conservation area.

- 6.104 In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), special regard must be paid to the desirability of preserving listed buildings potentially affected by the proposal, or their settings or any features of special architectural or historic interest which they may possess. Following Paragraph 193 of the Framework, great weight should be given to the conservation of these heritage assets.
- 6.105 Policy PPL9 states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric. Where a proposal will cause harm to a listed building, the relevant paragraphs of the Framework should be applied dependent on the level of harm caused.
- 6.106 Framework Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be - irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 203 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account - in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.107 ECC Heritage have reviewed the proposals and supporting information stating that the visual impact of the development on the affected heritage assets was assessed by the Applicant in their Planning Statement and judged to be low or neutral. Whilst ECC Heritage have not specifically stated whether the ultimate impact of the development proposal would be low or neutral or both, instead they (ECC Heritage) have confirmed that the residual impacts could be mitigated by existing and proposed additional landscaping along the site boundaries, including the insertion of a balancing pool at the south-east corner. Notwithstanding this position from ECC Heritage, the Applicant's Heritage consultant has reported low level adverse impacts on heritage assets.
- 6.108 Having regard to the two viewpoints outlined above, as well as the nature and scale of the development proposal, together with the proximity of several listed buildings in relation to the application site, especially the Grade II Listed Buildings at Bloomfields Farmhouse and Barn and Wick Farmhouse and Barn adjacent to road at Wick Farm (exact proximities of all nearby listed building outlined in the 'Site Description' Section above), ECC Heritage position that residual impacts could be mitigated by existing and proposed additional landscaping along the site boundaries, including the insertion of a balancing pool at the south-east corner, is noted. However landscaping takes time grow, or planting is not always 100% guaranteed to grow and LPAs are duty bound under the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the short, medium and long term harm for Listed Buildings. For these reasons the LPA's stance is that the proposal will result in low levels of adverse impacts (i.e. a low level of 'less than substantial harm') on the Grade II Listed Buildings mentioned above, but also to a lesser degree some very low levels of harm to the listed buildings at Thorpe Ley, Blue Barn Cottage and Blue Barn Farmhouse, all to the north, and because there are existing intervening and approved development between these listed buildings and the application site further to the south.
- 6.109 Following on from the above, paragraph 202 of the Framework states where a development proposal will lead to less than substantial harm to the significance of a designated heritage

asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

6.110 In terms of public benefits, the proposal will:

- Generate inward investment in the local economy and will add a very considerable sum to the local and wider regional economy over the next decade – in terms of the heritage balance only moderate weight is attributed to this public benefit because such a benefit will be forthcoming on any other site.
- The proposal will create a considerable number of direct and indirect jobs both as part of the construction phase and the ongoing operational phases of the development (if approved) – again in terms of the heritage balance only moderate weight is attributed to this public benefit because the job creation benefit will be forthcoming on any other site.
- The proposal will result in a food warehouse and distribution facility in a location that is reasonably accessible in terms of its proximity to the A12 and the wider strategic road network, this will assist in food security and more cost-effective food distribution across the UK food distribution network, which will result in a very modest public benefit for the ultimate end users of food (i.e. the wider public).

6.111 Collectively the public benefits outlined above is considered to outweigh the low and very low levels of less than substantial heritage harm as identified. Notwithstanding this position, a condition to secure a schedule of drawings that show details and specifications of proposed landscape at appropriate scales to further mitigate, remains necessary and reasonable and will be required to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any works on site. In the event that planning permission is granted it is considered necessary and reasonable to impose such a condition. As a result of all of the above, the proposal will result in no conflict with policy PPL9 and the relevant paragraphs of the Framework, in particular paragraph 202 as outlined above.

### **Effect on the Living Conditions of Neighbours**

6.112 The final bullet of Policy SP7 requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

6.113 Policy SPL3, Part B criterion e), requires that buildings and structures are designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents. Part B, criterion f), necessitates provision is made for adequate private amenity space. Part C, criterion a), requires that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

6.114 Amongst other things, Framework Paragraph 119 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

6.115 Paragraph 174 provide that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.

6.116 Paragraph 130 f) includes that planning decisions should ensure that developments create places that are safe, inclusive and accessible, and which promote health and well-being with a high standard of amenity for existing and future users.

6.117 The nearest dwellings to the application site are situated along Turnpike Close (to the south west and on the opposite side of the A12) and further to the north along Old Ipswich Road. In terms of the former, the nearest dwelling on Turnpike Close is approximately 90m (direct line measurement) from the south western corner of the site, and the nearest dwelling to the north along Old Ipswich Road is approximately 110m from the nearest north western corner of the site. Due to the proposed layout and siting in relation to them, coupled with the degree of separation and the intervening open fields, hedgerows, trees and or roads and major trunk road, the proposal would not give rise to any unacceptable adverse effects on the daylight, natural light or privacy enjoyed by their occupants. Whilst the proposed warehouse building will be setback from the Old Ipswich Road frontage by at least 80m, and due regard is given to the intervening development of the existing built form on the Systematic Business Park (and the approved development), as well as the SRC Business Park to the south, however the proposed warehouse will nevertheless be clearly visible from these nearby properties (mentioned above) and will therefore have an overbearing impact in its prominence on these properties, especially those properties along Turnpike Close, therefore resulting in conflict with policy SPL3 and SP7.

6.118 There are also residential properties along Wick Lane likely to be impacted upon by the proposed development. These properties are located some 300m to the east of what will be the east facing elevation of the proposed warehouse. These dwellings will be separated from the proposed building by the proposed truck yard and storm water attenuation pond, it is again considered that the proposal would not give rise to any unacceptable adverse effects on the daylight, natural light or privacy enjoyed by their occupants. The warehouse building, by reason of its sheer scale will be clearly visible from the side windows and garden areas of the nearest properties along Wick Lane, especially during the autumn and winter months, and the HGV yard and associated lighting will be reasonably close to these properties, as such the proposal will constitute an overbearing feature when viewed from these properties, and the relative close proximity of the HGV yard and associated lighting will also result in light pollution during the hours of darkness for the occupiers of these properties. The light pollution can be mitigated to some degree by way of a tailored designed lighting scheme (which can be conditioned to reduce impact), however the HGV yard and its inevitable requirement for lights is very likely to result in harmful luminance in this in depth location even with the most effective luminance mitigation because the existing streets and lanes are devoid from streetlights and the introduction of external lighting with the main purpose to provide luminance for a relatively large external HGV yard will be to the detriment of the residents to the east but also (to a lesser degree) those residents further to the north and north east of the site. Collectively these harmful elements (overbearing nature of proposed warehouse to nearest residential properties and light pollution from HGV yard) weighs against the proposal. Insofar as external lighting is concerned the scheme will therefore result in conflict with relevant parts of policy SPL3 and SP7 for the reasons given.

6.119 In terms of air quality, the Councils Environmental Protection Team reviewed the air quality assessment carried out by Ardent and raises no objection to the scheme from an air quality perspective subject to the mitigation measures, especially those set out in part 6 of the air quality assessment.

6.120 The specific air quality mitigation measures proposed by the applicant are: -

- Construction Management Plan
- A workplace travel plan
- Production and coordination of a Travel Plan - Travel Plan Coordinator Budget (per annum) - Travel Information Welcome Packs - Cycle Vouchers - Cycle Shelters - Provision for Electric Vehicle Charging - Bus Stop Improvements

- A free minibus service that will operate between the site and the Colchester Park and Ride and/or to and from the nearest bus stops (Old Ipswich Road – Balkerne Gate) during the AM and PM peak periods
- A Traffic Management Plan outlining a designated route to and from the development for all HGV movements via the Crown Interchange/ A12/A120 – to be secured in the s106
- A financial contribution (index linked) towards the feasibility, design and/or delivery of pedestrian/cycle improvements (or part thereof) between the development site and the existing cycleway network in North Colchester/ Colchester Business Park or the proposed cycleway network for North Colchester forming part of the Local Cycling and Walking Infrastructure Plan.
- Electric Vehicle charging points

- 6.121 In the event that planning permission is granted, it is considered necessary and reasonable to secure a number of conditions and a s106 legal agreement to secure the above in mitigating against the development.
- 6.122 In terms of noise and vibration, the Councils Environmental Protection Team reviewed the noise impact assessment carried out by Pace Consult dated 22<sup>nd</sup> October 2021 which concludes that the noise generated from operations would be considered ‘negligible’ and having a low impact at the nearest residents, in the main due to the presence of the A12, and to a lesser degree Old Ipswich Road, collectively the background noise generated by these will ensure that the noise generated from operations would be considered ‘negligible’ and having a low impact at the nearest residents. Neither the noise impact assessment nor Environmental Protection recommends any noise screening or barriers, as such it will be unreasonable to seek details of these as part of the application or indeed planning conditions.
- 6.123 The Applicants MIA statement explains that *‘The proposed development will help to shield sensitive development to the north, residential properties etc., from any excess noise from the quarry.’* The LPA has not given any weight or substance to this assertion because the longer-term use of the mineral extraction site as established through its agreed restoration scheme is ultimately that of public open space, as such the minerals extraction site will not remain in perpetuity. In any event, in the absence of any objection from the Councils Environmental Protection team it is concluded that, subject to conditions to including mitigation such as a construction method statement, the proposal is acceptable from a noise and vibration perspective.
- 6.124 In respect of general human health and wellbeing, the applicant has covered the relevant health and wellbeing elements in respect of noise, vibration and air quality in respective statements as well as a recently submitted health impact assessment.
- 6.125 The reduced scheme and accompanied reports and supporting information is considered to adequately demonstrate that the revised scheme would ensure that neither adjacent residents nor any other sensitive receptor would be unacceptably affected by adverse nuisance/ health associated with the noise, vibration impacts from the proposed development. Consequently, subject to the imposition of planning conditions to include details of a construction environmental management plan, car park management plan, and aside from the impact of lighting on the residents to the east and north east and the policy conflict already identified, a finalised lighting strategy/scheme for the development (to reduce already identified harmful lighting impacts), it is considered that the revised development can adequately mitigate the potential adverse environmental effects of the development in terms of human health, including noise and vibration. The Council’s Environmental Protection Team concur with the findings of the submitted noise and air quality reports and it is therefore considered that insofar as noise and vibration is concerned, the proposal accords with the relevant paragraphs of the NPPF and policies SP7, SPL3, and other relevant policies of the Tendring Local Plan.



## Highway Safety/Parking

- 6.126 The ninth bullet of Policy SP7 requires all new development includes parking facilities that are well integrated as part of the overall design. Policy CP1 states that proposals for new development must be sustainable in terms of transport and accessibility, and therefore should include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport. Part B of Policy SPL3, criterion a), requires that access to the site is practicable and the highway network will, following any required mitigation, be able to safely accommodate the additional traffic the proposal will generate and not lead to a severe traffic impact. Amongst other things, criterion f) requires adequate vehicle and cycle parking.
- 6.127 Paragraph 104 of the Framework states that transport issues should be considered from the earliest stages of development proposals, amongst other things, so that:
- a) *the potential impacts of development on transport networks can be addressed;*
  - b) *opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
  - c) *opportunities to promote walking, cycling and public transport use are identified and pursued;*
  - d) *the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
  - e) *patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.*
- 6.128 Paragraph 105 states that the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making
- 6.129 Paragraph 111 of the Framework makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.
- 6.130 Within this context, Paragraph 112 states that applications for development should:
- a) *give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
  - b) *address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
  - c) *create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*

- d) *allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) *be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*

6.131 Paragraph 113 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

#### Proposed access

6.132 The original scheme as first submitted proposed two access points for the development, to include a separate access for the distribution centre and car park, the latter being taken where the existing access for Total Roofing Supplies is located (this access will now be closed off as part of this latest revised application). So in terms of all vehicular, pedestrian and cycle access, this has now been reduced to one single access and exit point, to be located to the north of the PRM Commercials site, and to the south of the southern boundary of the Systematic site to the north. This sole access point is now proposed to serve the site at the request of the Highway Authority. Additionally the applicant arranged for further speed surveys (see 'Visibility Splay' section below) to take place on Old Ipswich Road following initially comments made by the Highway Authority dated 5 July 2021 (available on the publically assessable planning pages of the TDC website). These surveys were completed and submitted late in 2021. In terms of the overall AM and PM (peak) vehicular movements in and out of the site, this has been indicated to be in the region of 83 arrivals and 34 departures (AM peak) and 29 arrivals and 94 departures (PM Peak). 24 Hour access is proposed and between the hours of 6pm and 8am the estimation is that there will be up to 6 HGV movements in or out of the site, and up to approximately 20 car movements in or out of the site during these times.

#### Visibility Splays at proposed access point

6.133 The requirement for visibility splays at the single site access has been covered extensively within the Nov 2021 Transport Assessment (TA). In summary, paragraphs 3.5 to 3.8 of the TA explain how the speed surveys have been carried out in February 2020 and August 2021, this includes the location of traffic counters and derivation of visibility splays according to the 85<sup>th</sup> percentile speed traffic (this is the speed at which 85 percent of the drivers travel on a specific road segment), including the addition of a 2.5mph wet weather correction which has been confirmed by the ECC Highways Authority to be as robust as possible. This correction is added on the assumption that some traffic data was captured during wet weather thereby suppressing vehicle speeds and the correction provides a higher, dry weather road speed.

6.134 In terms of the specifics around the proposed visibility splays, the visibility splays at the proposed access have been indicated in Drawing IT2114\_TA\_102. The splay to the right (as one will be exiting the site) is calculated on the basis of southbound vehicle speeds of 32 mph recorded during the Feb 2020 survey. Similarly, the splay to the left was calculated on the basis of northbound vehicle speed of 43.4mph recorded during the latest survey in Aug 2021. A second survey was commissioned at the request of the highway authority to better understand the speed of vehicles travelling at the extent of the visibility splays that could be achieved. The Applicants' Highways Consultants have based the visibility splays directly on the speed survey results rather than what can physically be achieved on the ground. The Highways Authority has confirmed that this approach is acceptable.

- 6.135 The 2.4m x 66m visibility splay to the right, and as indicated on drawing IT2114\_TA\_102 is acceptable to the Highways Authority given the lower average speeds along this section of the road, and subject to the successful implementation of a new 40mph speed limit. While the proposed visibility splay is acceptable, it may be possible that, with the removal of the vegetation from the site frontage (all within ECC highways land) and with the implementation of parking restrictions (see section below), the maximum visibility to the right (North) could increase to 2.4m x 160m, compared with the stated 2.4m x 66m. The 160m distance to the north is the maximum that can be achieved within the highway based on the Highway Boundary information provided. So a maximum distance of 160m can be achieved within the highway based on information provided and subject to the clearance of vegetation on the highways verge (latter will be covered by planning conditions).
- 6.136 In terms of visibility to the left (South), the maximum visibility splay achievable would be slightly more at 2.4m x 110m. The highway boundary across the PRM commercials frontage has been investigated and notwithstanding the occurrence of roadside parking in this area (covered below) the Highway Authority are confident this visibility splay can be delivered subject to conditions to, amongst other, ensure the road junction / access at its centre line shall be provided with minimum clear ground visibility splay with dimensions of 2.4m x 160m to the north of the access junction, and 2.4m x 110m to the south of the access junction, as well as the existing access at Total Roofing Supplies north of Wick Lane suitably and permanently closed.
- 6.137 Although Old Ipswich Road is currently subject to a 60-mph speed limit, the speed surveys have shown that 85<sup>th</sup> percentile average speeds on this section of the road are significantly lower than 60-mph so that a relaxation in the length of the visibility splays is considered to be acceptable by the Highways Authority. Since the recorded traffic speeds at this location on Old Ipswich Road are significantly lower than the national speed limit of 60mph, the highway authority additionally required the developer to fund a 40 mph speed limit, which the developer has agreed to. Not only will a reduction in the speed limit along this stretch of Old Ipswich Road result in an safer access/exit point and safer road conditions along this road generally, it will also reflect the speed at which vehicles currently use Old Ipswich Road, and the change in environment to a developed rather than rural frontage along the western side Old Ipswich Road. A lowering of the speed limit will also make the position taken by ECC Highways more robust in respect of the relaxation in the length of the visibility splays for what is currently a 60mph road. A change in speed limit is also supported by the stage one road safety audit, reference 2.3.1 in the attachment. As a result, and for all these reasons, a developer contribution towards, and successful implementation of a reduction in the speed limit from 60mph to 40mph along this stretch of Old Ipswich Road would meet the NPPF tests and will be secured in a section 106 legal agreement in the event that planning permission is granted. The reduction in the speed limit scheme is to be agreed in writing by relevant Highways authority prior to commencement of any development, and the agreed scheme shall be implemented in full before the development hereby approved is first brought into use.
- 6.138 It should be noted that there is no guarantee that a future reduction in the current speed limit will actually realise in the area because the implementation of this (or not) is subject to a process completely separate to the planning process, and will be subject to a separate consultation process. The Developer is aware of this and has accepted the risk.

#### On Street parking

- 6.139 Turning to the occurrence of general parking and operational conditions at the PRM commercials site, and general on street parking along Old Ipswich Road, these are existing road conditions, and parked cars and lorries in front of the PRM site as well as along Old Ipswich Road to the north have a high potential to obstruct visibility splays, and as a result, cause highways safety issues in the context of this application and specifically the new access proposed. It is therefore necessary to impose waiting and parking restrictions on Old Ipswich

Road either side of the site access junction and on either side of the Wick Lane junction and opposite each junction prior to the development being first brought into use, the extent of the restrictions to be agreed in advance with the Highway Authority. Such a requirement will have to be secured as part of a section 106 legal agreement as the LPA will legally require a financial contribution for this to realise. Similar to the financial contribution towards the lowering of the speed limit from 60mph to 40mph, in terms of the successful introduction of waiting/parking restrictions, there is no guarantee that the parking restrictions can be successfully implemented because this element is subject to separate processes and public consultation(s). However the successful introduction of both these elements as a combinational 'package' (lowering of speed limit and introduction of waiting/parking restrictions) has been confirmed by the Highways Authority as entirely necessary for the development to be acceptable in highway safety terms, and these schemes (the lowering of the speed limit and introduction of waiting restrictions) shall be agreed in writing by relevant Highways authority prior to commencement of any development, and the agreed schemes shall then be implemented in full before the development hereby approved is first brought into use. Again the applicant has accepted this risk.

#### Removal of car and lorry parking on Old Ipswich Road and implications on 85<sup>th</sup> percentile speed survey results

- 6.140 It is possible that removal of the car and lorry parking along Old Ipswich Road could influence recorded vehicle speeds and the required visibility splays. However the speed survey contained in the Transport Assessment (TA) provides 85 percentile speeds from weekends when the on street parking is unlikely to be in place to the extent it is on weekdays, and therefore more likely to reflect a situation where there is waiting restrictions on Old Ipswich Road. This has been reviewed and whilst slightly higher northbound 85<sup>th</sup> percentile speeds are recorded in February 2020 for a Saturday at 34mph and Sunday at 36mph and southbound 85<sup>th</sup> percentile speeds of 34mph, the visibility splays required within the highway recommendation would remain appropriate. This also appears to be supported by the additional August 2021 speed survey data. In any event, the reasoned officer position has already been indicated above which is that a change in the speed limit to 40mph is necessary for the development to be acceptable in highway safety terms.

#### Parking and internal road layouts

- 6.141 The proposed car park will be located between Old Ipswich Road and the west facing front elevation of the proposed development. The car park will provide parking spaces for 217 cars. In addition to the proposed car parking provision, the distribution warehouse would be provided with 50 HGV parking spaces, docking areas, together with manoeuvring space, all located to the north and east of the proposed warehouse. The proposed parking provision is in excess of the maximum provision in accordance with the ECC standards.
- 6.142 The Highways Authority raise no objection to the level of overall parking provided, and the internal road layout is also considered acceptable subject to conditions (which will be secured if this proposal is recommended for approval).

#### Impact on Road Network

- 6.143 The overall AM and PM (peak) vehicular movements in and out of the site has been indicated to be in the region of 83 arrivals and 34 departures (AM peak) and 29 arrivals and 94 departures (PM peak). The warehouse is proposed to operate on a 24 hour basis and as such, 24 hour access is proposed. Between the hours of 6pm and 8am the estimation is that there will be up to 6 HGV movements in or out of the site, and up to approximately 20 car movements in or out of the site during these times.

- 6.144 The location of the site is such that access to key active and sustainable public transport facilities are very limited and for the vast majority of journeys to and from the site (other than all the HGV journeys). By some considerable margin it is considered that the most popular travel mode option for workers at, and visitors to the site, would be the car. For example, due to the location of the site and the nature of the surrounding road network it is highly unlikely that any significant percentage of employees and or other visitors will find walking or cycling a viable or safe travel option to the new facility, unless they live in very close proximity to the site. For similar reasons travelling by bus or train will also not be an attractive option. Due to the site's location and the nature of the proposed use, it is therefore accepted that the vast majority of users of, and visitors to the site will use the private car as a mode of transport – these locational infrastructure shortfalls weighs against the proposal.
- 6.145 In mitigation and to promote sustainable transport, a workplace travel plan is proposed and considered to be necessary, the developer has also agreed to provide a free minibus service that it will operate between the site and the Colchester Park and Ride and/or to and from the nearest bus stops (Old Ipswich Road – Balkerne Gate) during the AM and PM peak periods. Also, a £15,000 financial contribution (index linked) towards the feasibility, design and/or delivery of pedestrian/cycle improvements (or part thereof) between the development site and the existing cycleway network in North Colchester/ Colchester Business Park or the proposed cycleway network for North Colchester forming part of the Local Cycling and Walking Infrastructure Plan has been agreed. Such contribution to be paid on commencement of development. (Payback 5 years). As mentioned above, the Developers also agreed to a financial contribution towards future speed reduction measures on Old Ipswich Road in the vicinity of the site will also result in very minor sustainability gains as this has the potential to make Old Ipswich Road less unattractive for cyclists and walking. The above measures will mitigate against the impact of the development and the location of the site and its general lack of key active and sustainable public transport options as well as lack of connectivity with existing sustainable transport infrastructure, which, as already stated, are all elements that weighs against the proposal.
- 6.146 Under normal road conditions it is accepted that the HGV movements associated with this development will either access the site via the slipway off the A12 (to the north) or junction 29 and then along Old Ipswich Road (when the site is approached from the south) – this existing infrastructure is considered to be suitable and will be able to cope with the HGV movements associated with this development. It is accepted that cars associated with this development will use the local road network to access the site, including Wick Lane, however in the absence of any objection from ECC Highways (on both matters – i.e. HGV movements and all other vehicular traffic) this is considered to be entirely acceptable, and the local road network is deemed to have capacity to take the additional car bourn traffic that will be generated by this development. As such, insofar as HGV and car movements are concerned, it is not considered that the proposal will have an unacceptable impact on the local road network, or that the development will have significant transport implications or that the residual cumulative impacts on the road network would be severe.
- 6.147 It is also important to note that with the single access proposed, the vast majority of vehicle movements out of the site would be to the left; given that Old Ipswich Road is in effect a cul-de-sac with no ability to access the trunk road network by turning right out of the site access. To the right of the site the only access is Harts Lane, that is single track and forms part of the local road network, and the southbound off-slip from the A12 (with no access onto the A12), as such there will be no reason whatsoever for HGV's to turn right out as one is existing the site.

#### Conditions and Obligations (Highways)

- 6.148 In the interests of highways safety conditions are necessary to include:

- A Construction Management Plan to include precise details of wheel and road washing facilities and all other measures covering the construction phase of the development;
- Closure of existing access at (Total Roofing Supplies) north of Wick Lane prior to the proposed new access into the site is brought into first beneficial use;
- Full design details relating to the required improvements to the A12 Junction 29, to include (amongst other details) a scheme for traffic signals shown in outline on Intermodal Transportation drawing no IT2214/TA/04 titled Proposed Roundabout improvement, Ardleigh Depot for the Flying Trade Group PLC dated Jan 2021.
- Other highways compliance conditions as set out in section 7.0 below

6.149 In terms of obligations, by way of summary, to promote sustainable transport and comply with the accessibility requirements of the development plan and the Framework, the submission of a workplace travel plan is necessary, such approved travel plan shall be actively implemented for a minimum period of 5 years and shall be accompanied by a one-off monitoring fee of £6,383 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5-year period. This requirement will be secured in a section 106 legal agreement in the event that planning permission is approved;

6.150 To also promote sustainable transport the Developer has agreed to provide a free minibus service that it will operate between the site and the Colchester Park and Ride and/or to and from the nearest bus stops (Old Ipswich Road – Balkerne Gate) during the AM and PM peak periods; the service and route will be agreed and finalised by both the developer and ECC as part of the Workplace Travel Plan. Provision of this service including the routing and frequency will be dependent on the demand for the service which will be monitored through the Workplace Travel Plan and employee surveys. Again this requirement will be secured in a section 106 legal agreement in the event that planning permission is approved;

6.151 A Traffic Management Plan shall be provided outlining a designated route to and from the development for all HGV movements via the Crown Interchange/ A12/A120 to be agreed in advance with the Local Planning Authority in consultation with the Highway Authority;

6.152 Financial contribution of £10,000 (to be index linked) towards the successful implementation of future speed reduction measures on Old Ipswich Road in the vicinity of the site (not restricted to but including the introduction of a 40-mph speed limit). This requirement will be secured in a section 106 legal agreement in the event that planning permission is approved. Scheme to be agreed in writing by relevant Highways authority prior to commencement of any development, and agreed scheme implemented in full before the development hereby approved is first brought into use.

6.153 A £15,000 financial contribution (index linked) towards the feasibility, design and/or delivery of pedestrian/cycle improvements (or part thereof) between the development site and the existing cycleway network in North Colchester/ Colchester Business Park or the proposed cycleway network for North Colchester forming part of the Local Cycling and Walking Infrastructure Plan. Such contribution to be paid on commencement of development. (Payback 5 years). This requirement will be secured in a section 106 legal agreement in the event that planning permission is approved; and

6.154 A financial contribution (covering the administration and advertisement costs of the Traffic Regulation Order as well as the costs of the actual alterations on the road) towards waiting and parking restrictions on Old Ipswich Road either side of the site access junction, on either side of the Wick Lane junction and opposite each junction, the extent of the restrictions to be agreed in advance with the Highway Authority. The scheme to be agreed in writing by relevant Highways authority prior to commencement of any development, and agreed scheme implemented in full before the development hereby approved is first brought into use.

- 6.155 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.
- 6.156 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 Policies CP1, DI1 and SPL 3, and the Highways and Parking SPDs, and the relevant sections of the NPPF 2021.

**Renewable Energy**

- 6.157 Paragraph 7.9.3 of the Section 2 Local Plan highlights that in 2019 the Council declared a climate emergency, committing it to the preparation of an action plan with the aim of making its own activities carbon neutral by 2030, and acting as a community leader to encourage communities and developers to reduce carbon emissions and tackling climate change.
- 6.158 Policy SPL3 states that all new development should incorporate climate change adaptation measures and technology from the outset including reduction of emissions, renewable and low carbon energy production, passive design, and through green infrastructure techniques, where appropriate. Under Policy PPL10, there is a requirement for all development proposals to demonstrate how renewable energy solutions, appropriate to the building(s) site, and location have been included in the scheme and for new buildings, be designed to facilitate the retrofitting of renewable energy installations.
- 6.159 Paragraph 112 e) of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 6.160 Paragraph 152 states:
- 6.161 *“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”*
- 6.162 Paragraph 157 states:
- 6.163 *“In determining planning applications, local planning authorities should expect new development to:*
- 6.164 *A - comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- 6.165 *B -take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.”*
- 6.166 The development will include solar PV panels on the roof of the proposed warehouse building, and the developer has explained that the array has the potential capacity to generate approximately 639,200kWh of electricity per annum. In addition, electric vehicle (EV) parking bays will be provided for users of the facility, promoting the use of sustainable means of travel for staff and visitors, at this stage the Applicant is proposing that 20% of the proposed spaces will have EV charging points. Provisions will be made to enable staff to cycle to work, with covered cycle stores proposed. A number of other sustainable measures and technologies are proposed such as air tightness and insulation of the buildings, water saving taps, lighting

strategy and construction materials. Subject to details (to be covered in a condition) it is considered that these measures are acceptable and in accordance with the policies quote above, as such it is considered necessary and reasonable to impose a condition to seek a renewable energy generation plan (REGP) in the event that planning permission is granted, such details in the REGP shall include measures that will be incorporated into the design, layout and construction aimed at maximising energy efficiency and the use of renewable energy.

### **Flood Risk, Surface water and Foul water Drainage**

- 6.167 Policy PPL1 states that all development proposals should include appropriate measures to respond to the risk of flooding on and/or off site and that on sites of 1ha or more, development proposals must be accompanied by a Flood Risk Assessment. Furthermore, all major development proposals should consider the potential for new Blue and Green Infrastructure to help mitigate potential flood risk and include such Green Infrastructure, where appropriate.
- 6.168 Policy PPL5 requires that all new development must make adequate provision for drainage and sewage treatment and should include sustainable drainage systems (SuDS). Applicants should explain and justify the reasons for not using SuDS if not included in their proposals. Furthermore, proposals for development must demonstrate that adequate provision exists for sewage disposal.
- 6.169 Policy SPL3, Part B criterion g), requires that development reduces flood risk and integrates sustainable drainage within development, creating amenity and enhancing biodiversity.
- 6.170 Paragraph 167 of the Framework provides that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

### **Flood Risk (general)**

- 6.171 The site is located in flood zone 1 (low risk of flooding – annual probability of flooding less than 0.1% in any given year from either fluvial or tidal sources) and gently slopes down from north-west to south-east (42.6m AOD along Old Ipswich Road reducing to 39.5m in the south eastern corner). The site's southern boundary is formed by an existing ditch with trees and hedgerows. Flows in the ditch following the local topography to the south-east. Ardleigh reservoir is located approximately 1 km to the south-east of the site. The proposal, located in Flood Zone 1, therefore passes the sequential test. Due to the aforementioned, it is not necessary to carry out the exceptions test and the proposal is therefore acceptable purely from a flood risk (sequential and exceptions test) perspective.

### **Surface water flooding and drainage**

- 6.172 In terms of surface water flooding and drainage, the site area is well above the 1 hectare threshold triggering consultations with the Environment Agency and ECC Suds. The vast majority of the site is currently greenfield with no existing areas of hardstanding or built form except along the westernmost section of the site. The development proposal clearly comprises a significant net increase in the total area of impermeable surfacing (as the majority of the site is greenfield). The existing and proposed (mitigated and unmitigated) surface water run-off rates have been calculated and summarised in Table 2 of the Applicants Drainage Strategy Report.
- 6.173 As part of the surface water mitigation strategy the Applicant is proposing a number of measures to include:



- An attenuation basin in the south east of the site (to the east of the HGV hardstanding/parking area. The basin is designed to ensure the site's sub-catchments will flow to this basin before discharging off site at a specified rate (see below)
- The main car parking area are to be laid as tanked permeable paving with a connection to the on-site attenuation basin
- Water flows from the roofs will be conveyed to the on-site attenuation basin via a piped network
- Surface water run offs/flows from internal roads are to be collected and conveyed to the onsite
- attenuation basin via a network of gullies and piped connections;
- Flows from the external hardstanding/service yard between the warehouse and the attenuation pond are to be directed towards linear drainage channels, and then to an interceptor, prior to reaching the on-site basin;
- AdBlue/Fuelling Point – this area is proposed to be under a canopy (i.e., covered) to manage/minimise any pollution risk. Surface water from the cover will be directed to the basin. The AdBlue will drain via a separate network as part of the proposed wastewater network. The Environment Agency raises no objection to these arrangements. The Applicant has also indicated that they liaised with Essex Policy who are content with these arrangements.

6.174 With these specific mitigation measures in place (where necessary and if recommended for approval, conditions will be included to secure these measures) the proposed drainage strategy will discharge surface water from the attenuation basin to the existing ditch located at the southern boundary at a rate restricted to the annual greenfield rate of 5.7 l/s. The Applicant has stated that the maintenance of the surface water management features will be undertaken by a private management company, and if recommended for approval this will also be secured by condition. Both ECC Suds team as well as the Environment Agency have raised no objection (subject to conditions) as such the proposal is considered to be acceptable from a surface water drainage perspective.

#### Foul/Wastewater management

6.175 There are no wastewater sewers in close proximity of the site (the nearest foul water sewer is situated in excess of 2 km to the north-west of the site). As a result of this constraint, a package treatment plant system is proposed. At this stage Klargest BioFicient 67H Foul Treatment Plant is proposed and is shown on Drainage Layout Drawing Number IE19/101/201 Rev P2, which is on page 54 and 67 of the report by J P Chick & Partners. The exact size and type of package treatment plant will be subject to detailed design by the specialist supplier/manufacturer and should this application be recommended for approval a condition requiring full details of the package treatment plant is considered to be necessary. The Environment Agency has confirmed they are satisfied with the arrangements for foul water disposal as proposed. In addition, all private drainage works have to conform to Part H of the current Building Regulations and British Sewage Standards (Drain and sewer systems outside buildings) BS EN 752.

#### Protected Areas, Species and Biodiversity

6.176 Local Plan Policy PPL4 requires that sites designated for their international, European and national importance to nature conservation will be protected from development likely to have an adverse effect on their integrity. The policy states that as a minimum there should be no significant impacts upon any protected species. The preamble to Policy PPL4 states that where a development might harm biodiversity, an ecological appraisal will be required to be undertaken, and the potential for harm should be considered and addressed in any application.

6.177 Policy SPL3, Part A criterion d), requires that the design and layout of development maintains or enhances site features, including ecological value.

6.178 Paragraph 174 d) of the Framework requires that planning decision should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 180 d) states that opportunities to improve biodiversity in and around developments should be integrated as part of their design.

6.179 Paragraph 180 states that when determining applications, local planning authorities should apply the following principles:

- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>63</sup> and a suitable compensation strategy exists; and*
- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

Sites of Special Scientific Interest (SSSI), including International, European and nationally important site for nature conservation

6.180 The site is not located in an area designated as a SSSI or in a SSSI Impact Risk Zone area. The nearest SSSI is Bullock Wood which is located approximately 1.7km to the south of the application site. Due to the location of the site some 1.7km to the north of the nearest SSSI, coupled with the nature and intent of the development proposal (a storage and distribution site with good access to the strategic road network – see 'Description of the site and surrounding area' section above), and the lack of any specific objection from Natural England or ECC Ecology in this regard it is considered that the proposal would not have any adverse effects on the nearest SSSI at Bullock Wood.

6.181 The Stour and Orwell Estuary RAMSAR (wetlands of international importance, designated under the Ramsar Convention) and Special Area of Conservation (SAC) sites are located some 7.9km to the east, again due to the location of the site some 7.9 km away and the lack of any specific objection from Natural England or ECC Ecology in this regard it is considered that the proposal would not adversely affect the integrity of these RAMSAR and SAC sites.

Impact on Protected Species

6.182 The eastern part of the site lies within an Amber Risk Zone for Great Crested Newts (GCN) and suitable habitats are potentially present in close proximity to the site, it is considered possible that GCN could be present. ECC Ecology advised that due to the type of development and area impacted, it is possible to manage potential impacts upon GCN using a precautionary method statement for GCN for the construction stage, including storage of materials. This precautionary method statement can be outlined within a Construction

Environmental Management Plan for Biodiversity which can be secured by a condition in the event that planning permission is granted.

#### Habitat, Ecology and Biodiversity Impacts

- 6.183 Given the close proximity of the surrounding habitat as highlighted in the Amended Preliminary Ecological Appraisal (Iceni Ecology, April 2022) and reviewed by ECC Ecology, it is considered that there is the potential for Reptiles, Badger other small mammals such as Hedgehogs and Stag Beetles using the site. It is therefore recommended that precautionary mitigation method statements during the construction phase should also be included within a CEMP and should planning permission be granted.
- 6.184 The Amended Preliminary Ecological Appraisal (Iceni Ecology, April 2022) also highlights that it is likely bats could be foraging/commuting within or close to the site, and ECC Ecology advised that specific design measures in respect of external lighting would be required. Notwithstanding the issues raised in respect of the impact of external lighting on residential amenity, if planning permission is granted it is considered reasonable and necessary to require full details of all external lighting to also include the specific design measures to minimise the impact on bats.
- 6.185 ECC Ecology also supports the proposed biodiversity enhancements which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). Should planning permission be granted it will be necessary and reasonable for the exact biodiversity enhancement measures to be outlined within a Biodiversity Enhancement Strategy which can be secured by a planning condition. Enhancements may include, but not limited to native species hedgerow planting, native tree planting, wildflower and grassland areas, as outlined in the Amended Landscape and Visual Impact Assessment (Arborterra, November 2021).

#### Conclusion

- 6.186 Both Natural England and ECC Ecology have reviewed the relevant information and appraisals as submitted and amended by the Applicant, both statutory consultees raise no objection subject to conditions to secure further details and mitigation. In light of the above, and provided suitable planning conditions are imposed in the event that planning permission is granted, it is considered that the proposal will result in no conflict with the identified policies outlined above.

#### Other matters

##### East Anglia Green/National Grid draft project

- 6.187 East Anglia Green is a proposal by National Grid Electricity Transmission (National Grid) to reinforce the high voltage power network in East Anglia between the existing substations at Norwich Main in Norfolk, Bramford in Suffolk and Tilbury in Essex, as well as connect new offshore wind generation. As part of these proposals East Anglia Green is proposing to build permanent new infrastructure and make changes to existing infrastructure in Babergh, Tendring and Colchester. The draft proposed route in the north Tendring area includes the application site and surrounding area extending eastwards. East Anglia Green ran a non-statutory consultation on their proposals between Thursday 21 April 2022 and Thursday 16 June 2022, the consultation is now closed. At the time of writing, East Anglia Green explained on their website that they will now analyse the feedback from local communities as they develop their plans further for East Anglia Green and aim to explain how they have taken feedback into account within a consultation feedback report, which will accompany a Development Consent Order (DCO) application. Due to the non-statutory nature of the consultation and the relative early stages in the development of the East Anglia Green project,

the weight that can be given to the proposed inclusion of the application site and surrounding area is very significantly reduced.

EIA Screening Opinion

6.188 The Environmental Impact Assessment Regulations (EIA) do not refer specifically to storage and distribution facilities. However, Schedule 2 includes at category 10(a) namely “Industrial estate development projects”. The site is not classed to fall within a ‘sensitive area’ as per the definition of sensitive areas as set out in Regulation 2 of the EIA Regulations. The site area exceeds the 5 hectare threshold, being around 9 hectares and is therefore captured by Schedule 2 of the EIA Regulations and therefore requires EIA Screening which has been submitted by the Applicant under TDC reference 21/02042/EIA. Having regard to the criteria set out in Schedule 2 and the PPG, the proposal and its location, the Council has concluded that the proposal is non-EIA development.

Public Consultation

6.189 Following 4 rounds of public consultation by way for letters to residents and businesses in the surrounding area (the first round of public consultation was for the much larger industrial development as originally submitted, the subsequent 3 rounds of public consultation were triggered following a significant reduction in the scheme and further amendments to overcome other statutory and local concerns). Up to 5 site notices were also displayed in key locations on Wick Lane and Old Ipswich Road. The application was also advertised in the local press. A very significant number of objections were received from third parties following all 4 public consultation exercises, the issues raised can be summarised as follows:

<p>- The development would result in the loss of environmentally valuable greenfield land, which should not be allowed, particularly where alternatives exist, including vacant units and brownfield land;</p>	<p><i>These matters have been addressed in the ‘Ground Conditions (Loss of Agricultural Land)’, ‘Principle of Development’ and ‘Availability of other sites including allocated sites and local impact threshold (office floorspace)’ sections above.</i></p>
<p>- The excessive scale of the building will be visually harmful and will harm the character of the surrounding area;</p>	<p><i>The above matter has been addressed in the ‘Impact on Area of Outstanding Natural Beauty and Landscape Character and Appearance’ section above.</i></p>
<p>- The excessive scale of the building floorspace and associated traffic movements would result in a high magnitude of impacts for local residents and the scale of the development should be reduced;</p>	<p><i>The above matters have been addressed in the ‘Impact on Area of Outstanding Natural Beauty and Landscape Character and Appearance’ and ‘Highway Safety/Parking’ sections above.</i></p>
<p>- There is no need for the development, there is adequate warehouse provision already (especially in Colchester area and along the A12 and A14 corridor) and there are a number of empty warehouse units;</p>	<p><i>The above matters have been addressed in the ‘Principle of Development’ and ‘Availability of other sites including allocated sites and local impact threshold (office floorspace)’ sections above.</i></p>
<p>- The development would result in significant ecological harm and loss of</p>	<p><i>The above matter has been addressed in the ‘Impact on Trees and Hedgerows’ and</i></p>

<p>trees/hedgerows; - The development would harm wildlife present within the local area;</p>	<p><i>'Protected Areas, Species and Biodiversity' sections above.</i></p>
<p>- The development would harm residential amenity through noise disturbance – particularly due to increased traffic and 24 hour operations;</p>	<p><i>The above matters have been addressed in the 'Effect on the Living Conditions of Neighbours' and 'Highway Safety/Parking' sections above.</i></p>
<p>- The development would result in a loss of privacy for residents;</p>	<p><i>The above matter has been addressed in the 'Effect on the Living Conditions of Neighbours' section above.</i></p>
<p>- The development would exacerbate existing issues with litter and nuisance caused by HGV drivers; - The development would result in increased HGV traffic through Old Ipswich Road and other local roads and particularly at times when the A12/A14 is closed, which would be detrimental to safety, amenity, air quality and the character of nearby villages;</p>	<p><i>The issue of existing litter along Old Ipswich Road is not a matter that is material to the consideration of this application. There is no evidence to suggest that storage and distribution warehouses result in an increase in roadside litter nor any evidence that this proposed development will exacerbate existing issues with roadside litter. The remainder of the point has been addressed in the 'Effect on the Living Conditions of Neighbours' and 'Highway Safety/Parking' sections above.</i></p>
<p>- The development would exacerbate existing road safety risks associated with nearby junctions such as the offramp junction to the north, the Wick Lane/Old Ipswich Road junction and the A12 junction 29 interchange further to the south;</p>	<p><i>The above matters have been addressed in the 'Highway Safety/Parking' sections above.</i></p>
<p>- The development would lead to a reduction in air quality due to the additional HGV traffic; -</p>	<p><i>The above matter has been addressed in the 'Effect on the Living Conditions of Neighbours' section above.</i></p>
<p>- The area has seen enough development;</p>	<p><i>The above matter has been covered and addressed throughout the report as a whole.</i></p>
<p>- The development is not supported by the Local Community;</p>	<p><i>A very significant number of objections were received from third parties following all 4 public consultation exercises, all of which have been considered as part of the assessment of this application.</i></p>
<p>- It must be ensured that no construction traffic would use Wick Lane and other local roads.</p>	<p><i>The above matter has been addressed in the 'Highway Safety/Parking' section of the report and will be covered in a construction and environmental management plan condition should planning permission be granted</i></p>

6.190 Other third party matters including matters relating to archaeology, minerals and waste, heritage, renewable energy provision, 'unsustainable' form of development, flood risk and surface water runoff and protected areas have been received and have all been addressed in the relevant sections of the report.

### **Planning Balance and Conclusion**

6.191 The proposal is for a large storage and distribution warehouse on an unallocated site however it has been adequately demonstrated that the proposal will support economic growth in the district.

6.192 However clear policy conflict has been identified in terms of the landscape harm, and the harmful impact of the 'in depth' part of the warehouse and HGV hardstanding area on the character and appearance of Wick Lane (which is a protected lane) and the immediate hinterland to the east, and future public amenity areas to the south of the site, as well as the impact of the large warehouse on residential amenity by way of light pollution and being overbearing and dominant in nature to nearby residents, especially those residents to the north west and east of the site. These harmful elements attracts significant weight in the overall planning balance. The proposal will also result in the loss of agricultural land and there is therefore conflict with Paragraph 174 a) of the Framework, again this weighs against the proposal.

6.193 Against this harm the benefits to the local and wider economy, the benefits to the food distribution sector in particular, and direct and indirect job retention/creation would be substantial, and very significant weight is given to these benefits.

6.194 The harmful heritage elements will be outweighed by public benefits and is therefore neutral in the planning balance.

6.195 All other third party representations, including those from technical consultees and members of the public have been carefully considered, and where necessary, considered as part of the officer assessment of this scheme. It is considered that the revised proposals, subject to the imposition of conditions other obligations, have addressed all other technical and fundamental policy matters. There are also current locational infrastructure shortfalls which will make sustainable means of travelling (such as walking and cycling) to and from the site unattractive to workers and users of the site, however mitigation is proposed and will be secured as part of conditions and a section 106 legal agreement. All these elements are neutral in the planning balance.

6.196 Ultimately and on balance, the weight given to the substantial benefits as outlined above is considered to very marginally outweigh the significant weight given to the landscape and character harm, as well as the identified harm to residential amenity. As a result of this marginal position by the LPA, the MWPA's concerns regarding the Minerals Safeguarding therefore falls away, and in respect of policy S8 of the MLP, the proposal would not unnecessarily sterilise mineral resources or conflict with the effective workings of permitted minerals development. In reaching this balanced recommendation due regard is given to the changing nature and character along mainly the frontage areas of Old Ipswich Road, and the various planning consents for commercial, storage and other industrial developments already in place along Old Ipswich Road and further to the south along Crown Lane.

6.197 For all these reasons, it is recommended that planning permission be granted, subject to the completed S106 legal agreement and the conditions recommended below. In reaching this conclusion no weight whatsoever is given to considerations forward by the applicant regarding potential of freeing up space and reducing activity and lorry movements at the Harwich site

and that this will result in improvements to residential amenity for existing residents around that site. That arm of the business will remain operational albeit in an altered manner (as explained by the applicant). The LPA cannot be certain that any alteration of the Harwich site business will remain in perpetuity, for the reasons given, any measurable reduction in activity at the Harwich site cannot be secured in the event that planning permission is granted for the proposed development.

## **7. Recommendation**

7.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives and the prior completion of a section106 legal agreement with the agreed Heads of Terms set out in section 1 above:

### **7.2 Conditions and Reason**

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 drawings/documents listed and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard.

2748\_150A – Site Layout Red Line Drawing  
2748\_050 – Location Block Plan  
2748\_100C – Site Layout  
2748\_002J – Layout Plan  
2748\_100E – Roof Plan  
2748\_200 – Elevations of Building  
2748\_300 – Sketch Sections and Axonometric  
TPSarb1140120 TPP Rev C – Tree Protection Plan  
IT2114\_TA\_102 – Visibility Splays

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

3. The development shall be carried out in full accordance with enhancement measures and details contained in Amended Preliminary Ecological Appraisal (Iceni Ecology, April 2022). This includes 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).

4. 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: A pre-commencement condition is necessary to ensure risk assessments and other practical measures are implemented prior to demolition and construction works and in order to conserve protected and Priority species.

5. 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) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
  - e) persons responsible for implementing the enhancement measures;
  - f) 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.



6. The development hereby approved shall not be brought into first use until a lighting design scheme shall be submitted to and approved in writing by the local planning authority. The lighting design scheme shall include the following:

- identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging;
- 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 as well as to minimise the impact of light spillage and luminance on nearby residents.

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. No other lighting except as may be approved by this condition shall be installed on the site.

Reason: In the interest of residential amenity and 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).

7. The development hereby approved shall not be brought into first use until the following have been provided or completed in full:

- a) A priority junction off Old Ipswich Road to provide access to the proposed site as shown in principle on the amended viability and access plan drawing number: IT2114\_TA\_03.
- a) Carriageway measuring no less than 9m in width for the first 30 metres.
- b) Kerb radii measuring a maximum or no more than 15 metres.
- c) A straight section of carriageway to be provided from the entrance junction for 30 metres.
- d) 2-metre-wide footway on both sides of the junction and continued around the kerb radii and appropriate pedestrian crossing facilities (drop kerbs/ tactile paving).

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to avoid displacement of loose material onto the highway in the interest of highway safety in accordance with policy DM1.

8. The gradient and proposed vehicular access/ road junction shall be in accordance with DMRB standards.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety to ensure accordance with safety in accordance with policy DM1.

9. The development hereby approved shall not be brought into use until the road junction / access at its centre line shall be provided with minimum clear to ground visibility splay with dimensions of 2.4m x 160m to the north of the access junction 2.4m x 110m to the south of the access junction, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and be retained thereafter free of obstruction above 600mm and below 2 metres at all times. In addition, the development site boundary fence/wall/vegetation should be located outside of the visibility splays.

Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

10. The development hereby approved shall not be brought into use until the Wick Lane junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m x 98m in both directions, in accordance with drawing no. IT2114\_TA\_05, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the development becomes operational and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

11. The existing access at Total Roofing Supplies north of Wick Lane which is located adjacent to the car park shall hereby approved shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge / kerbing prior to the new access into the site is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1.

12. The development hereby approved shall not be brought into use 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.

13. 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.

14. The development hereby approved shall not be brought into first use until a Workplace Travel Plan shall first have been submitted to and approved in writing by the local planning authority. The Workplace Travel Plan shall as a minimum include:

- The identification of targets for trip reduction and modal Shift
- The methods employed to meet these targets
- The mechanisms for monitoring and review
- The mechanisms and review
- The penalties to be applied in the event that targets are not met
- The mechanisms for mitigation

- Implementation of the travel plan to an agreed timescale or timetable and its operation thereafter
- Mechanisms to secure variations to the Travel plan following monitoring and reviews

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.

15. Prior to commencement of work of the development hereby approved, full design details relating to the required improvements to the A12 Junction 29, to include a scheme for traffic signals shown in outline on Intermodal Transportation drawing no IT2214/TA/04 titled Proposed Roundabout improvement, Ardleigh Depot for the Flying Trade Group PLC dated Jan 2021, shall have first been submitted to and approved by the local planning authority.

Scheme details shall include drawings and Documents showing:

- How the improvement interfaces with the existing highway alignment and carriageway markings including lane destinations
- Full construction details relating to the highway improvement. This should include any modifications to existing structures or proposed structures with supporting analysis.
- Full Signing and Lighting details
- Confirmation of compliance with Departmental standards (DMRB) and policies (or approved relaxations/departures from standards)
- Evidence that the scheme is fully deliverable within land in the control of either the applicant or the Highway Authority.
- An independent Stage 2 Road Safety Audit (taking account of and stage 1 Road Safety Audit recommendations carried out in accordance with Departmental Standards (DMRB) and Advice Notes.
- A construction Management plan detailing how construction traffic will be managed.

The approved scheme shall thereafter be implemented and completed in full to the satisfaction of the Local Planning Authority in consultation with the Highways Authorities and the development approved by this planning permission shall not be brought into use until all the approved junction improvements have been delivered and are fully operational.

Reason: The design details is required prior to commencement of development so as to ensure the relevant authorities that the A12 and A120 trunk roads continue to serve their purpose as a part of a national system for through traffic in accordance with Section 10 of the Highways Act 1980, and to mitigate against the development and to satisfy the reasonable requirements of road safety.

16. The development hereby approved shall not be brought into use until a Highways Act 1980 agreement for the delivery of the works specified conditions 7 and 15 above has been completed in full.

Reason: To ensure suitable and safe access to the development in the interests of highway safety

17. The total floor areas of the development hereby approved shall not exceed at any time:

Use Class E(g) i (Office) - Office space: 1,300 SQM

Use Class B8 (Storage and Distribution) - Warehouse for storage and distribution 16,188 SQM

Reason: To ensure the approved development is controlled, for the avoidance of doubt and in the interests of proper planning.

18. 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.

19. No development above slab level shall commence until 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.

20. Prior to the commencement of works of the development hereby approved a Construction Method Statement and Construction Environmental Management Plan, covering all the construction phases of development shall be submitted to and approved in writing by the Local Planning Authority. The approved statement and plan as may be approved shall be adhered to throughout the construction period within each part or phase of development. The statement and plan shall provide for:

- i. Measures to avoid impacts upon relevant ecological receptors, including breeding
- ii. birds and retained hedgerows;
- iii. A soil handling and storage method statement informed by the Defra Construction
- iv. Code of Practice for the Sustainable Use of Soils on Construction Sites;
- v. Signage (types and location) for directing construction traffic;
- vi. The enclosure of the site;
- vii. The parking of site operatives and visitors vehicles;
- viii. Loading and unloading of plant and materials;
- ix. Management of construction traffic and access/haul routes;
- x. Storage of plant and materials used in constructing the development;
- xi. Method of cleaning wheels and chassis of all HGV's, plant and delivery vehicles
- xii. leaving the site and the means of keeping the site access road and adjacent public
- xiii. highway clear of mud and debris during site preparation and construction;
- xiv. Construction site lighting; A scheme, detailing temporary surface water drainage generated during construction; A scheme for the control of construction site noise; XIII. Details for construction and excavation waste management/ removal;
- xv. A dust management plan (developed in accordance with EPUK IAQM guidance and including site-specific dust mitigation measures including provision for the suppression of dust generated by vehicles on roads, haul routes and circulation areas within the site in dry weather conditions);
- xvi. Incident logging and reporting procedures.

Reason: A pre-commencement condition is required in the interests of highway safety, amenity and to contribute towards a reduction in emissions in accordance with air quality objectives.

21. No piling work shall take place within any area of the site until a scheme detailing the piling methodology has been submitted to and approved in writing by the Local Planning Authority. In addition to the method of piling proposed the scheme shall include the proposed hours of work and prediction of the impact of noise and likely levels of ground borne vibration at the nearest noise sensitive occupiers. The approved scheme shall be implemented throughout the duration of any piling work.

Reason: In the interest of residential amenity

22. Construction work shall not take place on Sundays or Bank Holidays nor at any other time except between the hours of 0730 and 1800 Monday to Friday and 0800 and 1300 on Saturdays. No vehicle associated with the construction phase(s) of the development shall be permitted to arrive, depart, be loaded or unloaded outside 07.00 and 18.30 hours on Monday to Friday, 07.30 and 13.30 on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: In the interest of highway safety and residential amenity

23. The development shall only be carried out in full accordance with the tree protection measures set out in the Arboricultural Impact Assessment and Preliminary Method Statements (tree protection section) by Tree Planning Solutions. Development shall not commence until the tree protection fencing shown in the above report by Tree Planning Solutions has been fully erected and the Local Planning Authority has been notified in writing of the erection of the Tree Protection Fencing and its full implementation/installation in accordance with the approved plans. The tree protection fencing shall be retained for the duration of the construction period and no works shall take place and nothing shall be stored within the area enclosed by the Tree Protection Fencing until construction works have ceased.

Reason: A pre-commencement condition is required to ensure trees are protected during the construction period, in the interests of visual amenity, and to safeguard the ecological value provided by the trees on the site.

24. a) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation (WSI) which has been submitted by the applicant, and approved in writing by the local planning authority.
- b). No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part a, and confirmed by the Local Authority archaeological advisors.
- c) A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority for written approval following the completion of the archaeological evaluation.
- d) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.
- e) The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork). This will result in the

completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: In the interests of preserving any possible historic artefacts found on the host site.

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

- A Demonstration that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. In case the half drain down time is more than 24 hours then a demonstration that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
- Provision of a drainage plan which details exceedance and conveyance routes, Finished Floor Levels and proposed ground levels as well as an updated written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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

26. The development hereby approved shall not be brought into use until an Operational Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include protocols for minimising noise from operational activities in all external areas, including the car park areas and the HGV servicing yard. The approved scheme shall be implemented, operated and retained throughout the life of the development.

Reason: In the interests of the amenity of neighbouring occupiers.

27. 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. Thereafter, the hard landscaping 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.

28. The development hereby approved shall not be brought into use until full details of all boundary treatments, acoustic attenuation features and those landscaping works not covered by conditions 5 and 27 have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include the specification, materials of construction and location of all acoustic measures to be implemented. Notwithstanding the details shown on the approved plans listed under condition 2, no barbed wire topping shall be added to any site fencing. The storage and distribution warehouse hereby approved

shall not be brought into use until the approved boundary treatments, acoustic attenuation features and landscaping works have been implemented in full. The approved boundary treatments and acoustic attenuation features shall be maintained whilst ever the development subsists. All site landscaping shall, from its completion, be maintained for a period of at least five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity, landscape character, security and acoustic attenuation.

29. 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.

30. Prior to cladding of the exterior of buildings hereby approved, 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.

31. Prior to above ground works of the development hereby approved, 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.

32. No development shall commence until full details of the package treatment plant and all associated works for the disposal of sewage and foul water have been submitted to and approved in writing by the local Planning Authority. The details shall thereafter be provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.

Reason: To protect the natural environment from groundwater pollution.

33. If during groundworks evidence of potential contamination is encountered, works shall cease, and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

If evidence of potential contamination is encountered and upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build, then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason - To ensure that any risks from land contamination to the future users of the land and neighbouring land are minimised.

34. Prior to the commencement of development, a Renewable Energy Generation Plan (REGP) shall have first been submitted to and approved in writing by the local planning authority. The REGP shall set out the measures that will be incorporated into the design, layout and construction aimed at maximising energy efficiency and the use of renewable energy.

Reason – To ensure the development meets the requirements of policy PPL10.

### **Informatives**

1. 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.
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](mailto: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](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.

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](mailto:designingoutcrime@essex.police.uk)

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

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.

## **8. Additional Considerations**

### Public Sector Equality Duty (PSED)

- 8.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
- 8.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 8.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging

participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and

- 8.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 8.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 8.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 8.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

### Human Rights

- 8.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 8.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 8.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

## **9. Background Papers**

- 9.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.