

## PLANNING COMMITTEE

20 December 2022

### REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

#### **A.4 PLANNING APPLICATION – 22/00854/FUL – VALLEY FARM GOLDEN LANE THORPE LE SOKEN CLACTON ON SEA ESSEX**



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**Application:** 22/00854/FUL

**Town / Parish:** Thorpe Le Soken Parish Council

**Applicant:** Mr Alistair Emery - Strutt and Parker (Farms) Ltd

**Address:** Valley Farm Golden Lane Thorpe Le Soken Clacton On Sea Essex CO16 0LE

**Development:** Proposed retrospective change of use of former agricultural building and associated hardstanding to commercial bus depot (Sui Generis).

## **1. Executive Summary**

- 1.1 The application is before Members at the request of the Planning Manager.
- 1.2 The application relates to one-half of a former agricultural building and areas of hardstanding to the rear of the site at Valley Farm, Golden Lane, Thorpe-le-Soken. The site under consideration benefits from planning permission under 17/00778/COUNOT for B8 use.
- 1.3 The application seeks retrospective planning permission for the change of use to a bus depot (sui generis) with associated workshop and hardstanding. The site has been occupied and operating as Tendring Travel since August 2017. The application also proposes new hedgerow and tree planting on top of the existing bunding along the north and east boundaries, in combination with the existing hedgerow along the western boundary.
- 1.4 Access is achieved via a 7m wide private entry and exit off Golden Lane to the south of the site. The site is predominantly used for the storage of vehicles when they are not in use but also provides a workshop for maintenance and repairs to be carried out on site. Vehicles are parked on an area of hardstanding to the rear (north) of the building, whilst the workshop is housed within the building itself.
- 1.5 This application follows a previous refusal in 2017 under planning application reference 17/02146/FUL. The application was refused due to the detrimental impact upon the rural character of the area and highway safety. The applicant did not appeal the Council's decision.
- 1.6 This current application seeks to address the previous reasons for refusal by the inclusion of a Landscape and Visual Appraisal which has informed a proposed landscaping scheme for the site and the preparation of a Transport Statement which addresses and responds to all the requirements outlined by the Highways Officer.
- 1.7 The additional information and proposed mitigation scheme is considered to address the previous reasons for refusal and officers have considered the up to date development plan position. No objections have been received from consultees in regard to landscape impact or highway safety. The application is recommended for approval subject to conditions securing the necessary mitigation and enhancement measures.

**Recommendation:** Full Approval

- 1) That the Planning Manager be authorised to Grant Planning Permission subject to conditions as stated at paragraph 8.2 (or as need to be varied\*) and those as may be deemed necessary by the Planning Manager; and,
- 2) Any informative notes as may be deemed necessary.

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

## **2. Planning Policy**

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

**National:**

National Planning Policy Framework July 2021  
National Planning Practice Guidance

**Local:**

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

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

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1      Managing Growth  
SPL3      Sustainable Design  
PP13      The Rural Economy  
PPL1      Development and Flood Risk  
PPL3      The Rural Landscape  
PPL4      Biodiversity and Geodiversity  
PPL5      Water Conservation, Drainage and Sewerage  
PPL10      Renewable Energy Generation and Energy Efficiency Measures  
CP1      Sustainable Transport and Accessibility  
CP2      Improving the Transport Network  
DI1      Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

Tendring District Council Landscape Character Assessment

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

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

## **3. Relevant Site-specific Planning History**

17/00778/COUNOT	Change of use of the straw barn from agricultural to B8 (storage and distribution).	Determination	23.06.2017
17/02146/FUL	Change of use of former straw barn and surrounding land to a bus depot. Retention of concrete/hardcore surfaced areas utilised for parking purposes.	Refused	08.06.2018
18/00370/FUL	Change of use of former straw barn and surrounding land to a bus depot for use by Tendring Travel.	Withdrawn	14.05.2018

#### 4. **Consultations**

Lead Local Flood Authority (LLFA) – SuDS

**FIRST COMMENTS**  
30.09.2022

##### **Holding objection:**

Thank you for your email received on 9 September 2022 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

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

##### Lead Local Flood Authority position

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

- The attenuation pond is not within the development area and therefore, details of how the long term security and maintenance of the pond should be provided.
- An area to the west of the site is discharging into the system, has this been included in the calculations.
- Exceedance routes should be shown on a plan.
- The entrance of the access road doesn't not have any drainage.
- Where will run off from the roof go.
- Engineering drawings should be provided detailing the SuDS components used within the drainage system.

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>

- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. planning application with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures Flood risk assessments: climate change allowances - GOV.UK ([www.gov.uk](http://www.gov.uk))

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.

Lead Local Flood  
Authority (LLFA) –  
SuDS

**SECOND  
COMMENTS**  
15.06.2022

#### **Holding objection maintained:**

Thank you for your email which provides Essex County Council (ECC) with the opportunity to assess and advise on the proposed surface water drainage strategy for the aforementioned planning application.

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

In providing advice this Council, and their appointed consultants, 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 documents which accompanied the planning application, we would recommend the issuing of a holding objection on the basis of the following:

The information provided does not allow us to assess the flood risk development. Please provide information as required within the new ECC SuDS design guide:  
<https://www.essexdesignguide.co.uk/suds/what-we-expect/>

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>

#### 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, ECC advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Should further correspondence be required, please contact the SuDS team directly using the below details.

Lead Local Flood  
Authority (LLFA) –  
SuDS

**LATEST  
COMMENTS**  
17.11.2022

#### **No objection subject to conditions:**

Thank you for your email received on 11 November 2022 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)

- BS8582 Code of practice for surface water management for development sites.

#### Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to conditions.

***The recommended conditions are included in the recommendation below.***

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>.

Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. planning application with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures. Flood risk assessments: climate change allowances - GOV.UK (www.gov.uk)

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.

ECC Highways Dept  
15.11.2022

The information submitted with the application has been fully assessed by the Highway Authority and conclusions reached based on a desktop study in conjunction with a site visit. The additional information submitted with this application has also been assessed. It is noted that this application seeks retrospective planning permission for the change of use of a former agricultural building and associated land to a bus depot with associated workshop and that the site has been occupied and used as a bus depot by Tendring Travel since August 2017. It is also noted that this is an established local business with employees, (25-30 staff), supply chain and customers all based in the local area. The application is supported by a detailed Transport Assessment and Highways technical note, a vehicle tracking assessment plan demonstrates that the junction of Landermere Road and Golden Lane can accommodate a left in and left out bus manoeuvre without over running verges. However, there is evidence within Golden Lane that verge damage/ overrunning is evident. The junction is of an historic nature and currently accommodates a range of movements including agricultural and HGVs without any safety issue. For the most recent 3-year period there has been one recorded slight injury accident that occurred west of Valley Farm in August 2020. As such the low level of movements associated with the proposal will not be significantly detrimental to its continued safe operation. The operator of the site is committed to ensuring by way of rigid enforcement that all buses and coaches adhere to a routing agreement. Accordingly, as the application is retrospective and the change of use is considered to be an acceptable form of development subject to certain conditions, therefore:

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

1. As per the information contained in the Transport Statement, the road junction / access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 129 metres to the west and 2.4 metres by 127 metres to the east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be 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.

2. The areas within the site identified for the purpose of turning and manoeuvring shall be provided clear of the highway and retained thereafter for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

3. Within 6 months of planning permission being granted, four formal passing bays (size: 2.5m x 15m) are to be provided within

Golden Lane east of the bus depot as indicated on drawing no. DR2 Rev. A.

Reason: To make adequate provision within the highway for the additional traffic generated within the highway as a result of the proposed development in accordance with policy DM1.

4. Within 6 months of planning permission being granted, a vehicle turning warning sign on the west bound approach to the access to Valley Farm shall be provided, as indicated on drawing no. DR2 Rev. A.

Reason: To notify drivers in advance of the potential of slow turning vehicles, ensuring the continued safe passage of the public, in the interests of highway safety and in accordance with Policy DM1.

5. Within 2 months of planning permission being granted, an appropriate Traffic Management Routing Plan shall be provided, including a route card for drivers, outlining the designated route to and from the depot for all bus and coach movements including a flag sign with the wording 'All routes' located opposite the junction to ensure that all buses and coaches adhere to the routing agreement, to enter and exit the site from the east along Golden Lane, to be agreed with the Local Planning Authority in consultation with the Highway Authority.

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

6. 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.

7. The public's rights and ease of passage over public footpath no. 4 (Thorpe Le Soken\_180) shall be maintained free and unobstructed at all times.

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

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) The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate.

(ii) Prior to any works taking place in the highway the developer should enter into an S278 agreement under the Highways Act 1980 or Minor Works Authorisation with the Highway Authority to regulate the construction of the highway works.

(iii) The granting 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.

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

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

4: Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

Place Services  
Ecology  
05.12.2022

Thank you for consulting Place Services on the above retrospective application.

No objection subject to securing biodiversity mitigation and enhancement measures.

#### Summary

We have reviewed the submitted information relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We are 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. We note and support proposed reasonable biodiversity enhancements which can include the planting of native trees and native species double-staggered hedgerows, as recommended by the Landscape and Visual Appraisal (Andy Roberts CMLI, April 2022) to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

#### Recommended conditions

##### **1. PRIOR TO BENEFICIAL USE: BIODIVERSITY ENHANCEMENT STRATEGY**

“A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

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

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.”

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

## **5. Representations**

### Thorpe-le-Soken Parish Council

- 5.1 Thorpe-le-Soken Parish Council raise concerns with the suitability of the location for such an operation due to highway safety:

- Narrow width and poor surfacing of Golden Lane.
- Increase in the volume of large-scale vehicles.
- Safety concerns and damage to the already poor conditions of the highways surface.
- No change since previous refusal that would warrant approval of this current application.

## Representations / Objections

5.2 No individual letters of representation or objection have been received.

## **6. Assessment**

6.1 The main considerations relevant to the assessment to the application are:

- Site Context;
- Description of Development;
- Planning History/Background;
- Principle of Development;
- Landscape and Visual Impact;
- Highway Safety;
- Impact on Residential Amenities;
- Ecology and Biodiversity; and,
- Sustainable Drainage.

### Site Context

- 6.2 The application relates to one-half of a former agricultural building and areas of hardstanding to the rear of the site at Valley Farm, Golden Lane, Thorpe-le-Soken. Valley Farm comprises a small cluster of former agricultural buildings located to the north side of Golden Lane and approximately 1km north of the centre of the village of Thorpe-le-Soken. This application concerns the former straw barn (and surrounding hardstanding), which is the northern-most building within the cluster.
- 6.3 To the south of the application site is a single detached dwelling and the other former agricultural buildings now in commercial use (Valley Farm Barns). The next closest residential properties are located some 200m to the east and 300m to the southwest on Golden Lane.
- 6.4 The area of hardstanding is surfaced part in concrete and part in planings. It is enclosed to the north and west by earth bunds and there is also an established hedgerow along the western boundary. The building is a typical portal framed structure with metal cladding under a fibre cement roof.
- 6.5 The site is otherwise surrounded in all directions by agricultural land.
- 6.6 Access to the site is achieved from Golden Lane via a 7m wide private entry and exit to the south of the site. Golden Lane is a variable width 4m to 5m wide rural lane without the benefit of footways or street lighting. The limited width of Golden Lane is evidenced by a number of formal and informal passing bays which allow larger vehicles and cars to pass one another.

### Description of Development

- 6.7 The application seeks retrospective planning permission for the change of use to a bus depot (sui generis) with associated workshop and hardstanding. It is understood that the site has been occupied and operating as Tendring Travel since August 2017.
- 6.8 The site is predominantly used for the storage of vehicles when they are not in use but also provides a workshop for maintenance and repairs to be carried out on site. Vehicles are parked on an area of hardstanding to the rear (north) of the building, whilst the workshop is housed within the building itself. The totality of the use includes an ancillary office and restroom already in place to the rear of the building.

6.9 As set out within Section 4.0 of the accompanying Planning Statement, the bus depot operates on the following basis:

- The site generally operates between 06:00 and 20:00 on Monday – Friday with an approximate daily routine outlined as follows:
    - 6am to 7am - buses leave yard for school runs
    - 8.30am to 09.30am - buses return to yard; some go onto private work (some are left parked up at schools or on bus stands)
    - 2.30pm to 3.30pm first group leave yard for return school run back home
    - 5.00 pm to 5.15pm last group leave yard for school runs
    - 5.00pm to 5.30pm first group get back from school runs
    - 7.00pm to 8.00pm last group get back to yard
    - A few buses also leave the yard between these times to do private hire.
  - On Saturdays, operations are more limited and predominantly morning, as follows:
    - 6am to 7am and 8.30am to 9am - buses leave the yard for school runs (working for the Royal Hospital School who require a bus service on a Saturday morning).
    - Also on Saturdays, several buses can go out doing private hires and rail replacement services.
  - Sundays tend to be quietest day of the week with circa two buses leaving the yard at varied times dependent on work.
  - Occasional times vehicles may leave/return to the site outside of these times for particular irregular jobs (e.g. airport runs) or in otherwise exceptional circumstances.
- 6.10 Following submission, the application has been the subject of an amended description and red lined site area to include the hardstandings and pond required for drainage purposes, together with additional information in order to satisfy queries raised by officers and statutory consultees.

#### Planning History/Background

- 6.11 The bus depot operator Tendring Travel operated from its previous site at 80 Landermere Rd, Thorpe le Soken for in excess of 10 years before moving to the site subject to this application.
- 6.12 For the application site, a Prior Notification Application under reference 17/00778/COUNOT was subsequently approved. The consent related to the use of the former agricultural building for storage and distribution purposes falling within Use Class B8. However, despite the storage and distribution purpose secured, the bus depot falls under a 'sui generis' use and the prior approval application did not provide the necessary approval.
- 6.13 Application 17/02146/FUL followed, seeking change of use of former straw barn and surrounding land to a bus depot together with the retention of concrete/hardcore surfaced areas utilised for parking purposes. The application was refused on the following grounds (summarised):
1. The presence of the hard surfacing along with the parking of large vehicles in this rural location represents an encroachment into open countryside and the urbanisation of a rural area to the significant detriment of its character. Long distance views of the development from the east on the B1414 (Landermere Road/Thorpe Road) are present which appear at odds with the undulating rural appearance of the landscape in this location. Furthermore, the absence of a landscape visual impact appraisal reinforces the view that the development and its impact upon the rural character of the area has not been fully justified.

2. The introduction of the dramatic increase in potentially heavy vehicular traffic along the lane will increase the level of conflict with local residents and existing highway users. The large vehicles will also increase the risk of damage to the highway, and collisions between vehicles in the highway. The development has a detrimental impact upon highway safety on the grounds of safety and efficiency.

- 6.14 This current application seeks to address the previous reasons for refusal by the inclusion of a Landscape and Visual Appraisal which has informed a proposed landscaping scheme for the site and the preparation of a Transport Statement which addresses the requirements outlined by the Highways Officer.

#### Principle of Development

- 6.15 Paragraph 84 of the National Planning Policy Framework 2021 (NPPF) states that decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 85 goes on to say that planning policies and decisions should recognise that sites to meet local business needs in rural areas may have to be found beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings.
- 6.16 Adopted Tendring District Local Plan 2013-2033 and Beyond Section 2 Policy PP13 supports growth in the rural economy. It states that proposals for re-use or redevelopment of rural buildings for employment purposes will be considered against a number of criteria including the soundness of the building for conversion and the proposed use not being harmful to the rural area or creating significant levels of traffic or road safety problems.
- 6.17 The above local and national planning policies therefore support the principle of rural businesses providing that they do not adversely impact upon local amenity and highway safety. These matters are assessed further below.

#### Landscape and Visual Impact

- 6.18 Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and landscape setting.
- 6.19 Local Plan Policy PPL3 states that the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance.
- 6.20 Furthermore, Local Plan Policy SPL3 requires that all new development (including changes of use) make a positive contribution to the quality of the local environment and protect or enhance local character, and that development respects or enhances local landscape character, and maintains or enhances important existing site features of landscape or amenity value.
- 6.21 The application site is situated in the open countryside and has the overall appearance of a small farm and associated buildings. The barn is the type of feature that is expected to be seen in the countryside. However, the parked and predominantly white buses and mini-buses are incongruous in this rural setting.
- 6.22 There are no trees or other significant vegetation in the main body of the land and no existing trees will be removed or otherwise adversely affected by the development proposal.
- 6.23 In terms of the local landscape character the application site is situated in the Hamford Coastal Slopes Landscape Character Area (LCA) as defined and described in the Tendring District

Council Landscape Character Assessment. The Hamford Coastal Slopes LCA is described in the Tendring District Council Landscape Character Assessment as: 'Gently sloping land encircling, and providing a setting for the open marshes of Hamford Water'. The character of the LCA is considered to be strong and its condition good. The overall landscape strategy for this sensitive landscape should be to conserve the existing rural character and the panoramic views over Hamford Water.

- 6.24 In order to address the impact of the development proposal on the local landscape character, in a consistent and measured way, the applicant has submitted a Landscape and Visual Impact Assessment (LVIA). It appears that the LVIA inadvertently describes the application site as being with the Clacton and the Sokens Clay Plateau. Although the application site is close to the boundary of the two LCA's it is just within The Hamford Coastal Slopes LCA. Notwithstanding this apparent error; in terms of its position in the countryside the application site has the potential to be overlooked from nearby Public Rights of Way, from surrounding higher land and from lower land to the north-east.
- 6.25 The LVIA concludes:
1. The landscape and visual effects arising from the change of use are minor to neutral and very localised due to local screening, particularly from field boundary hedgerows.
  2. There are no notable or large-scale (significant) detrimental landscape or visual effects on the local or wider visual amenity, character, and function of the surrounding area.
  3. In the longer term when the associated landscape mitigation planting has matured within the setting the level of key landscape and visual effects will be neutral or minor beneficial.
  4. The change of use is compliant with Tendring District Local Plan 2013-2033 Policy relevant to landscape, and visual issues identified above.
  5. This LVA has concluded that the level of key landscape and visual effects arising from the presence of the buses and other vehicles at the Site is minor or negligible and does not cause overriding harm to the character or appearance of the local rural landscape.
  6. The Development is therefore considered to be sustainable in a landscape and visual context.
- 6.26 The LVIA recognises that there will be a minor degree of harm caused by the changes to both the character and appearance of the area but that with new soft landscaping a high degree of screening can be achieved which will enclose the site to such an extent that parked vehicles will be barely visible in the landscape.
- 6.27 With regard to soft landscaping the applicant has provided information showing planting locations along with detail of plant species and specification. If implemented the soft landscaping proposals will, in the fullness of time, adequately screen the proposed development.
- 6.28 On balance, it is considered that the harm to the local landscape character can be satisfactorily mitigated by new soft landscaping.

#### Highway Considerations

- 6.29 Paragraph 110 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users.
- 6.30 Paragraph 111 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.31 Policy SPL3 Part B of the Local Plan seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate.



- 6.32 The application is accompanied by Transport Statement Ref. JTP255 April 2022 and Technical Note Ref. JTP255 October 2022, including a speed survey and swept path junction assessment of Golden Lane / Landermere Road. The site under consideration benefits from planning permission under 17/00778/COUNOT for B8 use, and as such has an existing level of potential trip generation. The report provides an assessment of the traffic impact of regularising the on-going bus depot use in place of the permitted B8 use.

#### Permitted Use and Trip Generation

- 6.33 Paragraph 3.21 of the Transport Statement indicates that the permitted use is likely to generate around 3 movements in AM peak hour and 3 in the PM peak and over a typical day would generate 6 trips. All of these trips would take place in the peak hour periods. Paragraph 1.8 of the Technical Note explains that, the junction is of an historic nature and currently accommodates a range of movements including agricultural and HGVs without any safety issue.

#### On-going Bus Depot Trip Generation

- 6.34 The Transport Statement sets out the on-going bus depot operation and trip generation based on 14 employees and 10 services operating out of the site:

**Table 3.2 Bus Depot Use Trip Generation**

	AM Peak (07:00-10:00)		PM Peak (14:30-17:30)		Daily Trips 07:00-19:00	
	Arrivals	Departures	Arrivals	Departures		
<b>Employee Trips</b>	14	0	0	14	14	14
<b>Bus trips</b>	10	10	10	10	20	20
<b>Total Trips</b>	24	10	10	24	34	34

- 6.35 Table 3.2 indicates that the on-going bus depot use generates 34 movements in AM three-hour peak period and 34 in the PM three-hour peak period and over a typical day would generate 68 trips (equating to approximately 5 movements per hour over the 12 hour day of 7am to 7pm).
- 6.36 The associated arrivals and departures will not all take place in the traditional one-hour peak but are likely to be spread out over a longer period representing the need for drivers to arrive earlier and leave later to accommodate early service run-outs and later service returns that would be associated with the provision of school bus services. Most of the bus services would need to leave prior to 08:00 to achieve pupil pick up in time for the start of the school day and would therefore arrive back at the depot after 09:00 similarly the afternoon peak would result in a service run out at around 14:00 and back to the depot for around 16:00-17:00.
- 6.37 On this basis, the applicant reasons that it is very likely that most trips associated with bus depot use take place outside the highway peak traffic periods. Consequently, the on-going bus depot operation does not have a significant impact on peak hour movements along Golden Lane. In the absence of significant background traffic levels prior to and following the peak hours, the impact of the on-going bus depot use is minimal and is unlikely to have a detrimental impact on the function of Golden Lane as a traffic carrier.

#### Access, Visibility and Highway Safety

- 6.38 A speed survey and junction assessment confirms the suitability of the existing access and its location in terms of its achievable visibility in accordance with the surveyed speed of traffic along the lane as required by highway standards. The submitted vehicle tracking assessment plan

demonstrates that the junction of Landermere Road and Golden Lane can accommodate a left in and left out bus manoeuvre without over running verges.

- 6.39 To the east, Golden Lane has the benefit of a number of pre-existing passing bays and localised widening. The assessment concludes the route east of the access is sufficient to accommodate the additional out of peak movements the depot generates.
- 6.40 However, to the west of the site access, Golden Lane does not have the benefit of passing bays and is significantly more constrained. In recognition of this, the applicant is willing to agree to highway improvements and mitigation measures.
- 6.41 Consultation with the Highway Authority has been undertaken. The Highway Authority acknowledges that this is an established local business with employees, supply chain and customers all based in the local area. For the most recent 3-year period there has been one recorded slight injury accident that occurred west of Valley Farm in August 2020. There is evidence within Golden Lane that verge damage/ overrunning is evident. However, subject to a routing agreement and conditions, including the provision of additional passing bays, the Highway Authority are satisfied that the use can continue without significant harm to highway safety and raise no objection to the application.

#### Proposed Mitigation and Highways Conditions

- 6.42 As stated above, the applicant is willing to agree to highway improvements and mitigation measures summarised as follows:
- All buses and coaches adhere to a routing agreement;
  - Provision of 4 passing bays along Golden Lane; and,
  - Provision of a 'vehicles turning' warning sign on the west bound approach to the access.
- 6.43 As stated above, Paragraph 111 of the NPPF states development should only be refused on highways grounds if the impact on highway safety would be severe. The accompanying assessments and proposed mitigation demonstrate that the development can achieve safe access and that the local highway network can suitably accommodate associated traffic movement without resulting in any significant harm to highway safety. The continued use of the bus depot is therefore acceptable in highway terms.

#### Impact on Residential Amenities

- 6.44 Paragraph 130 f) of the NPPF states that planning decisions should ensure that developments create places that are safe with a high standard of amenity for existing and future users.
- 6.45 Adopted Local Plan Section 1 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. Section 2 Policy SPL 3 Part C seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 6.46 The nearest residential property is located approximately 70m to the south of the existing building. On the shared boundary to the north is mature vegetation in the form of large trees and bushes. As such, the dwelling is well screened from the operations that take place on site. Furthermore, it is acknowledged that the bus movements take place predominantly during two intervals rather than being staggered throughout the day, thus reducing any potential noise and disturbance.
- 6.47 As mentioned above, noise and disturbance to the amenity of the lane and its residents is somewhat reduced by the concentration of timings of the bus movements. Officers recognise

that the associated movements will result in some harm to residential amenities due size of vehicles, frequency of movements and the rural character of Golden Lane. However, due to the distance to residential dwellings together with the proposed mitigation, the impact will not amount to a significant level of harm that would warrant refusal of planning permission.

#### Ecology and Biodiversity

- 6.48 Paragraph 174 of the National Planning Policy Framework 2021 require that Local Planning Authorities contribute to and enhance sites of biodiversity or geological value whilst paragraph 179 requires Local Planning Authorities to safeguard components of local wildlife-rich habitats.
- 6.49 Adopted Local Plan Policy PPL4 states that proposals for new development should be supported by an appropriate ecological assessments and, where relevant, provide appropriate mitigation and biodiversity enhancements to ensure a net gain.
- 6.50 Essex County Council Place Services Ecology (ECC Ecology) have been consulted on the application. ECC Ecology support the proposed biodiversity enhancements as recommended by the LVIA to secure net gains for biodiversity, as outlined under Paragraph 174d of the NPPF. ECC Ecology raise no objection subject to a condition securing a Biodiversity Enhancement Strategy. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

#### Sustainable Drainage

- 6.51 Paragraph 167 of the NPPF states that, when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 goes on to say that, developments should incorporate sustainable drainage systems. The systems used should, amongst other things, take account of advice from the lead local flood authority and have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.
- 6.52 Adopted Local Plan Policy PPL5 requires that all new development must make adequate provision for drainage and sewage treatment and should include sustainable drainage systems (SuDS). Policy SPL3, Part B criterion g), requires that development reduces flood risk and integrates sustainable drainage within development.
- 6.53 The application is accompanied by a Surface Water Drainage Strategy Report. The application site boundary covers 8330m<sup>2</sup> (0.83ha), of which the existing/converted agricultural building covers 225m<sup>2</sup>, hardstanding concrete areas covers 2260m<sup>2</sup> and compacted gravel hardstanding cover 825m<sup>2</sup>. The applicant has obtained sewer records from Anglian Water showing that there are no adopted sewers in the vicinity of the site. Surface water run-off from the existing concrete forecourt and agricultural building is collected within a private surface water drainage system which comprises gully manholes, manholes and pipes. This drainage system looks to outfall into the culverted watercourse to the north-west of the site, unrestricted and untreated.
- 6.54 The proposed drainage strategy allows for improving the existing private surface water drainage network, as well as the new impermeable area to be captured. New areas of runoff will be collected by a filter drain along the northern edge of the hardstanding. A second filter drain is proposed along the northern edge of the access road. Once captured, runoff will be directed to a pond, positioned in the north-east corner of the site. The pond is sized at 1.5m deep with a top pond area of 256.0m<sup>2</sup> and pond base area of 53.3m<sup>2</sup>. From the pond, waters will discharge into the culvert ditch via an orifice plate to control the flow rate.

- 6.55 This proposed drainage strategy ensures that surface water arising from the developed site will be managed in a sustainable manner, while reducing the flood risk to the site itself.
- 6.56 The Lead Local Flood Authority (LLFA) have reviewed the submitted assessment/drainage strategy and have no objections subject to conditions outlined in section 8.2 below securing precise details of the scheme, its implementation and on-going maintenance.

## **7. Conclusion**

- 7.1 Paragraph 84 of the National Planning Policy Framework 2021 (NPPF) states that decisions should enable the sustainable growth and expansion of all types of business in rural areas. Adopted Tendring District Local Plan 2013-2033 and Beyond Section 2 Policy PP13 supports growth in the rural economy where the development would not be harmful to the rural area or create significant levels of traffic or road safety problems.
- 7.2 The bus depot contributes positively to the local economy and local amenities by providing employment as well as vital services for local schools and residents.
- 7.3 The accompanying LVIA recognises that there will be a minor degree of harm caused by the changes to both the character and appearance of the area but that with new soft landscaping a high degree of screening can be achieved which will enclose the site to such an extent that parked vehicles will be barely visible in the landscape. The soft landscaping proposals can be secured by condition and will, in the fullness of time, adequately screen the proposed development. On balance, it is considered that the harm to the local landscape character can be satisfactorily mitigated by new soft landscaping, thus overcoming the previous reason for refusal relating to grounds of harm to the rural character of the area.
- 7.4 The accompanying Transport Assessment, Technical Note, speed survey and junction assessment together with the proposed mitigation measures demonstrate that the development can achieve safe access and that the local highway network can suitably accommodate associated traffic movement without resulting in any significant harm to highway safety. The additional assessments, evidence and proposed mitigation are considered to satisfactorily address the previous reason for refusal relating grounds of highway safety and efficiency
- 7.5 The movements and repair works associated with the use will result in some harm to residential amenities due size of vehicles, frequency of movements and the rural character of Golden Lane. However, due to the distance to residential dwellings together with the proposed mitigation, the impact will not amount to a significant level of harm that would warrant refusal of planning permission.
- 7.6 Matters of drainage, biodiversity, soft landscaping and highway mitigation measures can be secured by conditions.

## **8. Recommendation**

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives;

### **8.2 Conditions and Reasons**

1. The development hereby permitted shall be carried out in accordance with the following approved drawings / documents, 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 be subsequently approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard:

- Site Plan 1:1250 Valley Farm Site Plan dated 20 October 2022
- Location Plan 1:3500 Valley Farm Location Plan dated 2 November 2022
- DR2 Visibility Splay and Highway Land Plan
- SuDS Surface Water Drainage Report Rev C
- SK01A Drainage Strategy Plan
- SK02 Drainage Construction Detail
- Ref. JTP255 Transport Statement April 2022
- Ref. JTP255 Technical Note October 2022
- Landscape and Visual Appraisal May 2022 ARCM/Issue Version Rev A
- Planting Proposals drawing number LVA 5
- Planning Statement January 2022

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

2. The working hours hereby permitted shall only operate between the following hours, unless otherwise agreed, in writing, with the Local Planning Authority:

- Monday to Friday 06:00 to 20:00
- Saturday 06:00 to 14:00
- Sunday / Bank Holiday: 06:00 to 14:00

Outside of these hours, no staff shall be working on site nor any vehicle shall enter or exit the site for any reason.

Reason - For the avoidance of doubt, protection of local residential amenity and in the interests of proper planning.

3. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved Planting Proposals drawing number LVA 5 accompanying the Landscape and Visual Appraisal May 2022 shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - In the interest of visual amenity and the character of the area.

4. Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no fences, walls or other means of enclosures shall be erected within or around the perimeter of the site.

Reason - In the interests of visual amenity and the quality of the development.

5. There shall be no outside storage with the exception of the ancillary office and restroom already in place, and the parking of vehicles associated with the use.

Reason - Reason - In the interests of visual amenity and the quality of the development.

6. In accordance with the accompanying Transport Statement Ref. JTP255 April 2022 and Technical Note Ref. JTP255 October 2022, the road junction / access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 129 metres to the west and 2.4 metres by 127 metres to the east, as measured from and along the

nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times thereafter.

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.

7. The areas within the site identified for the purpose of turning and manoeuvring shall be retained and maintained in the approved form in perpetuity for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

8. Within 3 months from the date of this decision, four formal passing bays (size: 2.5m x 15m) shall be provided, completed and made available for use within Golden Lane to the east of the site access as indicated on drawing no. DR2 Rev. A accompanying the Technical Note Ref. JTP255 October 2022 and retained in this approved form in perpetuity.

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

9. Within 3 months from the date of this decision, a vehicle turning warning sign on the west bound approach to the access to Valley Farm shall be provided, as indicated on drawing no. DR2 Rev. A accompanying the Technical Note Ref. JTP255 October 2022.

10. Reason - To notify drivers in advance of the potential of slow turning vehicles, ensuring the continued safe passage of the public, in the interests of highway safety.

11. Within 3 months from the date of this decision, an appropriate Traffic Management Routing Plan shall be provided, including a route card for drivers, outlining the designated route to and from the depot for all bus and coach movements including a flag sign with the wording 'All routes' located opposite the junction to ensure that all buses and coaches adhere to the routing agreement, to enter and exit the site from the east along Golden Lane, to be agreed with the Local Planning Authority in consultation with the Highway Authority.

Reason - To control the direction of vehicle movements to and from the site in the interests of highway safety.

12. Within 3 months from the date of this decision, a Biodiversity Enhancement Strategy for protected and Priority species, including a timetable for implementation, shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- Purpose and conservation objectives for the proposed enhancement measures;
- Detailed designs or product descriptions to achieve stated objectives;
- Locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- Persons responsible for implementing the enhancement measures; and,
- Details of initial aftercare and long-term maintenance (where relevant).

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

Reason - To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

13. Within 3 months from the date of this decision, a detailed surface water drainage scheme for the site, including a timetable for implementation, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 3.7l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, including bus washing and washing of mechanical residue following repairs, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The works shall be implemented in accordance with the approved strategy and timetable and shall be retained in the approved form thereafter.

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

14. Within 3 months from the date of this decision, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

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

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

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

### 8.3 Informatives

### Positive and Proactive Statement

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

### Highways Informatives

1. Prior to any works taking place in the highway the developer should enter into an S278 agreement under the Highways Act 1980 or Minor Works Authorisation with the Highway Authority to regulate the construction of the highway works.
2. The granting 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.
3. 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)

4. On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.
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. The public's rights and ease of passage over public footpath no. 4 (Thorpe Le Soken\_180) shall be maintained free and unobstructed at all times, to ensure the continued safe passage of the public on the definitive right of way and accessibility.
7. Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

### LLFA 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.

## **9. Additional Considerations**

### Public Sector Equality Duty (PSED)

- 9.1 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:
  - 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - 9.3 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
  - 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 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.
- 9.6 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.
- 9.7 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

- 9.8 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.

- 9.9 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).
- 9.10 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.

#### Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application. None are identified in this application.

#### Additional Note

- 9.12 Services provided by Tendring Travel have been used by Tendring District Council and for this reason, and for the reason of transparent decision making, this application is presented to planning committee and has been reviewed by the Council's monitoring officer.

### **10. Background Papers**

- 10.1 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 relevant 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/>.