

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation: Approval	JJJ	01/12/2023
Planning Manager / Team Leader authorisation:	ML	01/12/2023
Planning Technician final checks and despatch:	ER	01/12/2023

Application: 23/00252/FUL **Town / Parish:** Ardleigh Parish Council

Applicant: Evolve Business Centre (Colchester) Ltd

Address: Crown Business Centre Old Ipswich Road Ardleigh

Development: Proposed provision of an overflow car park.

1. Town / Parish Council

Ardleigh Parish Council –
no response

2. Consultation Responses

Tree & Landscape
Officer
24.02.2023 (first
response)

The proposed creation of the overflow car park is close to a row of established Oak trees immediately to the east of the proposed development. The trees are afforded formal legal protection by Tree Preservation Order: - TPO/98/13 Colchester Golf Range, Old Ipswich Road, Colchester.

From the information provided it appears that the proposed development will result in an incursion into the Root Protection Areas (RPA's) of the trees at the northern end of the row.

In order to show that the creation of the new overflow car park will not cause harm to preserved trees the applicant should provide additional information to show either; that the development will not be within the RPA's of preserved trees, or that specialist foundations and permeable surfacing will be used in order to minimise damage to tree roots, to facilitate movement of water and gaseous exchange to enable the normal function of tree roots to continue.

This information should be in accordance with BS5837 2012 Trees in relation to design demolition and construction. Recommendations.

Regarding soft landscaping the car park is set back from the highway and currently screened by intervening vegetation. There will be little public benefit to be gained by new planting associated with the development proposal.

Tree & Landscape
Officer

To show that the creation of the new overflow car park will not cause harm to preserved trees the applicant has now submitted information to showing that specialist foundations and permeable surfacing will be

20.04.2023 (second response after revised information were submitted)

used where there will be minor incursion onto the Root Protection Areas of preserved trees.

This information adequately demonstrates that the development proposal can be implemented without caused harm to the preserved Oaks and that the measures set out in the Arboricultural Impact Assessment (AIA) will minimise damage to tree roots and facilitate movement of water and gaseous exchange to enable the normal function of tree roots to continue.

This information is in accordance with BS5837 2012 Trees in relation to design demolition and construction. Recommendations.

ECC Highways Dept

The information submitted with the application has been assessed by the Highway Authority and conclusions have been drawn from a desktop study with the observations below based on the submitted material. No site visit was undertaken in conjunction with this planning application. The development proposal is for the provision of forty-two additional car parking spaces to serve Phase 1 (application ref: 18/ 02118/FUL and 20/ 01372/FUL), located to the south-east of the warehouse units and north-west of the starter business (Evolve) units, with access and egress from the internal road within the Evolve site. The ECC parking standards in the context of the development proposal require one parking space per thirty square metre gross floor area. As such, the proposal for an additional forty-two spaces within the proposed overflow car park would give a total of 148 spaces for the Evolve (Phase 1) development, which would result in the maximum permissible level in accordance with the ECC parking standards, considering these factors:

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

1. Each vehicular parking space shall have an absolute minimum dimension of 2.5 metres x 5.0 metres.

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

2. Any Blue Badge parking space provided shall have minimum dimensions of 3.9 metres x 6.5 metres.

Reason: To ensure an extra length of at least one metre and extra width of one metre, minimum is provided for adequate space for passengers to alight the vehicle in the interest of highway safety in accordance with Policy DM8.

Officer comment: *The proposed overflow car park is rather remote from the buildings that they are serving. In addition, there are blue badge spaces at the Evolve site already and a separate planning application for two larger B8 distribution warehouses with dedicated parking areas is being considered by the LPA and the requirement for blue badge parking will be considered as part of the assessment of that application. Having regard to the above this condition is considered to be unnecessary.*

3. The proposed overflow car park shall not be used until such time as the vehicle parking area indicated on the approved plans,

including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

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

4. Prior to the completion of the overflow car park, the Developer shall submit an updated workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years. The workplace travel plan shall retain a commitment to provide a Travel Plan co-ordinator within the development site to give advice to the new occupiers of the development.

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

Officer comment: A workplace travel plan for the wider site has already been approved. In addition, in light of the freestanding nature of the proposal for an overflow car park, this condition is not considered to be necessary or reasonable.

5. Prior to above ground works, a scheme for the provision of an adequate number of electric vehicle charging facilities for the new car park shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the charging facilities shall be installed in a working order prior to first use of the car park.

Reason: In order to promote sustainable transport in accordance with Policy DM9.

Officer comment – this condition is not considered necessary as electric vehicle charging points will be covered in a separate planning condition seeking details of renewable energy measures.

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.

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

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

against such compensation claims a cash deposit or bond may be required.

3: 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 available.

ECC SuDS Consultee
17.11.2023

Thank you for your email received on 16/11/2023 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application which is connected to 23/00136/FUL.

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 site wide Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission for 23/00252/FUL (overflow carpark), subject to the same conditions imposed on 23/00136/FUL as the site wide scheme.

Environment Agency

No response

3. Planning History

15/00669/OUT

Outline planning application with all matters reserved for the residential development of 0.2 ha of land to create 4 detached dwellings with associated garaging and parking (following demolition of existing

Approved

18.12.2015

	B1a offices and driving range shelter).		
17/02204/FUL	The construction of 91 small B1 & B8 use commercial units with ancillary facilities, associated car parking and landscaping; and the construction of 5 commercial office blocks with B1 use with associated car parking and landscaping.	Approved	14.08.2018
18/02118/FUL	The construction of 90 small B1 & B8 use commercial units with ancillary facilities, associated car parking and landscaping; and the construction of 5 commercial office blocks with B1 use with associated car parking and landscaping.	Approved	17.06.2019
19/00681/DISCON	Discharge of condition 4 (Landscaping Scheme), condition 8 (Boundary Treatments), condition 11 (Archaeological Investigation), condition 16 (Materials) and condition 17 (Noise) of approved application 17/02204/FUL for B1 and B8 units only.	Approved	17.05.2019
20/00205/DISCON	Discharge of conditions 9 (Environmental Construction Method Statement) , 10 (Surface Water) , 11 (Run-Off) , 12 (Maintenance Plan) and 20 (Foul Water) for approval 18/02118/FUL.	Approved	21.12.2020
20/01372/FUL	Variation of condition 2 (approved plans) of planning permission 18/02118/FUL to secure a number of design amendments, primarily to the proposed 90 commercial Evolve units.	Approved	23.12.2020
20/01414/DISCON	Discharge of conditions 3 (landscaping), 6 (landscape management plan) and 7 (boundary treatments) of approved application 18/02118/FUL.	Approved	17.11.2020
21/00185/FUL	Erection of single storey Office Building (Use Class B1a) with associated parking, cycle shelter and landscaping	Approved	12.05.2021
21/30146/PREAPP	Proposed addition of residential uses in place of commercial offices alongside small business units permitted by planning application 18/02118/FUL.	Refused	02.07.2021

22/00860/DISCON	Discharge of conditions 14 (Floodlighting) and 16 (Disabled Access) of application 18/02118/FUL.	Approved	14.06.2022
22/01115/VOC	Variation of condition 2 of application 20/01372/FUL to reinstate the first-floor windows.	Approved	30.09.2022
22/01133/DISCON	Discharge of condition 7B (Highways) of application 22/01115/VOC.	Approved	07.10.2022
23/00136/FUL	Proposed erection of B8 storage and distribution units with ancillary mezzanine office space and associated access amendments, parking and landscaping.	Current	
23/00252/FUL	Proposed provision of an overflow car park.	Current	
23/00346/FUL	Proposed change of use from commercial (Class E/B8) to tattoo studio (Sui Generis).	Approved	09.05.2023

4. Relevant Policies / Government Guidance

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

National Planning Policy Framework 2023 (the Framework)
Planning Practice Guidance

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

Section 1:

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

Section 2:

SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
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
PPL9 Listed Buildings
PPL10 Renewable Energy Generation and Energy Efficiency Measures
PPL13 Ardleigh Reservoir Catchment Area
CP1 Sustainable Transport and Accessibility
CP2 Improving the Transport Network

Essex Minerals Local Plan 2014 (MLP)

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

Supplementary Planning Guidance:

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

Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>. In summary, without prejudice, the weight that should be applied to Neighbourhood Plans can be understood as follows:

Stage 1: Designated neighbourhood area (Limited Weight)
Stage 2: Preparing a draft neighbourhood plan (Limited Weight)
Stage 3: Pre-submission publicity and consultation (Limited Weight)
Stage 4: Submission of a neighbourhood plan (Limited Weight)
Stage 5: Independent Examination (Limited/Significant Weight)
Stage 6: Referendum (Significant Weight)
Stage 7: Adoption by LPA (Full Weight)

Ardleigh Parish Council has been working to develop the Neighbourhood Plan which will contain specific policies and proposals for the Ardleigh Parish area against which planning applications will be judged; alongside district and national policies.

On the 14th June 2023 an Examiner was appointed for the Ardleigh Neighbourhood Plan. The Examination for the Ardleigh Neighbourhood Plan formally opened on Wednesday 12th July 2023. On the 18th of August 2023, the Examiner sent the Council an Interim Note of Findings which detailed a number of questions and matters of clarification for Ardleigh Parish Council. At the time of writing, it is understood that the Examiner was still awaiting clarification on the points outlined in the interim note of findings as such limited weight is afforded to the Ardleigh Neighbourhood Plan (ANP). The following policies in the ANP is considered relevant to this application:

Policy GDP - General Approach to Development
Policy EP - Natural, Built & Historic Environment
Policy LGP - Local Green Spaces
Policy TP - Transport & Parking

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 site (known as the 'Evolve site') is located on the east side of Old Ipswich Road close to the junction 29 interchange between the A12 and the 120. The relevant area is a narrow rectangular shaped piece of land located to the north of a larger site with planning permission for various commercial and industrial buildings. The rear (eastern) section of the site has already been developed out (as part of a recent planning permission) and the front (western) section of the site (to the south and west of the application site) is currently subject to another planning application for two B8 storage and distribution warehouses.

Old Ipswich Road runs directly adjacent to the majority of the western site boundary and trees/hedgerows and scrub vegetation are also present along this boundary. The site is not within or near to a Conservation Area, although there are statutorily listed buildings further away to the south at Forge Cottage and Gatehouse farmhouse, both located along Crown Lane North and both grade II listed.

The site can be accessed from the A12 (south-bound) via a slip-road that leads directly to a T-junction on Old Ipswich Road. From the T-junction a 90 degree right turn followed by a distance of approximately 1km in a southern direction leads to the application site. Access from the site onto the strategic road network is possible via Old Ipswich Road (south-bound) where the A12/A120 (junction 29) slip-road is located some 300m from the south western corner of the application site. It is also possible for road traffic to access the A12 north-bound via an underpass (going underneath the A12) which is located a short distance to the north of the application site. The underpass links up with Turnpike Close which in turn provides access to the A12 north-bound and other local roads located to the west of the A12. Old Ipswich Road is not subject to a restricted speed limit and therefore the national speed limit of 60mph currently applies although a draft planning permission resolution for a large storage and distribution warehouse on the corner of Wick Lane and Old Ipswich Road is in place and as part of this resolution the developer is required to contribute towards a change in the speed limit from the current 60mph to a lower speed limit. There are currently no streetlights along Old Ipswich Road, and visibility at the site entrance / exit point is excellent in both directions.

Proposal

Planning permission is sought for the provision of 42 car parking spaces in an overflow car park to serve Phase 1 (application ref: 18/02118/FUL and 20/ 01372/FUL), located to the south-east of the warehouse units and north west of the starter business (Evolve) units, with access and egress from an internal road within the Evolve site, along the application sites eastern boundary.

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

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

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

The statutory term 'material considerations' has been broadly construed to include any consideration relevant in the circumstances which bears on the use or development of land: Cala Homes (South)

Ltd v Secretary of State for Communities and Local Government & Anor [2011] EWHC 97 (Admin); [2011] 1 P. & C.R. 22, per Lindblom J. Whilst accepting that the NPPF does not change the statutory status of the Development Plan, para 2 confirms that it is a material consideration and significant weight is given to this in determining applications.

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

Principle of Development

The key and most important local plan policy governing new development proposals in use class B2 (General Industry) and B8 (Storage and Distribution) is policy PP7 (Employment Allocations) in the Local Plan.

The site in question forms part of the Crown Business Centre allocated (some 2.3ha of land) as set out in the Local Plan policy PP7 and is allocated for B2 and / or B8. Policy PP7 states proposals for development in use classes B2 and B8 on these allocated sites will be supported. The proposal is for a comparatively small overflow car park to support existing and approved (yet to be constructed) buildings in B2 and / or B8 use. In addition, the application site, in respect of previously approved schemes as referred to above, can be build out as car parking/road/access areas as part of those approved schemes. The principle of development to consist of hardstanding areas for car parking and or access (in connection with a B8 type storage and distribution or general industry use) has therefore been established and is acceptable in principle in this location.

Design/Landscape Impact

The site benefits from extant planning permission (partially implemented) which include build form along the frontage (western) part of the site in the form of 5 rectangular buildings of up to 8.6m in height facing Old Ipswich Road. The overflow car park will be located behind these 5 buildings (in the event that the former partially implemented planning permission is fully build out and implemented), and as such, will result in little to no impact on landscape character. If not, the overflow car park is set a sufficient distance into the site to ensure no detrimental impact on landscape character and appearance would occur. Additional landscaping is proposed to the west and south of the car park which will provide additional screening and softening features. The Council's Trees and Landscape officer also raised no objection.

Effect on the Living Conditions of Neighbours

There are no dwellinghouses abutting the site and the nearest dwellinghouses are located on the west side of the A12 some 200m from the site access. The Crown Inn to the south of the site offers residential accommodation on the upper floors and this building is located approximately 40m from the southern boundary of the site. In all respects, the latest proposal will have a similar, if not lesser impact on nearby residential properties compared to the previous extant permission referred to above and which include parking areas in a similar location, as such it is considered that the proposal will be acceptable from a residential amenity perspective.

Heritage Assets

The proposed overflow car park is to the north of the site and there will be substantial commercial development between the site and the nearest heritage assets much further to the south along Crown Lane North (some 70-80 metres away). There are no other statutory listed buildings in close proximity to the site that will be affected by the proposed overflow car park.

Highway Safety/Parking

ECC Highways have been consulted and, as set out in the consultation section above, raise no objection subject to a number of suggested conditions. These conditions have been reviewed and are generally considered to meet the NPPF tests for planning conditions (with minor amendments where required to make them precise). The proposal is considered to be acceptable from a highway safety and parking perspective, in reaching this sub conclusion due regard is given to the planning history and fallback position, specifically a realistic fallback position of the implementation of a larger commercial development that includes car parking in a similar area and where the local highways authority also raised no objection.

Flood Risk, Surface Water and Foul water drainage

The site is located in flood zone 1 and already benefits from planning permission for a commercial development with car parking in a similar location, as such the proposal passes the sequential test. In terms of surface water, there are no known surface water issues on the site and following a consultation with ECC Suds they raised no objection to this scheme but asked for clarify in respect of the method of collection, conveyance and treatment of run-off from the yards, carriageways and parking areas on the west side of the site. The area to the west of the site is subject to a separate planning application (currently pending a decision) for 2 storage and distribution warehouses, and this application will be assessed and determined on the basis of information submitted with that application. Following the provision of additional information ECC Suds have confirmed no objections subject to necessary conditions. The proposal, being for an overflow car park, raises no foul water drainage issues.

Renewable Energy

Very little supporting information has been submitted to demonstrate what measures will be taken to improve the sustainability of the development, as such, the scheme fails to demonstrate compliance with policy PPL10. The local planning authority therefore considers this part of the development to be unacceptable, and it was not possible to seek amended details from the applicant prior to the report being finalised. In this case it is considered to be appropriate to use a condition for this element of the development seeking further details of the sustainability / renewable energy aspects of the development for example number and location of electric car and electric truck charging points. This area of the proposal (which lack in detail and information) are clearly distinguishable from other areas and has the potential to be made acceptable in planning terms subject to compliance with the said condition.

Protected Areas, Species and Biodiversity

The application site is devoid of any vegetation or features that could provide a habitat for protected species. In addition, the site and wider allocated site already benefits from planning permission for comprehensive redevelopment as such the proposal results in no policy conflict insofar as impact on Protected Areas, Species are concerned. The site is part of a larger redevelopment site, where in this area a car park and access roads have already been approved, the proposal, having regard to the fallback position, will result in no loss in biodiversity.

Planning Balance and Conclusion

The proposal is for an overflow car park on an allocated site (for B8 storage and distribution), and in an area where hardstanding and car parking has already been granted planning permission, and said planning permission partially implemented, as such the proposal is acceptable in principle. Subject to conditions all other areas of the proposal are acceptable and therefore constitutes sustainable development. Accordingly, the proposal is recommended for approval.

Recommendation

Approval subject to conditions

6. Conditions

1. COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by 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 permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2. 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.

Flood Risk Assessment & Surface Water Drainage Strategy from Sweco UK Limited dated 16/09/2022 and associated Appendices
613 Revision P2 – Proposed Site Plan – Overflow Car Park
614 Revision P3 – Site Location Plan – Overflow Car Park

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.

3. AGREEMENT OF MEASURES TO IMPROVE SUSTAINABILITY OF DEVELOPMENT

CONDITION: No development shall commence above ground level until a scheme for the provision and implementation of energy and resource efficiency measures for the lifetime of

the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include as a minimum:-

- Provision of electric car and electric truck charging points
- Agreement of scheme for waste reduction

The scheme shall be fully implemented prior to the first occupancy of the development unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be constructed and the measures provided and made available for use as may be agreed and thereafter shall be maintained.

REASON: To enhance the sustainability of the development through better use of water, energy and resources reduce harm to the environment and result in wider public benefit in accordance with the NPPF.

NOTE/S FOR CONDITION:

Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

The greatest threat to our planet is the belief that someone else will save it and also forgetting that small acts, when multiplied by millions of people, can transform the world. Developments will provide buildings/homes to thousands/millions of people over their lifetime. A well designed sustainable development in the beginning will restrict the contribution each person makes to that threat and help enable them to transform the world.

4. SURFACE WATER DRAINAGE SCHEME

Prior to commencement of development 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 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 a maximum of 3.4 l/s for the site wide scheme for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event. This rate is inclusive of both the site areas of planning ref 23/00252/FUL (overflow car park) and 23/00136/FUL as the site wide scheme.
- All relevant permissions to discharge from the site into any outfall should be demonstrated, especially as the outfall is outside the planning boundary.
- 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 45% climate change event.
- Demonstrate that the storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event. For the attenuation tanks which are unable to meet the above half drain requirement, it must be demonstrated that each feature is able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus 45% climate change.
- 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. Two stages of treatment must be provided. Provision of the mitigation indices for the proprietary treatment system.
- 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.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to first use of the hereby approved development.

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 and to provide mitigation of any environmental harm which may be caused to the local water environment.

5. SCHEME TO MINIMISE SURFACE WATER RUN OFF/FLOODING DURING CONSTRUCTION

No development 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 167 and paragraph 174 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.

6. MAINTENANCE PLAN

Prior to first use of the development hereby approved a maintenance plan detailing the maintenance arrangements including the company/body responsible for different elements of the surface water drainage system and the maintenance activities/frequencies shall be submitted to and approved in writing, by the Local Planning Authority.

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.

7. YEARLY LOGS

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. COMPLIANCE REQUIRED: WORKS TO BE CARRIED OUT IN ACCORDANCE WITH AIA

CONDITION: All works permitted by this decision shall be implemented in accordance with guidance set out in the British Standards publication BS 3998: Recommendations for Tree Work and the Arboricultural Impact Assessment and Method Statement by Hallwood Associates.

REASON: In the interests of good arboriculture and avoidance of detrimental impact on retained trees.

9. PARKING SPACES DIMENSIONS

CONDITION: Each vehicular parking space shall have an absolute minimum dimension of 2.5 metres x 5.0 metres.

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

10. BLUE BADGE PARKING SPACES DIMENSIONS

CONDITION: Any Blue Badge parking space provided shall have minimum dimensions of 3.9 metres x 6.5 metres.

REASON: To ensure an extra length of at least one metre and extra width of one metre, minimum is provided for adequate space for passengers to alight the vehicle in the interest of highway safety.

11. OVERFLOW CAR PARK LAYOUT

CONDITION: The overflow car park hereby approved shall not be used until such time as the vehicle parking area indicated on the approved plan 613 Revision P2 (Proposed Site Plan – Overflow Car Park), including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the wider industrial park known as Crown Business Centre.

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

12. WORKPLACE TRAVEL PLAN

CONDITION: Prior to the completion of the overflow car park hereby approved, the Developer shall submit an updated workplace travel plan to the Local Planning Authority for approval. Such approved travel plan shall be actively implemented for a minimum period of 5 years. The workplace travel plan shall retain a commitment to provide a Travel Plan co-ordinator within the development site to give advice to the new occupiers of the development.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

7. Informatives

1. Positive and Proactive Informative

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.

2. Highways Informative: 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
3. Highways Informative: 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. Highways Informative: 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 available.

Additional Considerations

Equality Impact Assessment

In making this recommendation/decision, regard must be had to the public sector equality duty (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 that, in summary, include:

- A. Eliminate unlawful discrimination, harassment, and victimization and other conduct prohibited by the Act.
- B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not.
- C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are significant considerations and material planning considerations in the decision-making process. This is applicable to all planning decisions, including prior approvals, outline, full, adverts, listed buildings, etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below

Protected Characteristic	Analysis Impact
Age	The proposal is not likely to have direct equality impacts on this target group. Neutral.
Disability	The proposal is not likely to have direct equality impacts on this target group. Neutral
Gender Reassignment	The proposal is not likely to have direct equality impacts on this target group. Neutral.
Marriage or Civil Partnership	The proposal is not likely to have direct equality impacts on this target group. Neutral.
Pregnancy and Maternity	The proposal is not likely to have direct equality impacts on this target group. Neutral.
Race (Including color, nationality, and ethnic or national origin)	The proposal is not likely to have direct equality impacts on this target group. Neutral.
Sexual Orientation	The proposal is not likely to have direct equality impacts on this target group. Neutral.
Sex (gender)	The proposal is not likely to have direct equality impacts on this target group. Neutral.
Religion or Belief	The proposal is not likely to have direct equality impacts on this target group. Neutral.

The proposal overall is expected to have a neutral impact on equality in general.

Consultations have been undertaken with relevant communities and groups, including the Parish Council, and no specific concerns or objections were raised regarding equality.

As a result of the above conclusion, no mitigation measures are deemed necessary.

Human Rights:

In making the decision, awareness of and consideration for any implications arising from the Human Rights Act 1998 (as amended) is crucial. It is unlawful for a public authority, such as the Tendring District Council, to act in a manner incompatible with the European Convention on Human Rights. Specific reference is made 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). The recommendation to grant permission is not considered to interfere with local residents' rights to respect for their private and family life, home, and correspondence, or freedom from discrimination, except as necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is permitted to control property use in accordance with the general interest, and the recommendation to grant permission is considered a proportionate response based on the considerations set out in this report.

Finance Implications:

Local finance considerations are a crucial factor for local planning authorities in determining planning applications, to the extent that they are material to the application. e. The New Homes Bonus (NHB) is one such local finance consideration, and its weight is to be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh other considerations.

Background Papers:

In making this recommendation, officers have considered all plans, documents, reports, and supporting information submitted with the application, including any amended documentation. Additional information relevant to the assessment of the application, as referenced within the report, also forms background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system, accessible [here](#).

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