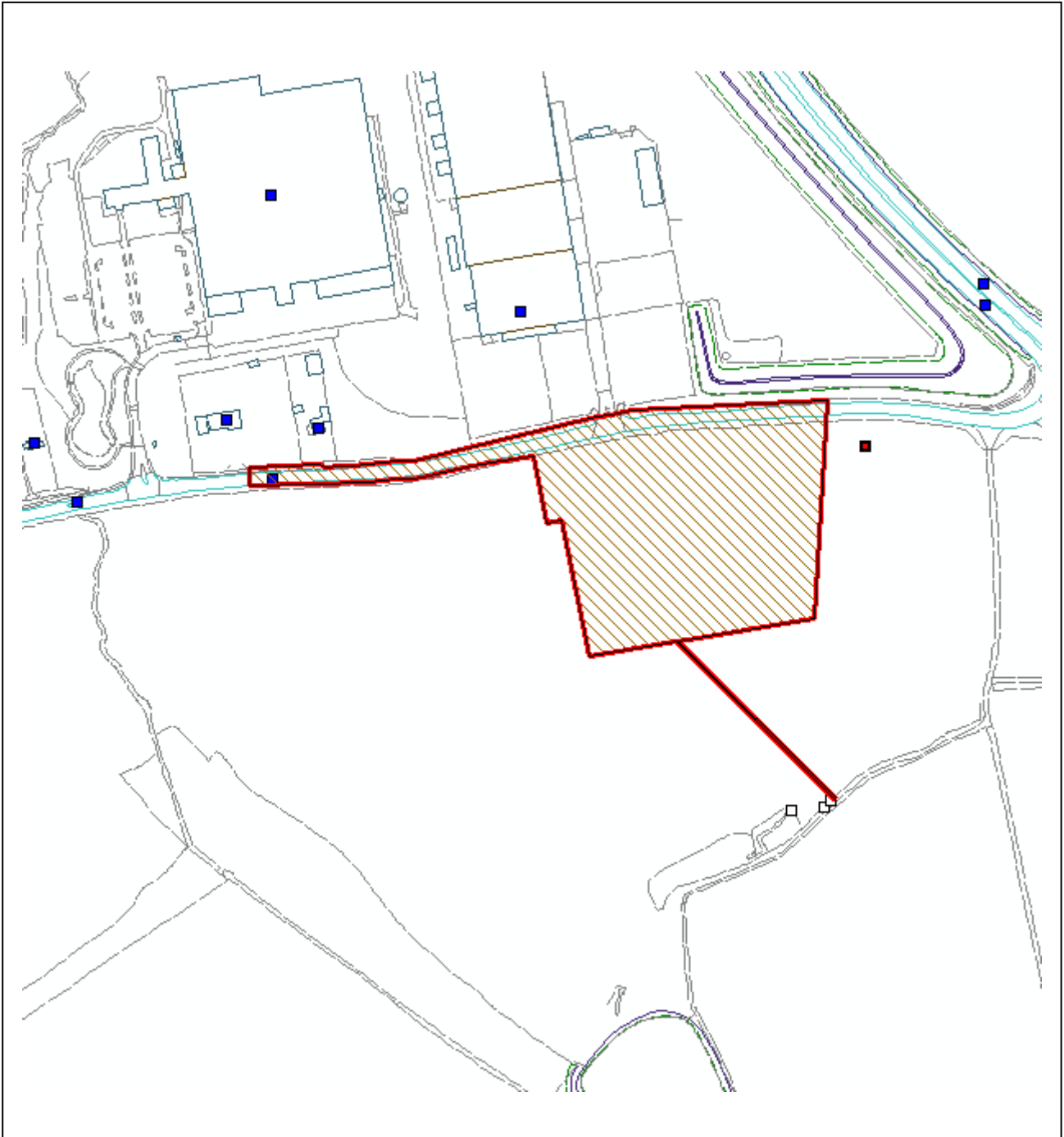


PLANNING COMMITTEE

9 JULY 2024

REPORT OF THE DIRECTOR OF PLANNING

A.1 PLANNING APPLICATION – 23/01699/OUT – LAND TO THE SOUTH OF COLCHESTER ROAD, FRATING



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Application:	23/01699/OUT	Expiry Date:	29th February 2024
Case Officer:	Michael Pingram	EOT Date:	23rd July 2024
Town/ Parish:	Great Bentley Parish Council		
Applicant:	Dalau Limited		
Address:	Land to The South of Colchester Road, Frating		
Development:	Outline Planning Application (Access to be considered with all other matters reserved) for new commercial premises.		

1. Executive Summary

- 1.1 This application is before the Planning Committee at the discretion of the Director of Planning and seeks outline planning permission (with all matters reserved bar access) for the erection of a commercial premises. The indicative plans show the building to measure approximately 7,200sqm which would be split between factory use (70%) and office use (30%) and would also accommodate 153 parking spaces.
- 1.2 The relocation of the site from its current base in Clacton-on-Sea would facilitate the expansion of a successful local business, thereby generating significant economic benefits. Additionally, it has been demonstrated that no sites allocated for employment use in the adopted local plan would be suitable. Taking this into account, Officers afford great weight to these benefits.
- 1.3 While the proposal is in outline form, it is considered that the indicative layout, scale and design would be acceptable. There will be no significant harm to neighbouring amenities given the separation distances, and similarly no significant harm to any heritage assets. No harm to existing trees has been identified, and following discussions, ECC Highways, ECC Ecology and ECC SuDS raise no objections subject to conditions.
- 1.4 There will be a degree of harm to the landscape character given that the site is currently an open parcel of agricultural land. However, on this occasion it is also noted that there is significant existing built form in close proximity, admittedly on the northern section of Colchester Road, and the applicant has demonstrated the harm would not be to a significant level, particularly over the passage of time as vegetation matures. That said, a small level of weight is attached to this identified harm.
- 1.5 In conclusion, while it is noted there will be a degree of harm to the landscape character of the area, on this occasion the economic benefits of the development are considered to outweigh this. The application is therefore considered to comply with local and national planning policies and is recommended for approval.

Recommendation: Approval

- 1) That the Head of Planning and Building Control be authorised to grant outline planning permission subject to the conditions as stated at paragraph 10.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
- 2) The informative notes as may be deemed necessary.

2. **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 Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

3. **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>

There are no emerging or adopted neighbourhood plans relevant to the application site.

4. **Planning Policy**

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

National Planning Policy Framework (2023)
National Planning Policy Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond 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

Tendring District Local Plan 2013-2033 and Beyond Section 2:

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
PPL9 Listed Buildings
PPL10 Renewable Energy Generation
CP1 Sustainable Transport and Accessibility

5. Relevant Planning History

91/00074/OUT	Sports stadium, business park including hotel, Class B1,B8 uses all related parking, open space access facilities and sewage treatment works	Withdrawn	17.04.1992
23/01699/OUT	Outline Planning Application (Access to be considered with all other matters reserved) for new commercial premises.	Current	

6. Consultations

Below is a summary of the comments received from consultees relevant to this application proposal. Where amendments have been made to the application, or additional information has been submitted to address previous issues, only the latest comments are included below.

All consultation responses are available to view, in full (including all recommended conditions and informatives), on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

ECC SuDS Consultee

03.01.2024 (initial comments)

Thank you for your email received on 07/12/2023 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

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

Lead Local Flood Authority position

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

- Please provide some information regarding how the pipework from the basin to the discharge outfall will be safeguarded by any future works since it lies outside of the red line planning boundary for 23/01699/OUT.
- Please confirm that the proposed site usage is not of an industrial nature and that chemicals and fuels (other than domestic fuel oil) are not intended to be delivered, handled, stored, used or manufactured onsite. These site usages would warrant a high pollution hazard level.

<https://www.essexdesignguide.co.uk/suds/water-quality/>

ECC SuDS Consultee 08.02.2024 (additional comments following additional information provided)

Thank you for your email received on 30/01/2024 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:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. Infiltration testing and groundwater monitoring must be carried out specific to the location of the proposed infiltration features. Furthermore, due to the failed infiltration rate at TP01, it may be necessary for the permeable paved car park to have a piped connection. This should be determined by further testing and reviewed at detailed design.
 - As a hybrid scheme is proposed, limiting discharge rates to 1l/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated.
 - Confirmation regarding access and maintenance to the pipe work leading to the watercourse.
 - 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 all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event. Where the half drain down time is greater than 1440 minutes, it must be demonstrated that features are 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, inclusive of a manhole schedule and the use of a MADD Factor of 0.
 - 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.
- Demonstration of an appropriate 'train' of SuDS components to reduce the risk of pollutants entering the watercourse or groundwater (given the site is within an Aquifer and a SPZ).
- The ground report identified a thin layer of made ground at locations WS5, WS6, WS8 and WS10. Where made ground is present, unless removed during the earthworks period, the

SuDS features should be lined, especially considering the Aquifer and SPZ designation.

- Detailed engineering drawings of each component of the drainage scheme, including the basin, swale, permeable paving etc.
- 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 occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

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. This must include details regarding mitigation measures within the SPZ and how soil compaction will be minimised. 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. 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.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.

<https://www.essex.gov.uk/protecting-environment>

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

- Any works to a ditch may require a S23 Ordinary Watercourse Consent. Please see the below link for more information and how to apply. <https://flood.essex.gov.uk/maintaining-or-changing-a-watercourse/>

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

ECC Highways Dept

10.04.2024

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 submitted material and in conjunction with a site visit. The Transport Assessment is comprehensive and provides information directly applicable to this business in relation to, staff numbers, location, delivery/servicing vehicles and how this will transfer to the proposed site. In addition, some of the existing staff and operational trips associated with the existing company are likely to be already on the highway network. The Highway Authority have looked at the increase that the Delau trips have demonstrated in the model, and these are showing a minimal increase, considering these factors:

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

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - i. the parking of vehicles of site operatives and visitors,
 - ii. loading and unloading of plant and materials,

- iii. storage of plant and materials used in constructing the development,
- iv. wheel and underbody washing facilities,
- v. traffic management plan and route card for construction traffic avoiding Frating and Elmstead.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

2. No occupation of the development shall take place until the following have been provided or completed:

- a) As indicated in principle on drawing no. 502042 IWD XX XX DR C 6000 P04, a new priority junction off Colchester Road to provide access to the proposed site.
- b) A dedicated right turn lane to be designed in accordance with DMRB standards, incorporating refuge islands as indicated in principle on drawing no. 502042 IWD XX XX DR C 6000 P04.
- c) The road junction at its centre line shall be provided with a minimum clear to ground visibility splays of 2.4m x 160m in both directions, as measured from and along the nearside edge of the carriageway and retained free of any obstruction at all times.
- d) As indicated in principle on drawing no. 502042 IWD XX XX DR C 6002 P01, and where possible the existing footway to be widened to maximum 2-metres or minimum 1.8 metres on the north side of Colchester Road to the existing bus stop facilities east of the Car Auction access. The provision of a new 2-metre-wide footway on the south side from the development site to the new bus stop.
- e) To current Essex County Council specification, the upgrade of the nearest bus stop on north side of Colchester Road, and east of the Car Auction access and a new bus stop to be provided on the south side of Colchester Road (details shall be agreed with the Local Planning Authority and Essex County Council prior to commencement of the development).
- f) Where the existing 40-mph speed limit terminates west of the proposed development site the provision of a 50-mph speed limit to be provided eastwards to incorporate the new development and to include the provision of a gateway feature at the new location for the terminal signs east of the development site (details shall be agreed with the Local Planning Authority and Essex County Council prior to commencement of the development).

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM7 and DM9.

3. Any new 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. Prior to first occupation of the proposed development, the Developer shall submit a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years. It shall be accompanied by a monitoring fee of £6,760 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5-year period.

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

5. Prior to first occupation of the development, details of the travel arrangements to and from the site for employees, customers, and visitors, within the proposed workplace Travel Plan

shall be submitted for the approval in writing by the local Planning Authority in consultation with the Highway Authority. The workplace Travel Plan must contain but not be restricted to the following:

- a) Baseline travel data based upon the information provided in the Transport Assessment, with suitable measures, objectives and targets identified to reduce the vehicular trips made by employees, customers, and visitors across the whole development, with suitable remedial measures identified to be implemented if these objectives and targets are not met.
- b) Appointment of a suitably qualified Travel Plan Coordinator to implement the Travel Plan in full and clearly identify their contact details in the Travel Plan.
- c) A commitment to monitor the vehicular trips generated by the employees, customers, and visitors, and submit a revised Travel Plan no later than six months after occupation of the commercial premises.
- d) A commitment to monitor the Travel Plan annually on each anniversary of the approval of the Full Travel Plan and provide the outcome in a revised Travel Plan to be submitted to and approved in writing by the Local Planning Authority and Essex County Council for a minimum period of five years using the same methodology as the baseline monitoring.
- e) A suitable marketing strategy to ensure that all employees on the site are engaged in the Travel Plan process.
- f) Confirmation and evidence of agreement with a local taxi business to provide a free taxi home for car sharers (who have been let down) and employees that have travelled by bus to work for an evening shift and cannot access existing bus services.
- g) A copy of an employee travel pack that includes information to encourage employees to use sustainable travel in the local area.

The site shall not be occupied until the workplace Travel Plan has been agreed. The approved travel plan measures shall be implemented in accordance with a timetable that shall be included in the workplace Travel Plan and shall thereafter adhered to in accordance with the approved workplace Travel Plan.

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

6. A Traffic Management Plan and Route Card shall be provided outlining a designated route to and from the site for the majority of HGV movements via the A133 Colchester Road/ A120 route to be agreed in advance with the Local Planning Authority in consultation with the Highway Authority.

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

7. The public's rights and ease of passage over bridleway no. 2 (Great Bentley_165) shall be maintained free and unobstructed at all times.

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

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

Notes:

- o The Speed Limit Order process is a separate statutory process that can attract comment/objections that require determination, and that outcome cannot be pre judged.
- o DMRB compliance table, including any departures or relaxation from standards will be required.
- o A Stage 1 RSA for the proposed access and highway improvement measures to be provided,

ideally to be carried out by Essex Highways (to avoid the issue of additional items being identified at RSA2 stage which can then delay technical approval) roadsafety.audit@essexhighways.org

- o The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate
- o Prior to any works taking place in the highway the developer should enter into an S278 agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.
- o Street lighting will be provided in accordance with ECC Operational Plan.
- o All highway related details should be agreed with the Highway Authority.
- o The development should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009.

Environmental Protection

12.12.2023

With reference to the above application, please see below for comments from the EP Team:

Noise: With reference to the submitted NIA, dated September 2023, I can confirm we are satisfied with the methodology and the findings of the report and as such have no further comments to make in relation to this.

Contaminated Land: With reference to the submitted Geo-Tech report dated November 2023, I can advise we are satisfied with the report methodology and findings. Section 6 of the report outlines recommendations in regards to mitigation. Providing all recommendations are followed and implemented, we have no reason to object in relation to this aspect.

Construction Method Statement: In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Protection ask that the following is submitted prior to the commencement of any construction or demolition works - the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Pollution and Environmental Control. This should at minimum include the following where applicable.

o Noise Control

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

2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

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

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

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

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

o Emission Control

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

and other relevant agencies.

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

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

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

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

REASON: to protect the amenity of nearby residential dwellings

Essex County Council Ecology

19.12.2023

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

No objection subject to securing biodiversity mitigation and enhancement measures.

Summary

We have reviewed the Preliminary Ecological Appraisal Report (Practical Ecology, August 2022) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

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

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

The mitigation measures identified in the Preliminary Ecological Appraisal Report (Practical Ecology, August 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 Hedgehog.

Although, potential impacts to Hazel Dormouse are not considered significant, due to the small scale of the section of hedgerow to be removed, required to facilitate the inclusion of a new access road, the Preliminary Ecological Appraisal Report (Practical Ecology, August 2022) however recommends that a precautionary non-licenced method statement be produced to manage any residual risks to this European Protected Species. This non-licenced method statement should be secured by condition of consent.

We also support the proposed reasonable biodiversity compensation measures of hedgerow planting, and three House Sparrow terraces, and biodiversity enhancements of two Dormouse nest boxes, ten Swift boxes, two solitary beehives, two bat boxes, additional hedgerow planting, and a wildlife beneficial soft landscaping scheme, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

Furthermore, to ensure that compensation and enhancement measures, including the compensatory hedgerow planting, are managed appropriately for the long-term benefit of

biodiversity, a Landscape and Ecological Management Plan (LEMP) should be produced and secured by condition of consent.

In addition, the Preliminary Ecological Appraisal Report (Practical Ecology, August 2022) highlights that it is likely bats could be foraging/commuting within and around the site's boundary features. Therefore, if any external lighting is to be proposed, it is advised that a sensitive lighting scheme is developed to minimise any impacts. This should summarise the following measures will be implemented:

- o Light levels should be as low as possible as required to fulfil the lighting need.
- o Warm White lights should be used at <2700k. 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.
- o The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- o 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. CONCURRENT WITH RESERVED MATTERS ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Practical Ecology, August 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. CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: NON-LICENCED HAZEL DORMOUSE METHOD STATEMENT

"A Hazel Dormouse Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Hazel Dormouse during the construction phase.

The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter."

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).

3. CONCURRENT WITH RESERVED MATTERS 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 2023 and s40 of the NERC Act 2006 (Priority habitats & species).

4. CONCURRENT WITH RESERVED MATTERS PRIOR TO BENEFICIAL USE: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

"A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development [or specified phase of development].

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details."

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)

And if any external lighting is proposed;

5. CONCURRENT WITH RESERVED MATTERS PRIOR TO BENEFICIAL USE: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity in accordance with GN:08/23 Bats and Artificial External Lighting (ILP) 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).

Tree & Landscape Officer

21.12.2023

The application site is in agricultural use with a strong hedgerow on the boundary with the highway containing a visually prominent group of Oaks. There are no trees or other significant vegetation in the main body of the application site.

To show the extent of the constraint of the existing vegetation on the development potential of the land the applicant has provided an Arboricultural Impact Assessment (AIA). This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction. Recommendations.

The AIA accurately describes the health, condition and amenity value of the trees and hedgerows and shows that only a short section of the boundary hedgerow would need to be removed to facilitate the construction of the new vehicular access to the site. The harm caused by the removal of the hedgerow could be satisfactorily remediated by new planting.

In terms of local landscape character, the application site is situated the Bromley Heaths Landscape Character Area (LCA). The LCA is in the Heathland Plateau which is primarily an extensively arable landscape of large productive fields divided by low, gappy hedgerows. The application site is situated on the exposed and windswept plateau corresponding to the highest part of the district. The LCA has a low density, rural settlement pattern of farms and halls, villages, hamlets, and small market towns.

The companion document for the above Landscape Character Assessment entitled 'Guidance for the Built Environment' emphasises the importance of conserving the distinct pattern of rural settlement and to ensure that this provides a framework for any new development.

Notwithstanding the above it is recognised that significant areas of land close to the application site are occupied by large commercial/industrial buildings that, despite their size, have been satisfactorily assimilated into their setting by way of a combination of the design of the buildings and the implementation of comprehensive soft landscaping schemes.

To show the potential impact of the development proposal on the area the applicant has provided a Landscape and Visual Impact Assessment (LVIA). This document describes the baseline features and quality of the local landscape character and quantifies the likely impact of the completed development on the local landscape character. The document identifies seven locations (visual receptor viewpoints) from which the application site can be viewed.

The LVIA informs the extent of soft landscaping likely to be required to soften and screen the proposed development. The proposals include the creation of a bund on the boundary of the site and a belt of planting to provide screening.

On balance and as described in point 10 of the Summary section of the LVIA new industrial buildings in this location would have a limited impact on landscape character and visual amenity in the long term. The effects would be mainly limited to the local area, and it is

considered therefore that although the proposals would have an adverse impact on the local landscape setting, over time, the visual impact would soften with the increasing maturity of the existing and proposed vegetation.

Should planning permission be likely to be granted then a comprehensive soft landscaping scheme should be secured by a planning condition to secure details of new planting to soften, screen and enhance the appearance of the development.

ECC Green Infrastructure

13.12.2023

Thank you for your email which provides Essex County Council (ECC) with the opportunity to assess and advise on the proposed landscape and green infrastructure (GI) strategy/plans for the aforementioned planning application.

ECC currently provides advice on green infrastructure schemes (GI) for major developments. ECC have been consultees on GI since 2018. Although there are no statutory requirements for GI, the 25 Year Environment Plan and Environment Act (2021) place significant importance on protecting and enhancing GI, accessibility and biodiversity net gain.

In providing advice we look to ensure that adequate provision, protection and improvements of high-quality GI comply with the objectives and planning principles set out in the following documents:

- Local Planning Authorities (LPA) Green Infrastructure Strategy/ SPD or equivalent green and open space strategies provides further guidance on the LPA's Local Development Plan policies regarding the Council's approach to green infrastructure provision in the local authority area.
- Essex Green Infrastructure Strategy, 2020, aims to enhance the urban and rural environment, through creating connected multi-functional GI that delivers multiple benefits to people and wildlife. It meets the County Council's aspirations to improve GI and green spaces in our towns, city and villages, especially close to areas of deprivation.
- Essex Green Infrastructure Standards, 2022, provide clear guidance on the requirements on both planning policy and planning application and processes.

ECC GI position

Having reviewed the Planning Design and Access Statement/Landscaping plans/Preliminary Ecological Assessment/Landscape and Visual Impact Assessment and the associated documents which accompanied the planning application, we do not object to the granting of 23/01699/OUT based on the following:

If minded to approve we would recommend the following conditions.

Condition 1

The Planning Design and Access Statement mentions landscaping and additional planting will be provided as part of the development at reserved matters, but the landscaping plans submitted needs to provide more details on the:

- new planting
- natural SuDs and green roof
- type of species to be used
- long-term stewardship.

No works shall take place until a detailed Landscape /GI Strategy for the site, based on the Essex Green Infrastructure Strategy and Essex GI Standards and the Preliminary Ecological Assessment (PEA) of the ecological context of the development, has been submitted to and approved in writing by a landscape specialist from the local planning authority. The scheme should include but not be limited to:

- The strategy will need to take into consideration the Biodiversity Net Gain enhancement mentioned in the PEA and wider environmental net gains, that forms an important component of nature recovery networks and the wider landscape scale GI network.
- Demonstrate that the development site/setting has been reviewed for multiple functions and benefits (listed in the Essex GI Strategy (chapter 5.1, page 35) and ensure that green/open spaces are designed to ensure multi- purpose and functional use for the benefits of wildlife, climate change and employees wellbeing.
- Active travel links to existing and new routes are accessible and provide connectivity from the development to wider active travel networks; use of GI features to ensure accessibility across the site should be considered.

Reason:

GI and its connectivity are to be at the heart of decision making at every stage in the planning and design process for all developments from the outset, thus GI is integral to place shaping. Planning and design of GI will ensure individual building, street, neighbourhood and landscape scale intervention features contribute to a coherent, meaningful and practical network of high-quality and multi-functional GI, that will provide multiple environment, social and economic benefits within the development and wider area. By ensuring good early design in light of the local context and including local policy context, the GI will more effectively meet local priorities and needs.

The National Planning Policy Framework 2021 paragraph 8c sets environmental protection and enhancement as one of the 3 objectives of the planning system.

Paragraph 98 states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change.

Condition 2

No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a Construction Environmental Management Plan (CEMP). Ideally, strategic elements of the GI framework are brought forward in phase one of the development, to create a landscape structure or evidence is shown that substantive GI is secured as early as possible in initial phases of delivery to allow early establishment. Therefore, a CEMP will be required to set out how retained GI, such as trees, hedges and vegetation will be protected during construction.

Reason:

The phased implementation of new GI of the development construction will allow for the GI to mature and it will provide further benefit of reducing/buffering the aesthetic impact from the construction work.

Condition 3

No development shall take place until there has been submitted to and approved, in writing, by SuDS and landscape specialists at the Local Planning Authority a landscape ecological management and maintenance plan and work schedule for a minimum of 10 years.

Details should include who is responsible for GI assets (including any surface water drainage system) and the maintenance activities/frequencies.

We would also expect details on how management company services for the maintenance of

GI assets and green spaces shall be funded and managed for the lifetime of the development to be included.

Reason:

To ensure appropriate management and maintenance arrangements and funding mechanisms are put in place to maintain high-quality value and benefits of the GI assets.

Failure to provide the above required information before commencement of works may result in reducing the value of the development, becoming an undesirable place to live that may increase the impacts from climate change, such as flood risk or air pollution 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 LEMP/Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason:

To ensure the GI 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 the high-quality and multi-functional benefits of GI assets.

Biodiversity Net Gain

The Planning, Design and Access Statement states and the Preliminary Ecological Assessment recommendations state that new planting and other enhancements will deliver biodiversity net gains. However, there is no mention of the units or percentage the proposal will achieve in net gains.

The site's size does not meet the Small Site Metric requirement but does meet the Statutory Biodiversity Metric requirement. At present, the Environment Act, 2021 identifies a minimum 10% gain required in biodiversity and approval of net gain plan. Habitat will need to be secured for at least 30 years via obligations/ conservation covenant through production of a Biodiversity Net Gain Management and Monitoring Plan.

The following guidance has already been produced to assist the calculation and delivery of biodiversity net gain:

- an updated Statutory Biodiversity Metric was published in November 2023.
- CIEEM, IEMA and CIRIA have set out Good Practice Principles for Development and an associated Practical Guide and Case Studies.
- a British Standard on biodiversity net gain and development projects: BS 8683:2021 Process for designing and implementing Biodiversity Net Gain

Condition 5

Planning applications subject to mandatory BNG shall require a Biodiversity Gain Plan to be submitted to and approved in writing by the local planning authority. The Environment Act sets out that the biodiversity gain plan should cover:

- How adverse impacts on habitats have been minimised.
- The pre-development biodiversity value of the onsite habitat.
- The post-development biodiversity value of the onsite habitat.
- The biodiversity value of any offsite habitat provided in relation to the development.
- Any statutory biodiversity credits purchased; plus.
- Any further requirements as set out in secondary legislation.

Reason:

Biodiversity Gain Plans (subject to guidance made available) sets out the key ecological considerations relevant to the development proposals, the biodiversity management principles for new habitat creation areas and the enhancements that are likely to be achieved through such management. Like Landscape and Ecology Management Plan it aims to:

1. Verify the ecological baseline features of interest.
2. Identify ecological mitigation requirements; and,
3. Identify management and enhancement requirements relevant to the application area.
4. To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

Other Considerations

Green Roofs

According to the Planning, Design and Access Statement that green roofs and PV solar panels are proposed and is welcomed. ECCs GI team expects a detailed scheme for green roofs (including maintenance and management arrangement) to have been submitted and approved in writing by the Local Planning Authority Prior to first occupation.

The ECC GI team recommends that the use of Bio Solar is explored. This can have dual benefits for energy and biodiversity. This includes biodiversity habitat creation, water storage capacity, flood alleviation and energy saving potential. Further information can be found here: <https://livingroofs.org/introduction-types-green-roof/biosolar-green-roofs-solar-green-roofs/> .

Sustainable Drainage Systems & Green Infrastructure

ECCs GI Team supports the delivery of 'a variety of green and blue infrastructure that provides an environmental support system for the community and wildlife'. ECC recommends consideration is given to the utilisation of GI as part of the Sustainable Drainage Systems (SuDs) design. GI and SuDs should be developed together to maximise benefits through multifunctionality- they do this by helping to reduce flood risk whilst providing biodiversity and amenity benefits.

Urban Greening Factor

It is encouraged for these sites, regardless of its size to still incorporate biodiversity enhancement into its design. The ECC GI team recommends that the Urban Greening Factor (UGF) is consulted to establish best practice. The UGF is a planning tool to improve the provision of GI particularly in urban areas. It can be used to increase urban greening and contribute to Biodiversity Net Gain. While it is voluntary, the ECC GI team strongly recommends utilisation of the UGF, and it can significantly contribute to place making, nature recovery, biodiversity enhancement, and connectivity to larger green infrastructure networks within proximity to the development site. More information can be found within the National Green Infrastructure Framework Standards (2023).

Climate Focus Area

The PEA mentioned that the developments is approximately 4km from the Colne Estuary. The aforementioned planning application is situated within the Essex Climate Action Commission's (ECAC) recommended Climate Focus Area (CFA), which is formed of the Blackwater and Colne River catchment areas (please see Figure 1 for further details). The objective of this recommendation is for the CFA to "accelerate [climate] action and provide exemplars, for learning and innovation: adopting Sustainable Land stewardship practices: 100% by 2030 and Natural Green Infrastructure: 30% by 2030" (ECAC, 2021). Among the objectives of the CFA are to achieve net zero carbon, biodiversity net gain, improve soil health and air quality, reduce flooding and urban heat island effect, and enhance amenity, liveability and wellbeing of Essex communities. It will achieve this by wholesale landscape change in rural areas and urban areas and it will look to developments and to contribute to these targets.

Figure 1: Map of ECACs Climate Focus Area

CFA require developments to take into account the following requirements in line with meeting the requirements outlined in NPPF:

- a) biodiversity net gain to enhance biodiversity and the natural environment by creating Natural Green Infrastructure contributing to the CFA 30% by 2030 target and the wider Local Nature Recovery Network/Strategy.
- b) flood and water management, for those properties at risk of flooding to include Integrated Water Management and Natural Flood Management techniques.
- c) New developments to improve urban greening of our towns, and villages through the provision of street trees for example. New developments are necessary in terms of increasing greenspace creation, naturalizing existing green spaces, greening the public realm, and implementing sustainable drainage systems (SuDS).

Anglian Water Services Ltd

20.12.2023

ASSETS

Section 1 - Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Great Bromley Water Recycling Centre that will have available capacity for these flows

Section 3 - Used Water Network

We have reviewed the Flood Risk Assessment Land south of A133, Frating Green, Essex - Dalau Ltd Job no: 502042 - Date: 23rd November 2023, it is quoted that As there are no local foul water sewers in the area, it is proposed that the foul water drainage system will be a traditional piped system and will outfall by gravity to a large cesspit, which will be emptied on a regular basis by a private contractor. Appropriate storage and alarm systems will be provided to notify the occupier of the foul water levels. Waterless urinals will be used to minimise demand on the system. The proposed drainage strategy is not related to Anglian Water, we therefore recommend that you consult the Environment Agency who are the statutory consultees for private sewerage. As quoted, we can confirm that Anglian Water has no public sewers within the area of the proposed development site.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the Flood Risk Assessment Land south of A133, Frating Green, Essex - Dalau Ltd Job no: 502042 - Date: 23rd November 2023 submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water and the submitted drawings indicate that surface water discharge from this site runs to an attenuation pond and ultimately discharges to a ditch. On this basis, Anglian Water can confirm this is outside our jurisdiction for comment and the Planning Authority will need to seek the views of the Environment Agency.

Arch. Liaison Off, Essex Police

03.01.2024

The Essex Police Designing Out Crime team thank you for the opportunity to comment on 23/01699/OUT.

There are no apparent concerns with the layout of this proposed development however we would welcome the opportunity to consult with the applicant to embed crime prevention through environmental design (CPTED) throughout the design; this will ensure that security is a by-product of well thought out, inconspicuous crime prevention, minimising the need for future situational crime prevention measures.

From a CPTED perspective, Essex Police would recommend the applicant contemplates the below in its architectural design:

- That public realm spaces are designed where safety and security is subliminal to the user of that space. Essex Police would be keen to take the opportunity to liaise regarding the green space and appropriate landscaping plan.
- Footpaths, Cycle routes and public areas are designed to address issues of permeability and connectivity, promoting natural surveillance.

We would recommend that the commercial units achieve the 'Secured by Design - Commercial' Award. The award addresses the security concerns by reducing the risks for crimes against both the person and the property. This typically would include burglary, theft, arson, vehicle crime and assault. Provision has also been made within the award for the prevention of terrorism. This will promote a safe and sustainable environment for all that use the location, minimising the fear of crime and anti-social behaviour.

Effective physical security is best achieved by multilayering different measures, as any adversary will attempt to identify and exploit perceived weaknesses.

Essex Police provide a free, impartial advice service to applicants who require advice on CPTED and Secured by Design and we would welcome and encourage the opportunity to meet with the applicant to discuss any potential issues.

Please note that the best contact with the Essex Police Designing Out Crime team is via email at designingoutcrime@essex.police.uk

Essex County Council Heritage

11.01.2024 (initial comments)

The proposal site is in proximity to a number of designated heritage assets, including but not limited to:

- Grade II Listed Milepost on southern verge between Bentley Brook and Colchester Bypass Roundabout;
- Grade II Listed Crabtree Farmhouse and Guide Post on North Verge to East;
- Grade II Listed Mannings and Pump at Rear (East) Of Mannings;
- Grade II Listed Ivy Lodge.

The Grade II Listed Milepost draws its significance from its archaeological and historic interest and from its location along one of the main routes from Colchester. The proposed development is therefore not considered to affect the setting of the identified heritage asset.

The proposed development is likely to be visible at distance from Crabtree Farmhouse, introducing a further built form in the undeveloped rural landscape which form part of its setting. The information provided are however not considered sufficient to assess whether the proposed development would result in some degree of less than substantial harm to the significance of Crabtree Farmhouse.

At this stage, the heritage statement does not include an assessment of the potential impact of the proposed development on the setting of the Grade II Listed Farm and the site photographs taken from heritage viewpoint 3 (photos 13 and 14) and provided within the LVIA are considered misleading in showing the effective distance of Crabtree from the boundary of the site. Additional information would therefore be required.

The proposed development is not considered to affect the setting of Grade II Listed Mannings and Ivy Lodge due to distance and intervening vegetation which would limit the intervisibility between the site and the identified heritage assets.

Were permission to be granted, a detailed landscape layout including information on proposed boundary treatment and visual mitigation strategy through proposed planting would be required.

Essex County Council Heritage 01.03.2024 (amended comments following additional information)

This is an outline Planning Application (Access to be considered with all other matters reserved) for new commercial premises. This follows my previous letter dated 10th January 2024.

Additional information provided confirms that there would be very limited intervisibility between the proposal site and Crabtree Farmhouse due to distance and existing vegetation. This could be further minimised with the introduction of additional planting as proposed.

Were permission to be granted, a detailed landscape layout including information on proposed boundary treatment and visual mitigation strategy through proposed planting would be required.

Essex County Fire Officer

20.12.2023

Initial Response to Consultation Document

Having reviewed the consultation document, at this time Essex County Fire and Rescue Service would ask that the following are considered during the continued development of the Planning Application 23/01699/OUT, Land to The South of Colchester Road, Frating, Essex:

- Use of community spaces as a hub for our Prevention teams to deliver Fire Safety and Education visits, with the shared use of an electric charging point.
- Adherence to the requirements of the Fire Safety Order and relevant building regulations, especially approved document B.
- Installation of smoke alarms and/or sprinkler systems at suitably spaced locations throughout each building.
- Implementation of vision zero principles where there are introductions of or changes to the road network. For example, the proposed plan illustrates one new road into the development site; one way in and out in onto a main carriageway, within close proximity to a major roundabout and other commercial developments. Consideration should be given to the increased number of vehicle movements in and out of the site via the one access/egress point onto the existing A133. Vehicle movements are likely to include those of employees, visitors and suppliers, utilising a variety of vehicles from cars, light goods vehicles and articulated lorries.
- Consideration should be given to how existing and any increased pedestrian traffic will safely navigate to and from the site, to surrounding amenities and along and across the road network. For example, will the development include improvements to cycle-paths and pedestrian crossings?

- Appropriate planning and mitigations to reduce risks around outdoor water sources.
- Suitable principles in design to aid deliberate fire setting.
- Consideration should be given to potential environmental and ecological impacts in the event of a fire. A significant fire could result in large quantities of contaminated water run-off being generated as the fire is extinguished. How would this water be captured, stored and prevented from entering the ponds and bodies of water such as "Bentley Brook", located within close proximity of the site?
- Regarding flood risk, consideration should be given to how, in the event of a flood, potential environmental and ecological impacts will be mitigated. For example, how any raw and processed industrial or hazardous materials will be prevented from entering the surrounding land and bodies of water.
- Consideration for road widths to be accessible whilst not impeding emergency service vehicle response through safe access routes for fire appliances including room to manoeuvre (such as turning circles). As identified above, the site has one proposed access/egress point. Consideration should be given to how vehicular traffic will evacuate the site in the event of an emergency, and how responding emergency services will access the site via the same route within that timeframe.
- Access for Fire Service purposes must be considered in accordance with the Essex Act 1987
- Section 13, with new roads or surfaces compliant with the table below to withstand the standard 18 tonne fire appliances used by Essex County Fire and Rescue Service.

Min. Width of Road between Kerbs

Min. Width of Gateways

Min. Height Clearance

Min. Carrying Capacity

Min. Turning Circle (Kerb to Kerb)

Min. Turning Circle between Walls

Sweep Circle

Pumping Appliance

3.7m

3.1m

3.7m

18 tonnes

17.8m

19.0m

19.0m

High Reach

3.7m

3.1m

4.0m

26 tonnes

17.8m

20.0m

- Implementation of a transport strategy to minimise the impact of construction and prevent an increase in the number of road traffic collisions. Any development should not negatively impact on the Service's ability to respond to an incident in the local area.
- A risk reduction strategy to cover the construction and completion phases of the project.
- Implementation of a land management strategy to minimise the potential spread of fire either from or towards the development site. Consideration should be given to how a fire at the site and any associated smoke plume could impact surrounding commercial, residential and transport infrastructure, for example the closure of roads or local amenities such as schools.

Essex County Fire and Rescue Service welcomes the opportunity to continue these conversations as the development progresses to ensure opportunities to reduce risk and improve the emergency service provision are realised.

Highways England

08.01.2024

The proposed development site is development site is to the South of Colchester Road Frating. The impact of this application is likely to be at the site entrance and at the local road junction Colchester road and A133 The potential queues generated on the Southbound A133 (for which ECC are Highway authority for) are very unlikely to tail all the way back form the Colchester Road junction to the A120

Given the above we have no objection to the granting of permission.

Environment Agency

12.06.2024

Thank you for consulting us on the above application. We have reviewed the documents as submitted and can confirm that we have no objection to the proposed development. We have provided further information for your consideration relating to foul drainage.

Foul Drainage

A cesspit is proposed for the foul drainage on site, we wish to take the opportunity to advice that this method of foul drainage removal isn't the most sustainable option as it will involve regular tanker movements. No permits are required as there is no discharge to the environment from a cess pit, it is a sealed tank, but relies on the owner arranging emptying at their own monitoring.

If we were considering a permit application, we'd expect the applicant to use flows and loads guidance to determine the volume of sewage effluent discharged and then apply a calculation to see if it may be reasonable to connect to the foul sewer. [flows_and_loads__bw_cop_18..pdf \(ymaws.com\)](#)

We are aware that Manheim auctions (opposite the site) have a private connection to the public foul sewer to the east, this is an option the developer could explore connecting to.

7. Representations

- 7.1 Great Bentley Parish Council and Frating Parish Council both object to the application on the basis the site is outside of a Settlement Development Boundary, outside of an employment allocation and that that area is classed as a Rural Service Centre where any development needs to be proportionate, achievable and sustainable, and the development proposed is instead disproportionate in size within a rural setting.
- 7.2 There has been one letter of objection received, which raises concerns that previously a joint scheme had been proposed by Dalau Ltd with Pallet Plus, which would have seen the relocation of Pallet Plus from its existing base. However, while these comments are noted, this is not a material planning consideration and can therefore not be given any weight in the determination of this application.

8. Assessment

Site Description

- 8.1 The application site is a parcel of land measuring 4.28 hectares, that is located along the southern section of Colchester Road within the parish of Frating. The site is currently an open parcel of agricultural land, which is bounded by a hedgerow to its front (northern) boundary.

- 8.2 The character of the surrounding area is relatively mixed; to the northern section of Colchester Road is a significant level of commercial development, including Manheim Colchester Auctions adjacent to the north of the application site, and also some residential properties. However, the land to east, south and west is of a far more rural character with large areas of open agricultural or grassed land.
- 8.3 The site falls adjacent to, but outside of, the Settlement Development Boundary for Frating within the adopted Local Plan 2013-2033. The land adjacent to the north is also allocated as an employment site.

Description of Proposal

- 8.4 This application seeks outline planning permission for the erection of a new commercial premises, which would be occupied by Dalau Ltd following their relocation from their existing base in Clacton-on-Sea. The application is in outline form with only access to be considered. All other matters, namely appearance, landscaping, layout and scale, would be reserved for a future detailed planning application.
- 8.5 The indicative plans provided, however, show that the building would have an approximate footprint of 7,200sqm, which would be split between factory use (70%) and office use (30%), and would also accommodate 153 parking spaces.
- 8.6 The application does include for a new access point via Colchester Road to the north, which does form part of the determination of this current planning application.

Principle of Development

- 8.7 Policy PP7 (Employment Allocations) of the recently Adopted Tendring District Council Local Plan (2022) allocates 32ha of land for new development within use classes B2 (General Industry) and B8 (Storage and Distribution) to support a diversity of employment opportunities. The table below details these sites:

Name of Site	Local Plan Allocation (ha)
Extension to Gorse Lane Industrial Estate, Telford Road, Clacton	68ha
Land at Stanton Europark, Parkeston	3.3ha
Land at Harwich Valley, East of Pond Hall Farm, Dovercourt	6.3ha (as part of a wider mixed use development)
Land off Clacton Road/Dead Lane, Mistley	2ha
Crown Business Centre, Old Ipswich Road, Ardleigh/Colchester	2.3ha
Land south west of Horsley Cross	11.2ha
Total Employment Land Area	31.9ha

- 8.8 In addition, Policy PP7 states that proposals for new employment-related development on land outside of the above allocations will be considered having regard to their potential to support economic growth in the district and the requirements of other policies in the Local Plan.

- 8.9 Within the applicant's submission, they have provided justification for why each of the sites in the table above are not a realistic option on this occasion; examples include sites having already been sold, being of an insufficient size and being located adjacent to a main line and therefore not suitable given the manufacturing is sensitive to vibrations.
- 8.10 On this occasion, the application site falls outside of both a Settlement Development Boundary and also a designated site for employment uses, however Policy PP7 is clear that in such circumstances due regard must be given to the potential of a development to support economic growth in the district.
- 8.11 Dalau Ltd are an engineering company who manufacture precision machined plastic components worldwide and have been operating since 1955. Operations are currently based in Clacton-on-Sea, specifically across two sites within Ford Road and also one in Brunel Road, which are considered to have reached the end of their life cycle. The current operation is becoming increasingly inefficient, with the two sites in Ford Road located on opposite sides of the road, and Brunel Way located some 2.7 miles apart. This is not cost effective or efficient and as such the company have been sourcing alternative approaches, specifically the siting of a 'fit for purpose' premises that would provide such benefits as allowing the continued growth of the company, the opportunity to provide for a state of the art building that showcases part of their material palette, and be within closer reach to a number of towns and settlements within the District and Colchester. In addition, whilst it has not been clarified what the intended use of the existing buildings would be, Officers acknowledge that the re-use of these (once vacated) would add further economic benefits through increased commercial offering within the District.
- 8.12 For the above reasons, as well as the fact that the proposal is to generate an additional 25 full time employees, Officers are content that the proposal would provide clear economic benefits to the District through the continued and ongoing expansion of a successful local company, and therefore support the principle of development subject to the more detailed considerations discussed below.

Landscape and Visual Impact

- 8.13 Paragraph 180(b) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
- 8.14 Adopted Policy PPL3 confirms the Council will look to protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance. Adopted Policy SPL3, Part A (c) requires that development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features.
- 8.15 In terms of local landscape character, the application site is situated in the Bromley Heaths Landscape Character Area (LCA). The LCA is in the Heathland Plateau which is primarily an extensively arable landscape of large productive fields divided by low, gappy hedgerows. The application site is situated on the exposed and windswept plateau corresponding to the highest part of the district. The LCA has a low density, rural settlement pattern of farms and halls, villages, hamlets, and small market towns.
- 8.16 The companion document for the above Landscape Character Assessment entitled 'Guidance for the Built Environment' emphasises the importance of conserving the distinct pattern of rural settlement and to ensure that this provides a framework for any new development.
- 8.17 Notwithstanding the above it is recognised that significant areas of land close to the application site are occupied by large commercial/industrial buildings that, despite their size, have been satisfactorily assimilated into their setting by way of a combination of the design of the buildings and the implementation of comprehensive soft landscaping schemes.

- 8.18 To show the potential impact of the development proposal on the area the applicant has provided a Landscape and Visual Impact Assessment (LVIA). This document describes the baseline features and quality of the local landscape character and quantifies the likely impact of the completed development on the local landscape character. The document identifies seven locations (visual receptor viewpoints) from which the application site can be viewed.
- 8.19 The LVIA informs the extent of soft landscaping likely to be required to soften and screen the proposed development. The proposals include the creation of a bund on the boundary of the site and a belt of planting to provide screening.
- 8.20 On balance, new industrial buildings in this location would have a limited impact on landscape character and visual amenity in the long term. The effects would be mainly limited to the local area, and it is considered therefore that although the proposals would have an adverse impact on the local landscape setting, over time the visual impact would soften with the increasing maturity of the existing and proposed vegetation.

Design, Scale, Layout and Appearance

- 8.21 Paragraph 135 of the National Planning Policy Framework (NPPF) (2023) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.
- 8.22 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. Adopted Policy SPL3 Part A (b) requires that development relates well to its site and surroundings, particularly in relation to its siting, height, scale, massing, form, design and materials.
- 8.23 The plans submitted are indicative only but show a proposed layout as well as 3D projections, which are clear that the two-storey factory building, measuring approximately 7,200sqm, would be located to the south-eastern corner of the site, with parking to the north-eastern corner and the front area is to include a landscape buffer.
- 8.24 As stated above, such a development will inevitably result in a level of harm to the areas existing character, which on this side of Colchester Road is more rural in nature. However, Officers equally acknowledge that to the north of the site is a large area of employment uses and associated built form. Against this context, the proposed building, and its indicative design, while large, would not necessarily be out of keeping with the area's broader character. That said, this would be a consideration for any future reserved matters application.
- 8.25 With respect to the indicative site layout, it is noted that the building would be well set back within the site, which allows for significant levels of soft landscaping to the front sections. This is supported as it will allow for a soft transition into the site, and help it better assimilate with the more rural character on this side of Colchester Road.

Impact to Trees

- 8.26 The Council's Tree and Landscape Officer has been consulted on this application and has commented as follows:

"The application site is in agricultural use with a strong hedgerow on the boundary with the highway containing a visually prominent group of Oaks. There are no trees or other significant vegetation in the main body of the application site.

To show the extent of the constraint of the existing vegetation on the development potential of the land the applicant has provided an Arboricultural Impact Assessment (AIA). This information is in

accordance with BS5837: 2012 Trees in relation to design, demolition and construction. Recommendations.

The AIA accurately describes the health, condition and amenity value of the trees and hedgerows and shows that only a short section of the boundary hedgerow would need to be removed to facilitate the construction of the new vehicular access to the site. The harm caused by the removal of the hedgerow could be satisfactorily remediated by new planting.

Should planning permission be likely to be granted then a comprehensive soft landscaping scheme should be secured by a planning condition to secure details of new planting to soften, screen and enhance the appearance of the development."

- 8.27 Taking into account the above comments, no objections are raised in this regard. Full landscaping details will form part of any future reserved matters planning application, and therefore full consideration will be given to this at that stage.

Highway Safety/Parking

- 8.28 Paragraph 114 of the National Planning Policy Framework 2023 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 115 of the Framework states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 117 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.
- 8.29 Policy SPL3 (Part B) of the Adopted Local Plan seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking.
- 8.30 Adopted Policy CP1 (Sustainable Transport and Accessibility) states 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. In addition, planning applications for new major development likely to have significant transport implications will normally require a Transport Statement. If the proposal is likely to have significant transport implications or a Transport Assessment, the scope of which should be agreed in advance between the District Council and the applicant, in consultation with Essex County Council as the Highway Authority.
- 8.31 Essex Highways Authority have been consulted on the application, and within their initial comments they confirmed that following a review of the submitted Transport Assessment they found its findings acceptable but entered into liaisons with the agent for the application in relation to a shared footway/cycleway, alterations to shift patterns to better align with the local bus service, and the lowering of the speed limit within the vicinity of the site.
- 8.32 Following this, the agent for the application outlined that the provision of a footway/cycleway would result in significant hedgerow removal, impact upon existing trees and would be a costly addition with little benefits given that due to the shift patterns of staff it is unlikely to be regularly used. It was also possible to alter early morning shift patterns to coincide with the local bus service, and it was agreed that the applicant would fund an agreement with a local taxi service for staff working evening shift patterns.
- 8.33 ECC Highways therefore consider that from a highway and transportation perspective the impact of the proposal is acceptable subject to conditions relating to a Construction Management Plan, visibility splays, provision of a new bus stop and widened footway, boundary planting being set

back from the highway, the submission of a workplace travel plan, a Traffic Management Plan and Route Card, and the continued use of the public bridleway. The reasonable and enforceable sections of the suggested Construction Management Plan recommended by both ECC Highways and the Council's Environmental Protection team are recommended to form a condition, however some elements are not reasonable or enforceable and are therefore not included. With respect to the suggested workplace travel plan condition, which includes a monitoring fee of £6,760, Officers consider that this could not be agreed via a condition and would instead need to be secured by way of a legal agreement. However, on this occasion, there is not considered to be sufficient justification provided by ECC Highways, and also no details in how this would be monitored, and therefore it is not recommended to include this.

- 8.34 In addition to the above, Highways England have been consulted on the application given the works impact upon a major highway network, however they have confirmed they raise no objections.
- 8.35 The Essex Parking Standards (2009) state that for Use Class B2, there is a requirement for one parking space per 50sqm of floorspace. The submitted plans indicate that the building will be 7,200sqm, and therefore there is a need for 144 parking spaces. The submitted plans show that there will be provision for approximately 153 parking spaces, and therefore the need is comfortably met.

Impact to Protected Species

- 8.36 Paragraph 180 of the Framework states planning decisions should contribute to and enhance the natural and local environment, by minimising impacts and providing net gains for biodiversity.
- 8.37 Adopted Policy SP7 requires that all new development should incorporate biodiversity creation and enhancement measures. Adopted Policy SPL3 Part A(d) includes that the design and layout of development should maintain or enhance ecological value.
- 8.38 A Preliminary Ecological Appraisal (PEA) has been submitted alongside the application submission. Accordingly, ECC Place Services (Ecology) have been consulted as part of this application and have confirmed they are satisfied that there is sufficient ecological information available for the determination of the application and raise no objections subject to conditions relating to mitigation measures, a Hazel Dormouse Method Statement, a Biodiversity Enhancement Strategy, and the submission of a Landscape and Ecological Management Plan. In addition, in the event external lighting is proposed a wildlife sensitive scheme should be provided.

Impact on Neighbouring Amenities

- 8.39 Paragraph 135 of the National Planning Policy Framework (2023) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.40 Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 8.41 While this southern section of Colchester Road is rural by nature, there is significant built form located on the northern side, including some residential properties. Those most closely related are located approximately 150 metres to the north-west. A Noise Impact Assessment accompanies the submission and concludes that the calculated noise emission during an intensive use of the facility is considered to be negligible in relation to the changes in the magnitude of noise impact. The Council's Environmental Protection team have been consulted and confirm they are satisfied with

the methodology and findings of this assessment, and therefore no objections are raised in this regard.

- 8.42 Furthermore, the built form itself, while only indicative at this stage, can be sited at such a distance apart that it would not appear oppressive or result in significant loss of daylight/sunlight.
- 8.43 Therefore, Officers do not consider that the development would be significantly harmful to the existing amenities of nearby residential properties.

Heritage Impacts

- 8.44 Paragraph 200 of the NPPF (2023) states that an applicant should describe the significance of any heritage assets affected, including any contribution made by their setting, with the level of detail being proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 208 identifies that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.45 Adopted Local Plan Policy PPL9 (Listed Buildings) states proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric. Where a proposal will cause harm to a listed building, the relevant paragraphs of the NPPF should be applied dependent on the level of harm caused.
- 8.46 The proposal is in proximity to various listed properties and as such ECC Place Services (Heritage) have been consulted on the application. Their initial comments read as follows:

"The proposal site is in proximity to a number of designated heritage assets, including but not limited to:

- Grade II Listed Milepost on southern verge between Bentley Brook and Colchester Bypass Roundabout;*
- Grade II Listed Crabtree Farmhouse and Guide Post on North Verge to East;*
- Grade II Listed Mannings and Pump at Rear (East) Of Mannings;*
- Grade II Listed Ivy Lodge.*

The Grade II Listed Milepost draws its significance from its archaeological and historic interest and from its location along one of the main routes from Colchester. The proposed development is therefore not considered to affect the setting of the identified heritage asset.

The proposed development is likely to be visible at distance from Crabtree Farmhouse, introducing a further built form in the undeveloped rural landscape which form part of its setting. The information provided is however not considered sufficient to assess whether the proposed development would result in some degree of less than substantial harm to the significance of Crabtree Farmhouse.

At this stage, the heritage statement does not include an assessment of the potential impact of the proposed development on the setting of the Grade II Listed Farm and the site photographs taken from heritage viewpoint 3 (photos 13 and 14) and provided within the LVIA are considered misleading in showing the effective distance of Crabtree from the boundary of the site. Additional information would therefore be required.

The proposed development is not considered to affect the setting of Grade II Listed Mannings and Ivy Lodge due to distance and intervening vegetation which would limit the intervisibility between the site and the identified heritage assets.

Were permission to be granted, a detailed landscape layout including information on proposed boundary treatment and visual mitigation strategy through proposed planting would be required."

- 8.47 Following these comments, the agent for the application provided an additional letter to address the outstanding matters raised. ECC Place Services (Heritage), upon re-consultation, have stated that the additional information confirms that there would be very limited intervisibility between the proposal site and Crabtree Farmhouse due to the distance and existing vegetation, and that this could be further minimised with the introduction of additional planting as proposed.
- 8.48 While additional planting will be assessed within any future reserved matters application, given the comments above no objections are raised in this regard.

Drainage

- 8.49 Policy PPL5 states that proposals for development must demonstrate that adequate provision exists, or can be provided in time, for sewage disposal to a public sewer and water recycling centre (sewage treatment works).
- 8.50 The application is supported by a Flood Risk Assessment and Drainage Strategy, which confirms the site falls within Flood Zone 1, the land use will be 'less vulnerable', and the site is not considered to be at risk from pluvial flooding or reservoirs. Ultimately, the report concludes, surface water rate of runoff should be reduced by the works, with foul water being stored within the site and taken away via a private tanker.
- 8.51 Essex SuDS have been consulted and initially raised a holding objection due to requiring further information relating to how the pipework from the basin to the discharge outfall would be safeguarded by any future works, and confirmation the site usage would not be of an industrial nature involving chemicals and fuels. However, following the submission of additional information to address these technical points, Essex SuDS have confirmed they do not raise any objections subject to conditions relating to the submission of a detailed surface water drainage scheme for the site, the submission of a scheme to minimise the risk of offsite flooding, the submission of a maintenance plan, and the maintenance of yearly logs.
- 8.52 In addition, the Environment Agency (EA) have been consulted given that the proposal involves the use of a cesspit for the disposal of foul drainage. Whilst they raise no objections they have confirmed that this method of foul drainage removal isn't the most sustainable option as it will involve regular tanker movements. The EA are aware that Manheim auctions (opposite the site) have a private connection to the public foul sewer to the east, and this is an option the developer could explore connecting to.
- 8.53 The agent for the application has, however, confirmed that a connection was explored to the existing adopted gravity foul water sewers in Frating but this would require an on-site foul water pumping station which would affect the viability of the project with the additional cost of a rising main along the length of Colchester Road, estimated to be in the region of £0.6m, and is equally not very sustainable given the need for constant power supply. Additionally, a Package Treatment Plant has also been considered but due to the variable and low infiltration rates of the local geology, the treated water would need to go to the watercourse to the south, which would require an increase in size of the attenuation feature and/or additional treatment stages.

Renewable and Energy Conservation Measures

- 8.54 Paragraph 116 of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.

- 8.55 Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.
- 8.56 The proposal includes for a development that has the potential to incorporate ULEV charging points for electric cars, and potentially additional renewable features. No details, however, are provided within the application submission. Therefore, it is considered reasonable and necessary to include a planning condition requiring a scheme, together with a timetable to be submitted for the consideration and installation of these measures, as such a condition is capable of addressing these policy requirements.

Biodiversity and Geodiversity

- 8.57 Paragraph 186 of the NPPF states that, when making planning decisions local planning authorities need to assess whether significant harm to biodiversity could result from the development. The NPPF goes on to state the hierarchy that should be applied to mitigate any harm to ecology that is identified. Paragraph 180 of the NPPF requires that Local Planning Authorities contribute to and enhance sites of biodiversity or geological value. TDLP Policy PPL4 states that proposals for new development should be supported by appropriate ecological assessments and, where relevant, provide appropriate mitigation and biodiversity enhancements to ensure a net gain.
- 8.58 This report addresses the distinct legal requirements, ensuring a comprehensive analysis of the ecology and biodiversity impacts of the proposal in line with regulatory standards.

General duty on all authorities

- 8.59 The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.
- 8.60 This development is subject to the general duty outlined above. The proposal is for a commercial premises on an open parcel of agricultural land. On this occasion, landscaping details shall be considered at a future reserved matters stage. Moreover, a condition to secure a Biodiversity Enhancement Strategy is recommended on this occasion to improve the biodiversity of the site.
- 8.61 Therefore, the development on balance and with consideration of the impact of the development and baseline situation on site, does conserve and enhance biodiversity interests.

Biodiversity net gain

- 8.62 Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals. The application was submitted prior to the introduction of this requirement and is not therefore applicable for Biodiversity Net Gain (BNG). Officers acknowledge that within their comments, ECC Green Infrastructure make reference to BNG however on the basis that this was introduced after the submission of this planning application, it is not applicable on this occasion.

Protected Species

- 8.63 In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species. The proposal includes for a new commercial premises. The impacts to protected species have been addressed within the report above, and it is considered that the proposal is unlikely to adversely impact upon protected species or habitats.
- 8.64 In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

9. Planning Balance and Conclusion

- 9.1 This application seeks outline planning permission with all matters reserved bar access for the erection of a commercial unit to be occupied by Dalau Ltd measuring approximately 7,200sqm. The relocation of the site from its current base in Clacton-on-Sea would facilitate the expansion of a successful local business, thereby generating significant economic benefits. Additionally, it has been demonstrated that no sites allocated for employment would be suitable. Taking this into account, Officers afford great weight to these benefits.
- 9.2 While the proposal is in outline form, with full details to be provided and assessed within any future reserved matters planning application, it is considered that the indicative layout, scale and design would be acceptable. There will be no harm to neighbouring amenities given the significant separation distances, and similarly no significant harm to any heritage assets. No harm to existing trees has been identified, and following discussions ECC Highways, ECC Ecology and ECC SuDS raise no objections subject to conditions.
- 9.3 The above notwithstanding, there will inevitably be a degree of harm to the landscape character given that the site is currently an open parcel of agricultural land. However, on this occasion it is also noted that there is significant existing built form in close proximity, admittedly on the northern section of Colchester Road, and the applicant has demonstrated the harm would not be to a significant level, particularly over the passage of time as vegetation matures. That said, a small level of weight is attached to this identified harm.
- 9.4 In conclusion, while it is noted there will be a degree of harm to the landscape character of the area, on this occasion the economic benefits of the development outweigh this. The application is therefore considered to comply with local and national planning policies and is recommended for approval.

10. Recommendation

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

10.2 Conditions and Reasons

1 COMPLIANCE REQUIRED: TIME LIMIT FOR RESERVED MATTERS APPLICATION

CONDITION: Application for approval of all outstanding and the final reserved matters for any phase of the development must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters for the relevant phase or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: To comply with the requirements of Section 92 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 reserved matters need to be received by the Local Planning Authority within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If there is no phasing plan, this condition is considered to apply to the whole site as a single phase. 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 APPROVAL OF RESERVED MATTERS

CONDITION: No development in any phase shall commence until approval of the details of:-

- the Appearance of the building(s) and place,
- Scale of the building(s),
- Layout of the building(s) and site,
- Landscaping

(hereinafter called "the reserved matters") for that particular phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and agreed order of phasing.

REASON: To enable the Local Planning Authority to secure an orderly and well designed development in accordance with the character and appearance of the neighbourhood and in accordance with the Development Plan. This condition is required to be agreed prior to the commencement of any development in accordance with proper planning principles to allow public engagement on the outstanding reserved matters and ensure no significant adverse harm results.

NOTE/S FOR CONDITION:

This condition requires approval of all reserved matters as may be listed to agreed in writing prior to any commencement of the approved development. Failure to comply with this condition may result in the permission becoming lapsed and unable to be carried out. If there is no phasing plan, this condition is considered to apply to the whole site as a single phase.

The reserved matters that may be listed above are further defined under government guidance as follows:-

ACCESS: The accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network

APPEARANCE: The aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

LANDSCAPING: The treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features

LAYOUT: The way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

SCALE: The height, width and length of each building proposed within the development in relation to its surroundings.

3 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.

Drawing Numbers 502042-IWD-XX-ZZ-DR-A-2010 Revision P13, 502042-IWD-XX-XX-DR-C-6101 Revision P01, 502042-IWD-XX-XX-DR-C-6002, 502042-IWD-XX-XX-DR-C-6001 Revision P01, 502042-IWD-XX-XX-DR-C-6000 Revision P04, 502042-IWD-XX-XX-DR-C-6100 Revision P02, 502042-IWD-XX-XX-DR-A-2400 Revision P03, 10606-D-AIA, and the documents titled 'Planning, Design and Access Statement', 'Preliminary Ecological Appraisal Report', 'Noise Impact Assessment', 'Landscape & Visual Impact Assessment', 'Geotechnical and Geoenvironmental Interpretative Report', 'Flood Risk Assessment' dated 23rd November 2023, 'Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan', 'Transport Assessment', 'Interim Workplace Travel Plan', and 'Heritage Officer response' dated 28th February 2024.

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.

- 4 **CONDITION:** Concurrent with the first reserved matter a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels, shall be submitted to and approved, in writing, by the Local Planning Authority.

REASON: In the interests of visual amenity and the character and appearance of the area.

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.

Should the landscape works include any new hedgerow, please consider the following planting for a native hedge. Native hedge: 50% hawthorn, 25% blackthorn (but beware - this can spread into adjacent fields), 15% field maple, 2% holly, 2% wild privet, 2% guelder rose, 2% dog rose, 2% buckthorn.

- 5 **CONDITION:** All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development, or in such other phased arrangement as may be 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, or in the case of existing planting within a period of 5 years from the commencement of development, 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.

- 6 **CONDITION:** Concurrent with the first reserved matter all mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Practical Ecology, August 2022) and thereafter maintained.

REASON: In order to safeguard protected wildlife species and their habitats in accordance with the NPPF and Habitats Regulations.

- 7 **CONDITION:** Concurrent with the first reserved matter a Hazel Dormouse Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Hazel Dormouse during the construction phase. The measures and works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON: In order to safeguard protected wildlife species and their habitats in accordance with the NPPF and Habitats Regulations.

8 CONDITION: Concurrent with the first reserved matter 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 and habitats.

9 CONDITION: Concurrent with the first reserved matter a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: To enhance protected and Priority species and habitats.

10 CONDITION: Concurrent with the first reserved matter a lighting design scheme for biodiversity in accordance with GN:08/23 Bats and Artificial External Lighting (ILP) 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 then be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme.

REASON: To enhance protected and Priority species and habitats.

11 CONDITION: Concurrent with the first reserved matter details of a surface water management scheme/plan, detailing how surface water and storm water will be managed on the site during construction and during the lifetime of the development, is submitted to and agreed in writing by the local planning authority. The scheme shall include but not be limited to:

- Details and verification of the suitability of infiltration of surface water for the development.
- Details of all discharge rates for all flood and storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change
- Provide details of sufficient on site storage to be installed and demonstrate if 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 is likely to occur.
- Provide details to demonstrate if all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Provide details that demonstrate if features proposed are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
- Provide final modelling and calculations for all areas of the drainage system.
- Provide 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.

Unless a timetable is agreed as part of the surface water management scheme submitted, no part of the development shall be first occupied or brought into use until the scheme is fully installed and is functionally available for use, unless alternative timing for installation is otherwise agreed in writing by the Local Planning Authority. The drainage scheme shall thereafter be maintained as approved.

REASON: To safeguard the ground water environment and minimise the risk of flooding. 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 by reason of flood risk.

NOTE/S FOR CONDITION:

This condition shall engage and requires details to be agreed prior to the commencement of development. This condition is imposed to ensure the potential impact on a sensitive area is considered and harm avoided that may be detrimental to amenity and the environment.

12 CONDITION: Concurrent with the first reserved matter, a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution shall be submitted to, and approved in writing by, the local planning authority. This must include details regarding mitigation measures within the SPZ and how soil compaction will be minimised. The scheme shall subsequently be implemented in full accordance with the details as approved.

REASON: To safeguard the ground water environment and minimise the risk of flooding.

13 CONDITION: Concurrent with the first reserved matter 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 loading/unloading/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. This shall include routing of all traffic and any directional signs to be installed and where.
- d) Details of any protection measures for footpaths and trees surrounding the site.
- e) Details of any means of access to the site during construction.
- f) Details of the scheduled timing/phasing of development for the overall construction period.
- g) Details of measures to control the emission of dust and dirt during construction, and including details of any wheel washing to be undertaken, management and location it is intended to take place.
- h) Details of the siting of any on site compounds and portaloos.
- i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
- j) Site waste management plan (that shall include reuse and recycling of materials)
- k) Scheme for sustainable construction management to ensure effective water and energy use.
- l) Scheme of review of complaints from neighbours.
- m) Registration and details of a Considerate Constructors Scheme
- n) Details on the provision, location and management of any show home/s or reception, including opening times, parking and advertisements (including flags and directional signs).

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.

14 **CONDITION:** Prior to occupation of the hereby approved development, the following shall have taken place or been completed:

- a) As indicated in principle on drawing no. 502042 IWD XX XX DR C 6000 P04, a new priority junction off Colchester Road to provide access to the proposed site.
- b) A dedicated right turn lane to be designed in accordance with DMRB standards, incorporating refuge islands as indicated in principle on drawing no. 502042 IWD XX XX DR C 6000 P04.
- c) As indicated in principle on drawing no. 502042 IWD XX XX DR C 6002 P01, and where possible the existing footway to be widened to maximum 2-metres or minimum 1.8 metres on the north side of Colchester Road to the existing bus stop facilities east of the Car Auction access. The provision of a new 2-metre-wide footway on the south side from the development site to the new bus stop.
- d) To current Essex County Council specification, the upgrade of the nearest bus stop on north side of Colchester Road, and east of the Car Auction access and a new bus stop to be provided on the south side of Colchester Road (details shall be agreed with the Local Planning Authority and Essex County Council prior to commencement of the development).
- e) Where the existing 40-mph speed limit terminates west of the proposed development site the provision of a 50-mph speed limit to be provided eastwards to incorporate the new development and to include the provision of a gateway feature at the new location for the

terminal signs east of the development site (details shall be agreed with the Local Planning Authority and Essex County Council prior to commencement of the development).

REASON: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

15 CONDITION: Concurrent with the first reserved matter, details of the travel arrangements to and from the site for employees, customers, and visitors, within the proposed workplace Travel Plan shall be submitted for the approval in writing by the local Planning Authority in consultation with the Highway Authority. The workplace Travel Plan must contain but not be restricted to the following:

a) Baseline travel data based upon the information provided in the Transport Assessment, with suitable measures, objectives and targets identified targets to reduce the vehicular trips made by employees, customers, and visitors across the whole development, with suitable remedial measures identified to be implemented if these objectives and targets are not met.

b) Appointment of a suitably qualified Travel Plan Coordinator to implement the Travel Plan in full and clearly identify their contact details in the Travel Plan.

c) A commitment to monitor the vehicular trips generated by the employees, customers, and visitors, and submit a revised Travel Plan no later than six months after occupation of the commercial premises.

d) A commitment to monitor the Travel Plan annually on each anniversary of the approval of the Full Travel Plan and provide the outcome in a revised Travel Plan to be submitted to and approved in writing by the Local Planning Authority and Essex County Council for a minimum period of five years using the same methodology as the baseline monitoring.

e) A suitable marketing strategy to ensure that all employees on the site are engaged in the Travel Plan process.

f) Confirmation and evidence of agreement with a local taxi business to provide a free taxi home for car sharers (who have been let down) and employees that have travelled by bus to work for an evening shift and cannot access existing bus services.

g) A copy of an employee travel pack that includes information to encourage employees to use sustainable travel in the local area. The site shall not be occupied until the workplace Travel Plan has been agreed. The approved travel plan measures shall be implemented in accordance with a timetable that shall be included in the workplace Travel Plan and shall thereafter adhered to in accordance with the approved workplace Travel Plan.

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

16 CONDITION: Concurrent with the first reserved matter a scheme for the provision and implementation of water, 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:-

- An electric car charging point;
- Agreement of a scheme for water conservation including greywater recycling and rainwater capture/re-use;
- Agreement of heating of each building;

- Agreement of scheme for waste reduction; and
- Provision of a fibre optic broadband connection to the best possible speed installed on an open access basis and directly accessed from the nearest exchange, incorporating the use of resistant tubing. (If the applicant is unable to achieve this standard of connection, and can evidence through consultation that this would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 30mbps) wireless service will be considered.)

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 reduce need, better use or savings in the use of water, energy and resources; reduce harm to the environment; and result in wider public benefit in accordance with the NPPF.

- 17 CONDITION: Notwithstanding the provisions of Article 3, Schedule 2 Part 3 of the Town & Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), the hereby approved development shall be used as Class B2 and E(g)(i) uses and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument and re-enacting that Order with or without modification).

REASON: To enable the Local Planning Authority to retain control over the development in the interests of the amenity.

- 18 CONDITION: Concurrent with the submission of the Reserved Matters, full details of foul water drainage shall be submitted to and approved, in writing, by the Local Planning Authority. No part of the building/s shall be first occupied or brought into use until the agreed method of foul water drainage has been fully installed and is functionally available for use for that building/s. The foul water drainage scheme shall thereafter be maintained as approved.

REASON: To safeguard the ground water environment from harm.

NOTE/S FOR CONDITION:

This condition shall engage and requires details to be agreed prior to the commencement of works to the building/s approved. This condition is imposed to ensure the potential impact on a sensitive area is considered and harm avoided that may be detrimental to amenity and the environment. This condition as detailed will apply to the development at all times once agreement is obtained unless varied or removed legally.

- 19 CONDITION: Prior to first use of the access, visibility splays shall be provided with a minimum clear to ground visibility splay with dimensions of 2.4 metres by 215 metres in both directions, as measured from and along the nearside edge of the carriageway, and shall then be retained in its approved form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

REASON: To ensure vehicles exiting the access would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action.

10.3 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.

Highways Informatives:

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 also available.

11. Additional Considerations

Equality Impact Assessment

- 11.1 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 victimisation 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.
- 11.2 It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration 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.
- 11.3 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 Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Human Rights

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

Finance Implications

- 11.7 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 11.8 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall 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 the other considerations.

12. Background Papers

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