

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ML	17/03/2023
Planning Manager / Team Leader authorisation:	SCE	17.03.2023
Planning Technician final checks and despatch:	ER	30/03/2023

**Application:** 22/01047/FUL **Town / Parish:** Mistley Parish Council

**Applicant:** Overton - Tungsten Colchester Ltd

**Address:** Land South West of Horsley Cross Roundabout Clacton Road Horsley Cross

**Development:** Proposed erection of three buildings (use classes Eg (iii), B2 and B8), a new access and highway works, parking and servicing and hard and soft landscaping.

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

Mistley Parish Council

The Parish Council at its meeting on the 17th October 2022 noted this application for revisions.

### **2. Consultation Responses**

Highways England  
27.01.2023

Referring to the consultation on a planning application dated 7 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:

**a) offer no objection (see reasons at Annex A);**

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

c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);

d) recommend that the application be refused (see reasons at Annex A)

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 22/ 01407/FUL and has been prepared by Mark Norman.

We have completed our review of recently received transport evidence. We are now convinced that the development will not result in a severe impact on the SRN and have no objection to the granting of permission.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

Essex County Council  
Ecology  
28.11.2022

No objection subject to securing biodiversity mitigation and enhancement measures

Summary

Further to our comments made on 6th October 2022 and a meeting with the applicant's ecologist on 7th November 2022, we have reviewed the Water Vole Mitigation Report (RammSanderson, October 2022) and Section 106 Agreement 19/01706/OUT - Ref 028311.125 (10th November 2022) along with Ecological Impact Assessment (Ramm Sanderson, June 2022) and Ecology Method Statement and Mitigation Strategy (AECOM, May 2021), relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation 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.

We note that our concerns in regards with the appropriate mitigation and compensation of Skylark have already been addressed within the Section 106 Agreement 19/01706/OUT - Ref 028311.125 undertaken on 10th November 2020.

The mitigation measures identified in the Ecological Impact Assessment (Ramm Sanderson, June 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 nesting birds and Badger.

We note that the Water Vole Mitigation Report (RammSanderson, October 2022) identifies appropriate survey information and mitigation necessary for the creation and a headwall and outflow pipe at Holland Brook. These works will be undertaken under a Natural England Water Vole displacement licence. A copy of this licence, issued by Natural England should be submitted as condition of consent with details of the ecologist registered to use this class licence.

It is highlighted by the Ecological Impact Assessment (Ramm Sanderson, June 2022), that a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) has been produced. This CEMP: Biodiversity should be secured by a condition of consent.

Furthermore, the Ecological Impact Assessment (Ramm Sanderson, June 2022) indicates it is likely that reptiles could be present in low number. Although recent activities have further reduced the suitability for reptiles being present onsite. Therefore, it is highlighted that a precautionary method statement for reptiles will also be included within the CEMP: Biodiversity.

We also support the proposed reasonable biodiversity enhancements of tree planting, species rich wildflower areas, herpetofauna hibernacula creation, and bat boxes, which have been recommended by the Ecological Impact Assessment (Ramm Sanderson, June 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.

In addition, the Ecological Impact Assessment (Ramm Sanderson, June 2022), highlights that it is likely bats could be foraging/commuting within and around the site and recommends that if any external lighting is to be proposed, a sensitive lighting scheme is developed to minimise any impacts. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <3000k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.

- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

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. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Ramm Sanderson, June 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

##### 2. PRIOR TO COMMENCEMENT: SUBMISSION OF A COPY OF THE DISPLACEMENT LICENCE FOR WATER VOLE

"The following works to Holland Brook shall not in any circumstances commence unless the local planning authority has been provided with either:

1. a licence issued by Natural England pursuant to the Wildlife & Countryside Act 1981 (as amended) authorizing the specified activity/development to go ahead and details of the person registered to use this class licence; or
2. a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence."

Reason: To conserve protected species and Priority species and allow the LPA to discharge its duties the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998

##### 3. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

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

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including a method statement for reptiles.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site

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

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

#### 4. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

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

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights 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).

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. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity shall be submitted to and

approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

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

ECC SuDS Consultee  
12.09.2022

Thank you for your email received on 30 August 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 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:

- Limiting discharge rates to 22.1l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- 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, 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 scheme shall subsequently be implemented prior to occupation.

#### 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.

#### Condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

#### Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

#### Condition 3

Prior to occupation 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, has been 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.

#### Condition 4

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.

ECC Highways Dept  
30.11.2022

The information that was submitted in association with the application has been fully considered by the Highway Authority. A previous site visit was undertaken in conjunction with an earlier planning application. The information submitted with the application has been assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. 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; the opportunities for sustainable transport; and highway mitigation measures. In addition, the site history has also been considered; the previous planning applications 13/0745/OUT, 17/01310/DETAIL and 19/01706/OUT were recommended for approval. The change in size of the units in Phase 2 would only increase the AM trips by 6 in the AM and 5 in the PM so unlikely to have any change in impact. Overall, on the site when Phase 1 changes are included there will be 13 additional AM and 3 additional PM trips, as such the Highway Authority does not think this will affect the capacity on local roads, 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. 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. temporary traffic management/signage.
- vii. 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. Prior to the occupation of any of the proposed development the access, internal road layout, parking and associated improvements shall be provided in principle and accord with drawing numbers:

- o 3349 01 Rev. B Section 278 Overall scheme plan.
- o PB-400 Rev. B Proposed site layout plan.

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

3. Any proposed boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

4. The development of any phase 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 areas 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 in accordance with Policy DM 1 & 8.

5. The Cycle / Powered two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

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

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

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

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

Tree & Landscape Officer  
18.07.2022

The application site comprises grassland in agricultural use although it is not currently being cropped. There are several trees, of a mixed age range, and hedgerows primarily on the perimeter of the site.

In order to show the extent of the constraint that the trees and hedgerows are on the development potential of the land and to show the way that retained vegetation will be protected for the duration of the construction phase of any planning permission that may be granted the applicant has provided an Arboricultural Impact Assessment (AIA) as part of a tree and hedgerow survey and report. The report contains an accurate description of the health and condition of the trees and hedgerows on the land and is in accordance with BS5837 2012 Trees in relation to designs, demolition and construction: Recommendations.

The most visually prominent trees and hedges on the application site are not threatened by the development proposal and are shown as retained on the Tree Protection Plan.

In terms of soft landscaping the applicant has submitted an Illustrative landscape Masterplan. Ordinarily such a plan would not be sufficient to deal with landscaping issues and a detailed soft landscaping scheme for the whole site would be required.

However, in this case, the plan provided includes information relating to plant species, specification and planting densities ' consequently the information provided is sufficient to secure a good level of soft landscaping that will help to soften and screen the development and assist with its assimilation into its setting.

Environmental Protection  
15.07.2022

I have reviewed the above application including the Acoustic report dated 28 April 2022 and have no adverse comment to make.

Waste Management  
12.07.2022

No comments.

### 3. Planning History

13/00745/OUT	Development of site to provide a new industrial park with up to 28,280m <sup>2</sup> of floorspace for B2 and B8 uses, a bus depot and 30m high telecommunications mast. All with associated access, landscaping, parking and highway improvements.	Approved	04.08.2014
14/01296/DETAIL	Erection of 30m telecommunications mast.	Approved	01.12.2014

17/01310/DETAIL	Submission of reserved matters pursuant to outline planning permission 13/00745/OUT with details pursuant to Conditions 1 (appearance, landscaping, layout and scale), 3 (Strategic Phasing Plan), 4 (Design Code), 5 (phasing arrangements), 6 (levels), in part 7 (external materials), in part 12 (roundabout), 15 (landscaping), 18 (loading, turning and parking) and in part Schedule 7 (details of an air quality monitoring programme) of Legal Agreement for the development of the site to provide a new industrial park for B2 and B8 uses.	Approved	04.05.2018
19/01706/OUT	Outline planning application for employment development, comprising Phase 1 for 15,350 sqm of B2 development rising to a maximum building height of 21.7m and Phase 2 for up to 18,117 sqm of B1c / B2 and B8 uses rising to a maximum building height of 12m, together with associated access, landscaping, parking and drainage pond.	Approved	12.11.2020
19/01898/DISCON	Discharge of conditions 11 (wheel cleaning) and 21(dust management) for approved application 13/00745/OUT, and condition 2 (Construction Method Statement) for approved application 14/01296/DETAIL.	Approved	07.02.2020
20/00023/DOVO5	Formal application to modify a Section 106 Planning Obligation for planning permission 13/00745/OUT.	Determination	22.06.2022
22/00410/NMA	Non-material amendment to planning permission 19/01706/OUT to alter, Condition 22 to all changes in ground levels, hard and soft landscaping, planting, seeding or turfing shown on the landscaping details approved pursuant to Conditions 1, 3, 4 and 5 of this planning permission for each phase shall be carried out during the first planting and seeding	Approved	04.04.2022

season, October - March inclusive, following the occupation of the development of that phase or in such other planting season as shall first have been agreed, in writing, by the Local Planning Authority having had regard to the Strategic Phasing Plan, Condition 24 to the reserved matters submission for each phase shall include full written details of the areas to be provided for the loading, unloading, turning and parking of vehicles, including adequate cycle and disabled parking spaces. No building shall be occupied within that phase until the approved details have been implemented. The approved areas shall be retained and kept available for their specified purpose thereafter, Condition 26 to the reserved matters submission for each phase shall include full written details for the storage of refuse and or other waste. No building shall be occupied within that phase until the approved details have been implemented. The approved areas shall be retained and kept available for their specified purpose thereafter and Condition 36 no development within the relevant phase shall be occupied until full written details of measures to control odours, including extraction systems, within that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

22/00774/NMA

Non-material amendment sought to 19/01706/OUT for a minor increase in building heights and floorspace including; the revision of the outline planning permission description to 'Outline planning application for employment development, comprising Phase 1 for 15,350 sqm of B2 development rising to a maximum building height of 21.7m and Phase 2 for up to 18,750 sqm2 of B1c / B2 and B8 uses rising to a maximum building height of 13.82m, together with associated access, landscaping, parking and drainage pond' and changes to Condition 8 of the outline permission to reflect the proposed

Approved

31.05.2022

	revisions to the finished heights of the buildings and increases in floorspace.		
22/01042/DETAIL	Reserved matters application for the erection of 8 commercial units (7 buildings) on the eastern section of the site along with the internal spine road and strategic landscaping considering appearance, scale, layout and landscape, pursuant to outline planning consent 19/01706/OUT.	Approved	28.09.2022
22/01047/FUL	Proposed erection of three buildings (use classes Eg (iii), B2 and B8), a new access and highway works, parking and servicing and hard and soft landscaping.	Current	
22/01103/DISCON	Discharge of conditions 3, (Strategic phasing plan) 4, (Design code) 10, (Written details of the illumination works) 12, (Construction traffic management plan) 33 (Scheme to minimise the potential impact of the development on wildlife present on site) and 35 (Strategic phase plan) of application 19/01706/OUT.	Approved	28.11.2022
22/02132/DOVU5	Deed of variation under TCPA 1990 Section 106A of the terms of the Unilateral Undertaking (UU) dated 31 July 2014 linked to planning permission 13/00745/OUT, to update the definition of Commencement of Development to exclude works to the Mast.	Current	

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

National:

National Planning Policy Framework July 2021 (NPPF)  
National Planning Practice Guidance (NPPG)

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  
SP5 Employment  
SP7 Place Shaping Principles

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

SPL1 Managing Growth  
SPL3 Sustainable Design  
PP6 Employment Sites  
PP7 Employment Allocations  
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  
CP1 Sustainable Transport and Accessibility  
CP2 Improving the Transport Network  
DI1 Infrastructure Delivery and Impact Mitigation

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practi

### **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.

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

### **Site Description**

The whole site is approximately 11.2 ha and is presently open agricultural land, with part of the site having previously been used for weekly car boot sales during the months of March to October. It is in a rural area in the centre of the District and to the immediate south west of the A120/B1035 roundabout at Horsley Cross. Colchester is about 8 miles to the west and Harwich is about 9 miles to the east.

There is a small cluster of buildings, including The Cross Inn pub; a farm and some cottages to the north and to the south is Kelly's Poultry Farm, but most notable in terms of its visual impact is the nearby water tower. The A120 is duelled for a short section either side of the roundabout and the B1035 is a single carriageway road.

The surrounding landscape within the immediate vicinity of the site is characterised by large open fields, occasionally broken up by small groups of/or individual buildings. The site is near the top of a plateau and is roughly rectangular in shape. It has a northern boundary with the A120; a southern boundary to Kelly's Farm; the eastern boundary is shared with the B1035; and the western boundary to Holland Brook (this part of the site is crossed by electricity pylons). There is a fall of approximately 15 metres between the middle of the site and the western boundary.

The site is largely devoid of any significant vegetation, but there are some existing trees adjacent to the A120 roundabout and extending for a short distance down the B1035, in addition to where adjoining the A120 closer to the brook.

The site is the subject of outline planning permission for a large-scale employment use, which was approved in 2020 under planning reference 19/01706/OUT. A Reserved Matters application (Reference - 22/01042/DETAIL) for the appearance, scale, layout and landscaping for 8 commercial units (7 buildings) on the eastern section of the site along with the internal spine road has recently been approved.

## Proposal

This application proposes the erection of three commercial buildings on the western side of the site, along with a new access, internal road and landscaping. This development will slot together with that proposed within the above-mentioned reserved matters submission.

The supporting documentation confirms that it has been necessary to submit a full application, as opposed to a reserved matters submission for this part of the site as the composition of the uses now sought differs slightly from those permitted under the original outline permission. This parcel of land was originally designed to meet the specific requirements of a specific end user and was restricted to B2 usage. The use now applied for as part of this application comprises a flexible E.g. (iii), B2 and B8 use.

The building heights will range between 13.4m and 15.6m and will incorporate a barrelled roof design. The smallest having a gross internal area of 3066sqm and the largest having a gross internal area of 6550sqm. Each unit will have dedicated parking and service provision and the site will benefit from strategic and on-plot landscaping.

## Principle

The application site is designated as an allocated employment site under policy PP7 in the Tendring District Local Plan 2013-2033 and Beyond (Section 2). Furthermore, as outlined above the principle acceptability of the proposal, along with details of access were agreed at the outline stage under planning reference 19/01706/OUT.

Policy PP7 confirms that such employment allocations are suitable for use classes B2 and B8, but also acknowledges the fact that some sites already have consent for B1 uses, which now fall within Class E (g). As set out in the Local Plan, the site is allocated for employment purposes and is also consented for a range of use classes. This said, use class E (g) is not specifically catered for within the extant permissions pertaining to the site. However, this proposal seeks consent specifically for use class E (g) iii (Industrial Processes). As identified within this category, industrial processes are uses considered acceptable within employment areas, and so, are acceptable in principle.

## Design/Visual Impact

Paragraph 130 of the National Planning Policy Framework (NPPF) (2021) requires that developments are visually attractive because of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings, create a unique sense of place.

In this respect the layout proposed closely follows the indicative plans provided at outline stage and responds appropriately to the physical constraints of the site. It is acknowledged that the site has consent for commercial development of varying sizes. In this respect the proposed buildings are within the parameters of the historic consents. Therefore, in this context it follows that the proposed development would not adversely impact upon the character of the locality.

Moreover, the structural landscaping proposed is consistent with that illustrated at outline stage. The provision of a densely planted bund running adjacent to the A120 and a belt of landscaping, incorporating drainage features and wildlife mitigation to the west of the buildings assists in softening the overall appearance of the development within the landscape.

In addition, the scale of the buildings appropriately addresses the changes in site topography with the buildings of the greatest scale being in closest proximity to the western boundary, which sits lower than the land further east.

Overall, it is considered, that in terms of layout, this phase of development has sought to respond to the physical constraints of the site and surrounding landscape in an acceptable manner.

In terms of the detailed design, the units would all comprise of a rectangular footprint under a barrelled roof form. The use of glazing to define the entrances and variations in terms of the cladding proposed assists in breaking up the overall massing of the units and promotes a contemporary appearance that is consistent throughout the development. The use of dark cladding (brown and black) also helps to assimilate the appearance of the units in this predominantly rural setting.

Boundary treatment is proposed predominantly in the form of 2.4m high paladin fencing, knee high post and rail fencing and 3m high acoustic timber fencing. All boundary enclosures have been set within soft landscaping to further reduce and soften their appearance.

Consequently, the design approach is acceptable and represents an appropriate response to the local context and intended function of the buildings.

### Ecology

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.

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

Paragraph 174 d) of the NPPF 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.

ECC Ecology have reviewed the submitted Water Vole Mitigation Report (RammSanderson, October 2022) and Section 106 Agreement 19/01706/OUT - Ref 028311.125 along with the Ecological Impact Assessment (Ramm Sanderson, June 2022) and Ecology Method Statement and Mitigation Strategy (AECOM, May 2021), relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures. No objections are raised and they confirm that the documents provide certainty for the Council of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

In respect of the impacts upon Water Voles, the mitigation report identifies appropriate survey information and mitigation necessary for the creation and a headwall and outflow pipe at Holland Brook. These works will be undertaken under a Natural England Water Vole displacement licence. A condition is included to secure a copy of this licence, issued by Natural England. A Construction Environmental Management Plan (CEMP) has been provided and is secured by way of condition.

Net gains are proposed via tree planting, species rich wildflower areas, hibernacula creation and bat boxes. These are supported by Place Services and will also be secured via condition. An additional condition securing a wildlife sensitive lighting scheme will be included.

In respect of Skylark mitigation, this is adequately secured via a new legal agreement that seeks agreement of the off-site plots prior to the commencement of development.

Subject to these conditions, the above-noted policy requirements would be met.



## Highway Considerations

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.

Paragraph 111 of the NPPF 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.

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.

Essex County Council Highways have undertaken an assessment of the application documents and Transport Assessment with reference to the National Planning Policy Framework and the following aspects were considered: access and safety; capacity; the opportunities for sustainable transport; and highway mitigation measures. In addition, they have also considered the site history including; the previous planning applications 13/0745/OUT, 17/01310/DETAIL and 19/01706/OUT, which were recommended for approval.

As such they conclude that the change in the size of the units in Phase 2 would only increase the AM trips by 6 and 5 in the PM, so unlikely to have any material change in impact. Overall, on the site when Phase 1 changes are included there will be 13 additional AM and 3 additional PM trips, as such they do not think this will affect the capacity on local roads, therefore they raise no objections to the proposal. Conditions securing; the submission of a Construction Management Plan and the completion of parking/turning areas prior to first use are considered reasonable. Other conditions recommended by ECC-Highways are outlined on the approved plans and therefore not considered necessary to impose.

Given the proximity of the site to the A120, National Highways are a statutory consultee. They have reviewed the Transport Assessment and conclude that; 'the development will not result in a severe impact on the SRN and have no objection to the granting of permission'.

In terms of parking provision, the Transport Assessment confirms that vehicle parking will be provided in line with the Essex parking standards, which also require HGV parking provision for employment developments, based on operational requirements. Cycle parking will also be provided in the form of sheltered secure stands near building entrances.

## Residential Amenities

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.

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.

Amongst other things, NPPF at 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.

The nearest residential properties to the site are located approximately 220 metres to the east of Unit 9 and 280 metres to the northeast of Unit 7. Given the significant distance to the nearest properties there would not be any adverse impacts in respect of loss of outlook, light or privacy to these dwellings.

A noise assessment has been provided and reviews typical operational noise levels for warehouse/manufacturing facilities and assesses these with respect to the existing noise climate at the nearest residential properties. Overall, the calculations indicate that a standard building construction would achieve a BS 4142 condition of 'low impact' at the nearest dwellings at the quietest times of the day and night. The calculations also indicate that all vehicle related activity on the service yards would achieve a BS 4142 condition of 'low impact' during the day and night. In the case of noise from vehicle movements, it is noted that vehicle movement is not a continuous operation and that there will be no noise from this source for most of the day. For vehicle reversing alarms, the assessment indicates that night-time use falls within the category of 'low impact' for the quietest times of the night. Given the infrequent and short duration of this noise, it is considered that impact upon the dwellings would be negligible. In terms of plant noise, it is proposed to limit levels for the development, which would enable a BS 4142 condition of 'low impact' to be always achieved at all nearby dwellings.

In terms of mitigation, it is recommended that all fixed mechanical services plant be selected and specified to achieve the noise limit criteria identified within the report and it will be necessary to review plant selections and locations during the construction phase, to ensure compliance with the criteria. A condition will be included to secure this detail.

In respect of air quality, based on the assessment results, the application site is considered suitable for the proposed development without the inclusion of mitigation, and air quality should not be considered as a constraint to the planning consent.

Overall, although the development will result in a commercial use in this rural location, amenity consideration must be considered against the backdrop of the current environmental conditions, which are heavily influenced by the highway infrastructure, the extent consent, which has deemed commercial development across the site as acceptable and on the basis of the intervening separation distances between the proposed use and the closest receptors.

### Drainage

The application is accompanied by a FRA, drainage strategy plans and supporting calculations. The FRA identifies that the site falls within fluvial flood zone 1, meaning that the proposed development is not at risk of flooding from any nearby watercourse during a 1:1000-year flooding event. Furthermore, the risk from all flooding is considered negligible or very low.

The reports acknowledge that the flood exceedance would flow towards the Holland Brook running in an east to west direction, to the west of the site. The flood exceedance would flow west, downhill, into the surface water drainage systems installed across the development and would naturally drain away into the Holland Brook along the western site boundary. On this basis, flood exceedance would have no adverse effect on neighbouring properties.

ECC-SUDs have reviewed the information and have no objections subject to the inclusion of conditions securing the drainage scheme and its long-term maintenance. These details are outlined within the FRA and subsequent addendum, so are secured via a compliance condition.

### Sustainability Measures

Policy PPL10 of the Local Plan states that 'all development proposals should demonstrate how renewable energy solutions, appropriate to the building(s) site, and location have been included in the scheme and for new buildings, be design to facilitate the retro-fitting of renewable energy installations'.

In this respect the following measures have been incorporated into the design of the development:

- 85% reduction in carbon emissions by 2030
- Provision for future installation of PV for 100% of usable roof
- Min 5% Electric Vehicle Charging for car parking provided.
- 25% improvement on potable water usage.
- Improvements to public transport provision, local cycling and pedestrian network
- Onsite cycle storage facilities
- External recreation and social space provision
- BREEAM Very Good certificate

These features are secured via the approved plans condition.

### Other Considerations

The Council's Environmental Protection Team have no objections to the development.

Mistley Parish Council recommends approval of the application. No further letters of representation have been received.

### Conclusion

The proposed development is well-designed and laid out and, with the implementation of the soft landscaping and ecological enhancement measures, any adverse impacts associated with the development of this rural site would be reduced to an acceptable level. The application proposals therefore accord with local and national planning policy aimed at ensuring visually attractive developments as a result of good architecture, layout and appropriate and effective landscaping.

## **6. Recommendation**

Approval

## **7. Conditions**

### 1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the consent becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk of both Enforcement Action and Criminal proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

### 2 FURTHER APPROVAL - CONSTRUCTION MANAGEMENT TO BE AGREED (PRE COMMENCEMENT)

CONDITION: Prior to the commencement of development details of the construction methodology and timetable shall be submitted to and approved, in writing, by the Local Planning Authority. This shall incorporate the following information:-

- a) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
- b) Details of the storage of construction materials on site, including details of their siting and maximum storage height.
- c) Details of how construction and worker traffic and parking shall be managed (including temporary road works entrance and exit/ construction traffic signage).
- d) Details of the scheduled timing/phasing of development for the overall construction period.
- e) Details of any wheel washing to be undertaken, management and location it is intended to take place.
- f) Details of the siting of any on site compounds and portaloos.
- g) Registration and details of a Considerate Constructors Scheme.

The said methodology as may be approved shall be implemented in its entirety and shall operate as may be approved at all times during construction.

REASON: To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

**NOTE/S FOR CONDITION:**

You are strongly advised to discuss this condition with the Local Planning Authority and if possible/available local residents likely to be affected by this development prior to submission of details.

### 3 HIGHWAYS PROVISION OF PARKING

CONDITION: The development of any phase shall not be occupied until such time as the vehicle parking area and the associated cycle/powered two-wheeler parking, as indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. These parking and associated turning areas shall be retained in this approved 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.

### 4 ECOLOGY COMPLIANCE

CONDITION: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Ramm Sanderson, June 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

### 5 LICENCE - ECOLOGY

CONDITION: The works to Holland Brook shall not in any circumstances commence unless the local planning authority has been provided with either:

1. a licence issued by Natural England pursuant to the Wildlife & Countryside Act 1981 (as amended) authorising the specified activity/development to go ahead and details of the person registered to use this class licence; or
2. a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To conserve protected species and Priority species and allow the LPA to discharge its duties the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

## 6 ECOLOGY - LIGHTING

CONDITION: Prior to the first occupation of the development a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

## 7 SUDS SCHEME - COMPLIANCE

CONDITION: The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (Rev A - 22/04/2022) and details outlined within the submitted PRP SUDs Letter (Ref - MS/63476/ECCLLFAR/ - Dated 23rd August 2022).

The mitigation and maintenance measures shall be fully implemented prior to first use of the development and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective treatment of surface water runoff to prevent pollution.

## 8 RESTRICT CHANGE OF USE PD REMOVAL

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

REASON: In the interests sustainability, highway safety and visual amenity.

## 9 LANDSCAPING - IMPLEMENTATION

CONDITION: Soft/hard landscaping as shown on the approved landscaping details (Drawing no. P21-2389\_01) shall be carried out in full during the first available planting and seeding season (October - March inclusive) following the commencement of the development, or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

## 10 FURTHER APPROVAL - MECHANICAL PLANT DETAILS TO BE AGREED (PRIOR TO INSTALLATION)

Prior to installation of any plant/machinery/ventilation/air conditioning/extraction equipment, including any replacements of such, full details including location, acoustic specifications, and specific measures to control noise/dust/odour from the equipment, shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed, used and maintained thereafter in full accordance with the approved details.

Reason - To ensure compliance with the relevant standards and guidelines in the interests of amenity and in accordance with the recommendations of the submitted Environmental Noise Assessment.

## 11 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below 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 (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

- 001 P1 (Drainage Strategy Layout)
- 002 P2 (Drainage Strategy Layout)
- P21-2389\_01 (Landscape Masterplan)
- P7-100B (Unit 7 - GF Plan)
- P7-101A (Unit 7 - FF Plan)
- P7-102A (Unit 7 - Roof Plan)
- P7-200C (Unit 7 - Elevations)
- P8-100B (Unit 8 - GF Plan)
- P8-101A (Unit 8 - FF Plan)
- P8-102A (Unit 8 - Roof Plan)
- P8-200C (Unit 8 - Elevations)
- P9-100A (Unit 9 - GF Plan)
- P9-101A (Unit 9 - FF Plan)
- P9-102A (Unit 9 - Roof Plan)
- P9-200B (Unit 9 - Elevations)
- PB 400B (Proposed Site Layout Plan)
- PB 401A (Site Location Plan)
- PB 402A (Proposed Boundary Treatments)
- PB 403A (Proposed External Furniture Plan)

- PB 404A (Proposed Surface Finishes Plan)
- RSE\_5778\_TCP V2 (Tree Constraints Plan)
- RSE\_5778\_TPP V2 (Tree Protection Plan)
- RSE\_5778\_R2\_V2\_ARB (Arboricultural Impact Assessment)
- RSE\_5778\_R1\_V1\_ECIA (Ecological Impact Assessment)
- Ecology Method Statement and Mitigation Strategy (May 2021)
- Noise Impact Assessment Rev 2 - 28th April 2022)
- RSE\_5889\_03\_V1 (Water Vole Mitigation Report)
- Transport Statement (Rev P3 - 10/10/2022)
- Travel Plan (Rev P2 - 12/09/2022)
- Phase II Contaminated Land Risk Assessment (Ref - 63474-20 Dated - 28/06/2022)
- Flood Risk Assessment (Rev A - 22/04/2022)
- PRP SUDs Letter (Ref - MS/63476/ECCLLFAR/ - Dated 23rd August 2022)
- Sustainability Statement (As prepared by Ridge - Dated 06/06/2022)

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

## **8. Informatives**

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### Highway Informatives

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)

The areas directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road.

The same dimensions should be used in situations where the footway is located adjacent to the carriageway. In paved areas, whether the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

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.

**Legal Agreement Informative**

This application is the subject of a S106 legal agreement and this decision should only be read in conjunction with this agreement. Please note that any subsequent variation / removal of condition applications (s73 applications) are likely to require a Deed of Variation to secure the necessary planning obligations.

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