

## DELEGATED DECISION OFFICER REPORT

| AUTHORISATION                                                | INITIALS | DATE       |
|--------------------------------------------------------------|----------|------------|
| Planning Officer recommendation:                             | AL       | 05/07/2024 |
| EIA Development - Notify Planning Casework Unit of Decision: | AL       | 03/07/2024 |
| Team Leader authorisation / sign off:                        | JJJ      | 11/07/2024 |
| Assistant Planner final checks and despatch:                 | ER       | 12/07/2024 |

**Application:** 24/00119/FUL

**Town / Parish:** Ardleigh Parish Council

**Applicant:** HT Industrial Limited

**Address:** Ardleigh Oaks Old Ipswich Road Ardleigh

**Development:** Demolition of existing buildings and construction of new storage warehouse with B8 Use Class, associated yard space, parking and ancillary refuse and cycle storage.

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

Ardleigh Parish Council  
24.4.2024

#### **LATEST COMMENTS**

Ardleigh Parish Council reconsidered this application on 8 April following an approach by the applicant who attended the meeting.

Having considered the applicants' comments. The Council resolved to remove the application from the call-in list for the Tendring District Council Planning Committee and to make updated comments that a condition be requested for Parish Council input with landscaping/lighting plans and for use to be restricted to B8 which relates to storage and warehouse facilities.

Ardleigh Parish Council  
26.02.2024

#### **INITIAL OBJECTIONS**

The Old Ipswich Road is not allocated for employment in the local plan, (notwithstanding the existing uses in this area which have generally been small scale). Ardleigh is in the lowest tier of the development hierarchy and should be protected from further development which damages our parish.

We continue to strongly object to further industrialisation of the rural area around Old Ipswich Road, which is within the setting of the Dedham Vale National Landscape and rich with wildlife.

The site in question backs on to the new country park and public open space which will be open to the public once the current minerals extraction is complete. 24-hour HGV access and lighting will damage the setting of this open space and the associated floral and fauna including bats.

The area is close to Ardleigh Reservoir and similar developments have raised concerns about drainage and riparian rights which would need to be fully addressed in this decision.

The application makes reference to permission being granted for a larger 24 hour warehouse at the other side of the junction with Wick Lane. We were dismayed to see this reference, given that it is the subject of a legal challenge at the time of writing- we do not think it can or should be used as a precedent.

Within the Neighbourhood Plan policy GDP business (other) development would be supported where:

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'd. The proposal is modest in scale and impact;  
and e. It would provide necessary support for a new or existing business that is appropriate to the rural area;  
or f. It would directly provide for the conservation, enhancement or appropriate enjoyment of the countryside.'

We do not feel that this development would meet these criteria and would wish it to be rejected.

The references to sustainable transport in the 'Transport Statement' are misleading and disingenuous.

Regarding walking 2.22 refers to a 'single footway which provides connections to the south over the mainline A120, around the A12/A120 gyratory towards... Colchester'. The suggestion 'the footway provides a safe environment for pedestrians and allows connections from the site to surrounding public transport infrastructure' (2.23) is unbelievable. Have the authors of this report tried to cross the Crown interchange 'gyratory' on foot with cars accelerating off the roundabout on to the slip road to join the A120. It is not to be recommended and could not be promoted as a safe or sustainable way to travel. Similarly, 'many roads in the vicinity of the site (including Old Ipswich Road) are considered suitable to be utilised by bicycle. There is ample opportunity for cyclists to gain access to the wider cycle network by utilising these routes in the immediate vicinity of the site.' (2.24) This statement is also inaccurate, given the existing uses and levels and types of traffic along Old Ipswich Road and Wick Lane in particular.

The bus routes referred to in 2.29 to 2.32 would necessitate crossing the busy and hazardous Crown Interchange on foot or bicycle and as mentioned above cannot be recommended.

The promotion of park and pedal from the park and ride site (2.37) seems frankly bizarre given that there is no direct route between the two locations (cycling along the A12 would not be permitted).

Many of our Parish Council's concerns about application 20/00594/FUL (which is nearby and referred to in the application) would apply to this application and would bear repeating. In particular we would be concerned about

- Development Plan conflict- this area is not designated for employment, in planning terms as the application itself concedes this site is in the Countryside.
- Impact on the setting of the National Landscape (to be tested in a Judicial Review permissions hearing).
- Planning balance. Including whether the harms associated can be offset by any claimed benefits and whether those benefits could be achieved elsewhere at a more appropriate site
- Accessibility and unsustainable pattern of growth
- Consideration of alternative suitable sites
- Loss of landscape including Impact on footpaths, Impact on new public open space
- Loss of Biodiversity including bats and great crested newts which are known to be present in the immediate area.

Our Council feels strongly that this application should be rejected. Should the Planning Officer be minded to approve then we would request that the decision be called in to Committee to allow politicians to make the decision and be prepared to justify it to the electorate.

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## **2. Consultation Responses**

Essex County  
Council Ecology  
26.02.2024  
**INITIAL  
OBJECTIONS**

Thank you for consulting Place Services on the above application.

Holding objection due to insufficient ecological information on European Protected Species (bats)

### **Summary**

We have reviewed the Preliminary Ecological Appraisal (Tim Moya Associates, January 2024) and Outline Bat Mitigation and Compensation Strategy (Tim Moya Associates, January 2024), relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation.

We are not satisfied that there is sufficient ecological information available for determination of this application.

This is because the Preliminary Ecological Appraisal (Tim Moya Associates, January 2024) identifies building B4 as having "moderate" potential for roosting bats. As a result, two presence / likely absence surveys are recommended within the report. However, the results of these surveys have not been submitted to support this application. The Outline Bat Mitigation and Compensation Strategy (Tim Moya Associates, January 2024), outlines mitigation based on a day roost for Pipistrelle bats. However, without the result of these surveys, certainty of appropriate mitigation cannot be ascertained. Therefore, to ensure the LPA has certainty on the likely impacts to bats (European Protected Species) the result of these surveys should be submitted prior to determination.

In addition, tree T8 had "moderate" potential for roosting bats. We note that recommendations included the use of two endoscope surveys to identify the presence / likely absence of bats within the tree. This tree has been categorised with reference to the superseded guidance, Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, 2016). However, the Outline Bat Mitigation and Compensation Strategy (Tim Moya Associates, January 2024), outlines that a further climbed inspection resulted in limited roosting opportunities for roosting bats and now categorises tree T8 have being "PRF-I" in line with up-to-date guidance - 4th Ed bat Survey Guidelines (Collins ed, 2023). Therefore, a pre-works inspection was recommended. However, in line with the 4th Ed bat Survey Guidelines (Collins ed, 2023), the removal of tree T8 with potential roost features should be supported by appropriate compensatory roost features (in addition to any compensation required for the demolition of the building) in advance of felling and felling should be carried out under a precautionary working method statement (PWMS). It is recommended that both compensation and the PWMS are secured by a condition of any consent.

To fully assess the impacts of the proposal the LPA need ecological information for the site, particularly for bats, European Protected Species. These surveys are required prior to determination because Government Standing Advice indicates that you should Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby".

The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

This information is therefore required to provide the LPA with certainty of likely impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

Essex County  
Council Ecology  
25.06.2024  
**LATEST  
COMMENTS – NO  
OBJECTION**

No objection subject to securing biodiversity mitigation and enhancement measures.

#### Summary

Further to our comments on the 26th February 2024, we have reviewed the Bat Survey Report (Tim Moya Associates, May 2024), relating to the likely impacts of development on designated sites, protected species and Priority species & habitats and identification of appropriate mitigation measures.

We note that the Bat Survey Report (Tim Moya Associates, May 2024), concluded that Building B4, with "moderate" bat roost potential, has a likely absence of bats (European Protected Species). As a result, the LPA now has certainty of the likely impacts to these European Protected Species.

Therefore, 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 Bat Survey Report (Tim Moya Associates, May 2024), 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 those recorded in the locality.

In addition, tree T8 had "moderate" potential for roosting bats. We note that recommendations included the use of two endoscope surveys to identify the presence / likely absence of bats within the tree. This tree has been categorised with reference to the superseded guidance, Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, 2016). However, the Outline Bat Mitigation and Compensation Strategy (Tim Moya Associates, January 2024), outlines that a further climbed inspection resulted in limited roosting opportunities for roosting bats and now categorises tree T8 have being "PRF-I" in line with up-to-date guidance - 4th Ed bat Survey Guidelines (Collins ed, 2023). Therefore, a pre-works inspection was recommended. However, in line with the 4th Ed bat Survey

Guidelines (Collins ed, 2023), the removal of tree T8 with potential roost features should be supported by appropriate compensatory roost features (in addition to any compensation required for the demolition of the building) in advance of felling. In addition, felling should also be carried out under a precautionary working method statement (PWMS). It is recommended that PWMS, as part of a construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) and compensation are secured by a condition of any consent.

Furthermore, we note that the Preliminary Ecological Appraisal (Tim Moya Associates, January 2024), recommends that further Precautionary Method Statements for Great Crested Newts and Reptiles should be produced. The details of these Precautionary Method Statements should therefore be included within the CEMP: Biodiversity

As of 12th February 2024, all major development, as defined under Article 2 Town and Country Planning (Development Management Procedure) (England) Order 2015, are required to deliver a mandatory 10% measurable biodiversity net gain.

Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021, and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act.

The Biodiversity Net Gain Planning Practice Guidance (PPG) sets out how mandatory biodiversity net gains should be applied through the planning process and Paragraph: 011 Reference ID: 74-011-20240214 sets out what information should be submitted as part of a planning application if the statutory biodiversity gain condition applies.

We note that this application was submitted on the 24th January and validated on the 5th February. Therefore, it is considered that mandatory Biodiversity Net Gain does not apply to this development. Nevertheless, we have reviewed and support the proposed biodiversity enhancements of Hedgerow planting, mixed scrub creation and tree planting, which have been recommended by the Biodiversity Net Gain Assessment (Tim Moya Associates), in addition to bird boxes, bat boxes, hedgehog boxes, and invertebrate boxes recommended by the Preliminary Ecological Appraisal (Tim Moya Associates, January 2024), to secure net gains for biodiversity, as outlined under Paragraph 180d of the National Planning Policy Framework (December 2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Compensation and Enhancement Strategy and should be secured by a condition of any consent.

In addition, the Bat Survey Report (Tim Moya Associates, May 2024), highlights that it is likely bats could be foraging/commuting within and around the site. 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:

- Light levels should be as low as possible as required to fulfil the lighting need.
- 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.

- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

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

#### Recommended conditions

##### 1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Tim Moya Associates, January 2024) and Bat Survey Report (Tim Moya Associates, May 2024), 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 (as amended)

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

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

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including Precautionary Working Method statements for Bats in trees, Great Crested Newts and Reptiles.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

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

### 3. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY COMPENSATION AND ENHANCEMENT STRATEGY

"A Compensation and Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority.

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

- a) Purpose and conservation objectives for the proposed compensation and enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed compensatory bat roost features and 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 compensatory bat roost features and 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 December 2023 and s40 of the NERC Act 2006 (as amended).

And if any external lighting is proposed;

### 4. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

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

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

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

ECC Highways  
Dept  
15.04.2024  
**INITIAL  
COMMENTS – NO  
OBJECTION  
SUBJECT TO  
S106**

The information submitted with the application has been fully assessed by the Highway Authority and conclusions reached based on a desktop study with the observations below based on the submitted material and in conjunction with a site visit. It is noted that it is estimated that there will be 6 two-way vehicle movements in the weekday AM and PM peak hours and 61 two-way vehicle movements over the weekday 12-hour period. This would equate to an average of 1 two-way vehicle movement every 10 minutes during the peak hours. Based on these figures it is predicted traffic attraction is considered to be similar to that of the previous National Highways depot i.e., estimated 60 two-way vehicle trips over the 12-hr period. It is predicted that the site will employ twenty full-time staff. The similarities between the proposal and previous site should not give rise to a significant increase in vehicle movements to and from the site or result in a material change in the character of the traffic in the vicinity of the site, 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. The submitted Construction Management Plan once approved in writing by, the local planning authority, shall be adhered to throughout the construction period. The Plan shall provide for:

- i. vehicle routing,
- ii. the parking of vehicles of site operatives and visitors,
- iii. loading and unloading of plant and materials,
- iv. storage of plant and materials used in constructing the development,
- v. wheel and underbody washing facilities.
- vi. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense when caused by developer.

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

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

a) A priority junction off Old Ipswich Road to provide access to the proposed site as shown in principle on planning application, amended viability and access plan drawing number:

a) Carriageway measuring no less than 7m in width.

b) Kerb radii measuring a minimum of 15 metres.

c) A straight section of carriageway to be provided from the entrance junction for 22 metres.

d) 2-metre-wide footway on the south side of the junction and continued around the kerb radii.

e) Appropriate pedestrian crossing facilities (drop kerbs/ tactile paving).

f) Waiting restrictions (Red route restriction) shall be provided on Old Ipswich Road either side of the site access junction and opposite the junction the extent of the restrictions to be agreed in advance with the Highway Authority.

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

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

3. Prior to occupation of the development, the road junction / access at its centre line shall be provided with minimum clear to ground visibility splay with dimensions of 2.4m x 127m to the north of the access junction 2.4m x

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132m to the south of the access junction, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times. In addition, the development site boundary fence/wall/vegetation should be located outside of the visibility splays.

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

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

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

5. The powered two-wheeler/cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.

Reason: To ensure appropriate powered two-wheeler and bicycle parking is provided in accordance with Policy DM8.

6. Prior to occupation of the development an appropriate Traffic Management Plan shall be provided outlining a designated route to and from the development for all HGV movements via the Crown Interchange/ A12/A120 to be agreed in advance with the Local Planning Authority in consultation with the Highway Authority.

Reason: To control the location and direction of HGV vehicle movements to and from the site in the interests of highway safety and Policy DM1 and DM19.

7. 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.

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.

8. A financial contribution of £7,000 (to be index linked) towards an HGV survey and/or future environmental weight restriction and/ or length restriction on Old Ipswich Road/ A12 off-slip, north of Harts Lane, (southbound movements only) type and extent of restriction to be agreed with the Highway Authority and National Highways.

Reason: To protect highway efficiency of HGV movement and safety and to ensure the proposal site is accessible, in accordance with policy DM1 and DM19.

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:

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

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

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

Informative:

i) All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

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

iii) 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.

iv) 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.

ECC Highways  
21.6.2024  
**FOLLOW UP  
COMMENTS – NO  
S106 REQUIRED**

Many thanks for your time earlier in connection with the above application. I have reviewed my original recommendation again and it does include a Traffic Management plan and that is the best we can hope for, for this application, so on that basis it would be a case of just omitting condition 8 from my original recommendation.

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ECC Green  
Infrastructure  
27.02.2024

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 emerging Environment Bill will place significant

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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, 2021, provide clear guidance on the requirements on both planning policy and planning application and processes.

#### ECC GI position

Based on the submitted information which includes Design and Access Statement, Landscape Proposals Plan and Planting Specification, Preliminary Ecology Assessment and Biodiversity Net Gain Assessment, we do not object to the granting of 24/00119/FUL.

With regard to the delivery of commercial developments, ECC GI team recommends that opportunities to promote biodiversity are explored as part of the design process. Biodiversity can be enhanced on development sites in a number of ways, including through the establishment of hedgerows, wildflower meadows, bird boxes, insect houses and ponds.

The information includes a Biodiversity Net Gain Assessment which estimates a 0.11% hedgerow gain for the site compared with the baseline habitats present. This does not meet the statutory 10% requirement. The proposed ecological enhancements will however add to the biodiversity value of the site. However, it is noted that the Biodiversity Net Gain Assessment mention that if further net gain is required that additional off-site delivery maybe considered. It is recommended that this is discussed with Tendring DC and for the Biodiversity Metric and Biodiversity Net Gain Assessment is updated once the landscape provision for both on-site and off-site is known and fixed.

A Design and Access Statement (November 2023) sets out the design principles and access arrangements for the site whilst specialist reports and plans relate to arboriculture, ecology, biodiversity and landscape improvements at the site.

The application is accompanied by landscape proposals plan 230961-TMS-XX-DR-L-3001 and planting specification 230961-TMS-XX-DR-L-3006. As well as a number of new trees proposed, the planting selection includes a range of flowering and fruiting species which will enhance biodiversity at the site. The majority of the existing trees at the site are retained. New hedgerow planting is proposed connecting to the network of existing hedgerows along the Old Ipswich Road and wider A12 corridor.

The proposal is supported by a Preliminary Ecological Assessment which presents opportunities for biodiversity enhancement at the site in the way of

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wildlife boxes, tree and shrub planting and other potential enhancements such as log piles.

It is noted that the application does not include a specific Landscape Ecological Management Plan (LEMP) and require further landscape details (i.e., planting plans).

If minded to approve, we would recommend the following conditions:

Condition 1

No works shall take place until a detailed Green Infrastructure Strategy/ Landscape Strategy for the site, based on the Essex Green Infrastructure Strategy and Emerging GI Standards and an assessment 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 development should be designed to deliver Biodiversity Net Gain and wider environmental net gains, that forms an important component of nature recovery networks and the wider landscape scale GI network.
- Ensure there are good accessible links for all from the development to existing settlements, urban centres, rural areas, active travel networks and green spaces.
- Demonstrate how the GI has been designed to provide employees recreational/welfare facilities for their health and wellbeing.
- It is positive to see the inclusion of solar panels on the roof of the storage warehouse building. 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/biosolargreen-roofs-solar-green-roofs/>.

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

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GI, such as trees, hedges and vegetation, as well as any nature designated sites (e.g., SSSI's etc.) 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 (LEMP) 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.

#### INFORMATIVES:

- Any GI features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
  - It is not within the scope of the GI team 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 green infrastructure and the information submitted on planning applications based on the key documents listed within this letter. However, any relevant information relating to green infrastructure submitted as part of any previous applications should be submitted with the updated information.
  - The GI consultation responses provide a high-level review of the proposals onsite. However, the relevant specialists e.g., ecology and landscape
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specialists should still be consulted on the information submitted. It should be noted that detailed discharge of condition applications should be referred to technical specialists rather than the GI planning team.

- 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.

- The ECC GI team recommends that the Urban Greening Factor is consulted to establish best practice. The Urban Greening Factor (UGF) is a planning tool to improve the provision of Green Infrastructure (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).

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to Green Infrastructure and not any other Landscape Planning advice.

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Essex County  
Council  
Archaeology  
27.02.2024

The above planning application is for Demolition of existing buildings and construction of new storage warehouse with B8 Use Class, associated yard space, parking and ancillary refuse and cycle storage.

The site lies immediately adjacent to Crown Quarry where archaeological investigations over the last 10 years have revealed multi-period archaeological evidence. Of significance are the remains of an extensive Late Iron Age (mid-1st century BC to mid-1st century AD) settlement spanning the head of an east-west valley which includes a large D shaped enclosure and annexe which was likely used for industrial activity. The medieval and later remains relate to a field system and enclosures predating the existing field pattern.

Recent excavation to the north has revealed evidence of Roman settlement and activity. Fragments of architectural stone and building material were recovered which may indicate a high-status building is located near to the site.

The site is developed and there is potential that previous groundworks associated with the development may have impacted upon the survival of archaeological remains. However deeper archaeological features may survive in areas of limited disturbance, such as carparking and storage areas. The potential for survival of archaeological remains will need to be established through a programme of archaeological test-pitting or evaluation.

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

**RECOMMENDATION: A Programme of Archaeological evaluation**

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in

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accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.

3. The applicant will submit a final archaeological report or (if appropriate) a Post Excavation Assessment report and an Updated Project Design which has been approved in writing by the Local Planning Authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Further Recommendations:

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

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Tree & Landscape  
Officer  
20.02.2024

The main body of the application site does not contain any trees or other significant vegetation.

On or close to site boundaries there are established trees and hedgerows containing Oaks and Hawthorn. There is also a section of hedging conifer (*Cupressocyparis Leylandii*).

At the present time the boundary vegetation provides a reasonable level of screening.

To show the extent of the constraint that existing trees and hedges are on the development potential of the land and to show the potential impact of the development proposal on existing vegetation 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 report shows the retention of all important boundary trees and shows how retained trees will be physically protected for the duration of the construction phase of the proposed development.

If the development complies with the recommendations contained in the draft Arboricultural Method Statement (AMS) contained in Appendix 6 of the AIA, then the development can be implemented without causing harm to existing and retained trees.

The applicant has submitted detailed a detailed soft landscaping plan 230961-TMA-XX-DR-L-3005 that shows a good level of planting, including trees, that will soften, screen and enhance the appearance of the development.

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ECC SuDS  
Consultee  
19.02.2024

Thank you for consulting us on the above application, as this development is not increasing the impermeable area and having reviewed the information that has been provided it is considered that the development does not pose a significant flood risk and there is little opportunity to deliver new SuDS features, therefore we do not wish to provide formal comment on this application.

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However, if you have specific concerns, please do not hesitate to contact us.

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Arch. Liaison Off,  
Essex Police  
08.02.2024

Thank you for the opportunity to comment on planning application 24/00119/FUL.

Security forms a key part of a sustainable and vibrant development, and the Essex Police Designing Out Crime Office (DOCO) considers that it is important that this development is designed incorporating the maximum achievable benefit of Crime Prevention Through Environmental Design for which Secured by Design (SBD) is the preferred enabler.

SBD is the official police security initiative that works to improve the security of buildings and their immediate surroundings to provide safe places to live and work and is designed to address emerging criminal methods of attack. This reflects sections 92, 112 and 130 of the NPPF.

Whilst there are no apparent concerns with the layout of this site, Essex Police requests that the developer seeks to achieve the relevant Secured by Design accreditation for this development, which in this case will be Secured by Design Commercial Developments.

[https://www.securedbydesign.com/images/COMMERCIAL\\_GUIDE\\_23.pdf](https://www.securedbydesign.com/images/COMMERCIAL_GUIDE_23.pdf)

The DOCO would welcome the opportunity to discuss the points below as well as review the security of the complete site with the applicant.

#### Lighting Considerations

Lighting plays a pivotal role in deterring criminal activity, but also promotes a feeling of safety within that space. When designing both public and private space, and when applied and designed correctly, lighting can reduce the potential for crime.

Essex Police recommend that lighting design meets the current relevant standard (i.e., the newest standard for street lighting BS5489-1 2020).

#### Access Roads and Service yards

With HGV and cargo crime being prevalent across Essex, careful consideration is required regarding the design of the proposed access road and parking for the proposed development.

According to NaVCIS (National vehicle crime intelligence service,) Essex remains the area with the highest number of cargo crime reports, and therefore, it is important that the design of this area promotes good design and staff welfare.

#### CCTV Operation and supporting policies.

Although CCTV is not cited within the documents submitted to the planning portal for this application, it is assumed that the proposed site will have CCTV cameras; the most important aspect of utilising CCTV is the quality of the system and its imagery. This should be based on a series of comprehensive operational user and requirement tables. It requested that the CCTV will be monitored at all times, and therefore management plans and procedures, alongside data sharing protocols are required detailing the expectation of all parties. This will need to be embedded within contingency plans and overall policies and procedures. It should be acknowledged that despite the most careful appropriate design and incorporating the most sophisticated physical and electronic security measures the net result will

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be diminished without suitable policies and procedures. Moreover, the policies must be translated into practice through relevant management, training and evaluation. A policy folder on a shelf does not deliver the intended outcome; its implementation does.

Boundaries.

A good secure boundary around the entire site and, in this case with an open plan development, to the rear and/or side of a building, will frustrate an intruder intent on breaking in and will also serve to limit the size and quantity of goods that can be easily removed. We would welcome the opportunity to discuss this with the applicant.

The Essex Police Designing out Crime Team would welcome further consultation as part of the planning process, and if there are any further queries around embedding designing out crime practices within this project, please do not hesitate to contact [designingoutcrime@essex.police.uk](mailto:designingoutcrime@essex.police.uk).

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Environmental  
Protection

**Contaminated Land:**

With reference to the submitted Geo-Tech report, dated January 2024; I can confirm we are satisfied with its contents and methodology. We would request all recommendations outlined in section 10.7 of the report, including an asbestos survey, are conditioned upon any subsequent approval.

REASON: To protect site workers and end users

**Demolition / Construction Method Statement:**

I can confirm we have reviewed the submitted DCMS and have no adverse comments to make.

**Foul Drainage:**

No means of foul water disposal shall be used other than the sealed system or private treatment plant indicated on the application details. The foul water disposal system shall be maintained in the approved form while the premises are in use for the permitted purpose.

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Police Strategic  
Planning  
Consultation

No comments received.

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Essex County Fire  
Officer

No comments received.

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**3. Planning History**

|               |                                                                                                                                                                       |           |            |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|------------|
| 15/00979/LUEX | Application for lawful use of works depot, including storage of plant & materials, the parking of vehicles (daytime and overnight) and the use of associated offices. | Withdrawn | 01.08.2017 |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|------------|

*Application withdrawn following confirmation received from the allocated case officer that no lawful development certificate was required as it was deemed to be operating under permitted development rights (providing the site continues to be operated by Amey Highways Ltd as a highways contractor for Essex County Council).*

|                 |                                                                                |         |            |
|-----------------|--------------------------------------------------------------------------------|---------|------------|
| 23/30086/PREAPP | The Demolition of Existing Buildings. The Construction of A New Warehouse With | Support | 12.09.2023 |
|-----------------|--------------------------------------------------------------------------------|---------|------------|

A B8 Use Class Circa 22,000sqft With  
Associated Yard Space, Parking And  
Ancillary Refuse And Cycle Storage.

#### **4. 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.

In relation to housing supply:

The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. However, the revised Framework, published on 19<sup>th</sup> December 2023, sets out in Paragraph 76 that (for applications made on or after the date of publication of this version of the Framework) local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- their adopted plan is less than five years old; and
- that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

The adopted Local Plan meets these criteria.

Notwithstanding this updated provision, the Council will continue to demonstrate an updated supply of specific deliverable sites within its Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in November 2023, and demonstrates a 6.44-year supply of deliverable housing sites against the annual requirement of 550 dwellings per annum set out within the adopted Local Plan, plus a 5% buffer to ensure choice and competition in the market. (The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>)

On 19th December 2023 the Government published the Housing Delivery Test (HDT) 2022 measurement. Against a requirement for 1,420 homes for 2019-2022, the total number of homes delivered was 2,207. The Council's HDT 2022 measurement was therefore 155%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

#### **Local Plan Review Informative**

The Local Plan Issues and Options Consultation cannot take place until September due to the pre-election period and the summer holidays.

## 5. **Neighbourhood Plans**

### **Neighbourhood Plan Overview**

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>

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

### **Ardleigh Neighbourhood Plan**

The site is located in the parish of Ardleigh and therefore the draft Ardleigh Neighbourhood Plan is relevant. In terms of the progress of the Ardleigh Neighbourhood Plan, the Examiner published her Final Report on the 5th of May 2024. This Final Report found that the Neighbourhood Plan met the Basic Conditions subject to a number of changes. The decision to progress the Plan to referendum was made by the Director for Planning in consultation with the Portfolio Holder for Housing and Planning on the 13th of May 2024. Therefore, the Ardleigh Neighbourhood Plan, and any relevant policies therein, can be understood as reaching 'Stage 6: Referendum' in terms of the weight that can be attributed to it in the decision-making process. The referendum itself will take place in September 2024.

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

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

### **National:**

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

### **Local:**

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

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

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

SPL1 Managing Growth  
SPL2 Settlement Boundaries  
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

PPL7 Archaeology  
PPL13 Ardleigh Reservoir Catchment Area  
PPL10 Renewable Energy Generation and Energy Efficiency Measures  
CP1 Sustainable Transport and Accessibility  
CP2 Improving the Transport Network

Draft Ardleigh Neighbourhood Plan 2020 - 2033 August 2022 (not yet adopted)

GDP General Approach to Development  
EP Natural, Built & Historic Environment  
TP Transport & Parking

The Essex Minerals Local Plan (2014)

S8 Safeguarding mineral resources and mineral reserves  
S12 Mineral Site Restoration and After-Use  
P1 Preferred and Reserve Sites for Sand and Gravel Extraction

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

**7. Officer Appraisal (including Site Description and Proposal)**

Site & Surroundings

The application relates to the site known as Ardleigh Oaks, Old Ipswich Road, Ardleigh and amounts to approximately 0.99 hectares in size.

The site is currently occupied by a highway maintenance and storage depot (Use Class Sui Generis) that is operated by Amey Highways Limited, acting as a contractor for the Highways Authority. It comprises of four existing structures with associated hardstanding which accommodates associated paraphernalia (including extensive open-air storage such as steel storage containers, fuel tanks, machinery, vehicles and associated materials).

The confines of the application site incorporate a hybrid of perimeter fencing and soft landscaping. An established vehicular access onto the public highway network (Old Ipswich Road) is positioned to the west of the subject site.

In terms of its immediate surroundings, a quarry is positioned to the east of the subject site with various sporadic commercial units positioned to its north and south along Old Ipswich Road.

The application site is situated outside of any defined settlement boundary is therefore positioned in designated countryside for planning purposes. Moreover, the application site is situated within in an Allocated Mineral Extract Site and also forms part of the Ardleigh Reservoir Catchment Area. There are no designated heritage assets within the vicinity of the application site. The site is at low risk of fluvial flooding and at very low risk of pluvial flooding.

The subject site is not subject to any special ecological or landscape designation.

Proposed Development

The application seeks the construction of a storage warehouse building (B8 Storage and Distribution Use Class) alongside associated development, following the demolition of all the existing buildings on the site.

The proposed building / storage warehouse will have a width of approximately 66 metres, a depth of approximately 35 metres, and a maximum height of 11 metres. It will be of contemporary appearance, utilising an external material palette including metal cladding.

Internally, the building will be differentiated into two levels. The ground floor will comprise of an open warehouse and storage area, whilst the first floor will contain ancillary office accommodation. The development will be served by an ancillary car parking and secure cycle storage.

Vehicular access to the site is currently accommodated via a single access point onto the public highway (Old Ipswich Road) via a gated arrangement. As part of the proposals, the existing access is to be widened to allow for two-way HGV movement.

The storage warehouse unit is intended to operate unrestricted opening hours (including Monday to Friday, Saturday, Sunday and Bank Holidays), as per the existing commercial operation.

### Appraisal

The material considerations relevant to an application of this nature can be summarised and addressed as follows:

1. Principle of Development
2. Visual and Landscape Impact
3. Trees and Landscaping
4. Parking, Accessibility, and Highway Safety
5. Sustainable Construction & Design
6. Impact on Residential Amenities
7. Archaeology
8. Flood Risk, Foul Sewage Disposal & Sustainable Drainage
9. Habitats, Protected Species and Biodiversity Mitigation and Enhancement
10. Environmental Protection – Contamination, Construction Management & Drainage
11. Representations and Objections
12. Other Matters – EIA Screening
13. Conclusions and Recommendation

#### 1. Principle of Development

The site is located outside of any designated settlement development boundary as defined within the adopted Tendring District Local Plan 2013-2033 and Beyond (TDLP).

Paragraph 85 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. Paragraph 86 goes on to say, amongst other things, that planning policies should set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth and be flexible enough to accommodate needs not anticipated in the plan. Paragraph 83 states that planning policies and decisions should recognise and address the specific locational requirements of different sectors. Furthermore, Paragraph 84 of the NPPF states that planning policies and decisions should enable the sustainable growth of all types of business in rural areas, both through the conversion of existing buildings and well-designed, beautiful new buildings.

The General Approach to Development set out in the emerging Neighbourhood Plan states that new development outside of the Settlement Development Boundaries will not normally be permitted unless it is consistent with all other Neighbourhood Plan policies and, for commercial development, would be modest in scale and impact and would provide necessary support to a new or existing business that is appropriate to a rural area. Although, at this current time, full weight is not being given to the emerging Neighbourhood Plan, the emerging policy could be argued to provide some support for proposals of this nature.

Adopted Local Plan Section 2 Policy PP13 is concerned with the rural economy and states that, to support economic growth in the rural areas the Council may grant planning permission for development involving farm and land-based activities, or farm diversification schemes. Proposals for re-use or redevelopment of rural buildings for employment purposes will be considered against the following criteria unless the economic benefits outweigh these criteria:

- the building is structurally sound and capable of accommodating the proposed use;

- the proposed use and development will not adversely affect the rural setting of the building in the locality;
- where significant numbers of new jobs are created the site should be accessible by public transport;
- it will not lead to unacceptable levels or types of traffic, particularly lorries, or problems of road safety and amenity, or require highway improvements that would harm the character of the area.

Policy PP13 does not specifically reference the erection of new buildings. However, it is considered that the proposed development and the erection of a new building broadly complies with the aims and principles of the policy given the existing commercial use of the site and the structures and storage within it, that are to be replaced.

Whilst it is accepted that this site lies outside any settlement boundary, the site is not isolated with a significant number of commercial uses extending along the Old Ipswich Road and Turnpike Close, including Apex 12 business-park north of the Crown Interchange together with storage and depot uses, a hotel and Crown Public House. To the north is DTE Scaffolding which comprises offices together with storage.

The site is considered to represent a sustainable location for the development proposal, which benefits from a comparable (in certain areas) established use where the re-development of the site will contribute positively to economic growth in the district and result in a positive impact on the local economy in compliance with the relevant part of policy PP7 of the Local Plan.

With regards to the social impact, the site is situated towards the edge of Colchester, where there is easy access to the main road network (A12 and A120) and there are bus stops in the nearby area which are easily accessible from the application site.

The environmental role is about contributing to, protecting and enhancing the natural built and historic environment. The existing site is used for commercial purposes and Old Ipswich Road already has a number of leisure and commercial uses. The development would therefore assimilate well into its surroundings and generally improve the overall appearance and condition of the site.

The accompanying Planning Statement carefully considers and helpfully highlights several economic, social and environmental benefits of the scheme.

In this instance, given the character of the area, the established use on site and the proximity to transport links, the development proposal is considered capable of meeting the aims and aspirations of the national and local plan policies mentioned above. As such, the development is considered to represent sustainable development and is considered to be acceptable in principle.

## 2. Visual and Landscape Impact

Section 1 Policy SP7 of the Tendring Local Plan 2013-2033 seeks high standards of urban and architectural design which respond positively to local character and context.

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and landscape setting. Local Plan Policy PPL3 states that the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance.

Furthermore, Local Plan Policy SPL3 requires that all new development (including changes of use) make a positive contribution to the quality of the local environment and protect or enhance local character, and that development respects or enhances local landscape character, and maintains or enhances important existing site features of landscape or amenity value.

Policy EP of the emerging Ardleigh Neighbourhood Plan states that new development should have regard to the Village Design Statement; should not have an urbanising effect on a rural lane or street or result in urban intrusion into currently rural / tranquil areas. Whilst full weight cannot be applied to

this policy currently, given the current use and built form on the site, the proposed building would not have a significant urbanising effect over and above what is already there.

The site is currently in business use, with existing mixed uses close or near to the site. The re-development of the site will not materially alter its commercial appearance in a predominantly commercial and industrial area that is evolving. The proposed building would be viewed in relation to the existing buildings of a similar character and appearance, at adjacent sites. The proposed development has evolved following the pre-application engagement with the LPA. The proposed warehouse building has been located away from the western edge of the site. Officers consider that the development will declutter the site and allow the delivery of a purpose-built development that will improve the overall appearance of the site providing a more spacious setting with scope for additional landscaping.

The rear boundary adjacent to open fields contains established vegetation, outside the application site, providing screening. The Council has previously found that buildings of this height, in this location to be acceptable with regards their visual impact.

It is therefore considered that the proposed buildings would not result in any harmful visual impact or wider landscape impact. Appropriate colour finishes to the external facing and roofing materials are to be used and will ensure that the buildings will blend in well with the existing buildings.

### 3. Trees and Landscaping

Policy SPL3 of the Local Plan requires that proposed developments should maintain or enhance importance existing site features of landscape value. It denotes that all new development should make a positive contribution to the quality of the local environment. This includes the incorporation of hard and soft landscaping, with the Council encouraging the use of locally occurring and characteristic hedge species.

Consultation has been undertaken with the Council's Tree and Landscaping Officer. The comments received are included in full above.

The application is accompanied by an Arboricultural Impact Assessment (AIA) accordance with BS5837: 2012 Trees in relation to design, demolition and construction, Recommendations. The report shows the retention of all important boundary trees and shows how retained trees will be physically protected for the duration of the construction phase of the proposed development.

Subject to compliance with the recommendations contained in the draft Arboricultural Method Statement (AMS) contained in Appendix 6 of the AIA, the development can be implemented without causing harm to existing and retained trees.

The applicant has submitted detailed a detailed soft landscaping plan 230961-TMA-XX-DR-L-3005 that shows a good level of planting, including trees, that will soften, screen and enhance the appearance of the development.

Appropriately worded compliance conditions will be added relating to the AIA recommendation and implementation of the landscaping proposals.

### 4. Parking, Accessibility, and Highway Safety

Policy CP1 in the Local Plan states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion. Policy CP2 states that planning permission will not be granted where there would be unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe. Policy SPL3 seeks to ensure that access to a new development site is practical and safe.

Policy TP, contained within the emerging Neighbourhood Plan, states that development proposals will be strongly supported where they improve road safety, provide appropriate traffic control, or provide new cycleways/walkways. It also states that permission will be refused for any development

that is likely to exacerbate existing transport issues, particularly along and in close proximity to Old Ipswich Road.

The vehicular movements associated with the proposed commercial development will be facilitated using the same vehicular access point and the application is supported by a Transport Statement. The existing access point will be upgraded by making it wider to accommodate two-way HGV movements and provided with the requisite visibility splays meaning that vehicles will be able to ingress and egress the site safely. The traffic movements associated with the existing and proposed uses are comparable, meaning the proposals would not result in a significant or harmful impact upon the highway network. Moreover, A Stage 1 Road Safety Audit, embedded within the Transport Statement, has reviewed the road safety implications of the proposed priority access junction and the uncontrolled pedestrian crossing point on Old Ipswich Road. No significant issues were raised in relation to potential road safety problems.

Policy SP7 of the Local Plan outlines that schemes should incorporate parking facilities that are well integrated into its overall design. The EPOA Parking Standards outlines that proposed developments should provide a maximum of one vehicular space per 150 square metres of B8 usage. The development will deliver 18 parking spaces, 4 dedicated disabled parking bay spaces, 12 cycle parking spaces and there is dedicated space for the parking of five HGVs along the warehouse frontage, all being policy compliant or in excess of the Standards. Furthermore, A pedestrian walking zone is provided within the internal layout which provides a safe means of movement between the access/parking facilities and proposed building.

The application satisfactorily demonstrates compliance with the above-mentioned policy requirements and The Highway Authority raise no objection, subject to conditions. Conditions that are necessary and meet all other requirements of the NPPF / NPPG tests will be imposed.

It is important to note that, in this instance, the financial contribution originally requested by ECC Highways has been withdrawn. Following discussions with the Highway Authority it was concluded that the request failed the 'tests' and could not be justified as being directly relevant to this development nor necessary to make the development acceptable in planning terms. The development itself would not amount to a level of highway impact to justify off-site contributions aimed at dealing with cumulative impacts from previously approved, larger scale, development elsewhere in the vicinity.

## 5. Sustainable Construction & Design

Policy SP7 of the Local Plan outlines that schemes should incorporate measures to promote environmental sustainability including addressing energy efficiency. Policy PPL10 of the Local Plan states that all development proposals should demonstrate how renewable energy solutions, appropriate to the building(s) site and location, have been included in the scheme. Its preamble requires that a range of renewable energy solutions should be considered, which is particularly supportive of the use of solar panels.

As set out within the accompanying Planning Statement, the applicant agrees to the imposition of a condition to secure a 'Renewable Energy Generation Plan' to ensure compliance with the above policies.

## 6. Impact on Residential Amenities

Policy SP7 of the Local Plan requires all development to protect the amenity of existing residents and users with regards to noise, vibration, smell, loss of light, overbearing and overlooking. Policy SPL3 dictates that developers should which employs reasonable measures/techniques to minimise and mitigate disturbance to the wider community during the construction phase.

No residential properties are located near the application site, and it is therefore concluded that no adverse impact on residential amenity will occur to ensure compliance with Policy SP7.

The application is accompanied by a Construction Method Statement which sets out a comprehensive approach for carefully managing the operational phase of the development,

minimising and mitigating any potential nuisance caused by construction works, a compliance condition can be imposed ensuring compliance with the above mentioned statement and indeed compliance with Policies SP7 and SPL3.

## 7. Archaeology

Policy PPL7 states that, proposals for new development affecting a heritage asset of archaeological importance or its setting will only be permitted where it will protect or where appropriate enhance the significance of the asset. Where a proposal will cause harm to the asset, the relevant paragraphs of the NPPF should be applied dependent on the level of the harm caused.

Essex County Council Archaeology have provided comments on the application explaining that the site lies immediately adjacent to Crown Quarry where archaeological investigations over the last 10 years have revealed multi-period archaeological evidence. The site is developed and there is potential that previous groundworks associated with the development may have impacted upon the survival of archaeological remains. However deeper archaeological features may survive in areas of limited disturbance, such as carparking and storage areas. The potential for survival of archaeological remains will need to be established through a programme of archaeological test-pitting or evaluation.

On this basis, conditions are required to secure a programme of archaeological evaluation and to ensure full compliance with the above mentioned policies and NPPF paragraph.

## 8. Flood Risk, Foul Sewage Disposal & Sustainable Drainage

Paragraph 170 b) of the NPPF states that, when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. It goes on to say that developments should incorporate sustainable drainage systems. The systems used should, amongst other things, take account of advice from the lead local flood authority and have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.

Policy SP7 of the Local Plan sets the strategic objective of ensuring schemes provide appropriate flood mitigation measures. Policy PPL1 requires that all development proposals should be incorporated a Flood Risk Assessment, incorporating appropriate measures to respond to the risk of flooding. Adopted Local Plan Policy PPL5 requires that all new development must make adequate provision for drainage and sewage treatment and should include sustainable drainage systems (SuDS). Policy SPL3, Part B criterion g), requires that development reduces flood risk and integrates sustainable drainage within development.

The application is accompanied by a Flood Risk Assessment which highlights that the site is within Flood Zone 1, and therefore is considered to be at low risk of fluvial flooding. It also outlines that according to the Environment Agency's Flood Risk Mapping Tool the east of the application site is at low risk of pluvial flooding, which would not affect the area proposed development, and thus it assesses that the risk from pluvial flooding is very low. In terms of other sources, it states that groundwater flood risk is negligible and flooding risks from artificial sources (such as canals and sewers) also negligible. The Flood Risk Assessment incorporates a series of recommendations to manage future flood risk. This includes the ongoing management and maintenance of any proposed drainage networks by the future commercial operator of the site in perpetuity of the development.

Alongside the accompanying Flood Risk Assessment, a Sustainable Drainage Assessment has been prepared. The report clearly sets out that due consideration has been given to the drainage hierarchy established within the Building Regulations Part H (2010) and DEFRA's National Standards for SuDS (2015). The latter document does highlight that proposed developments should incorporate SUDS unless there are practical reasons for not doing so. Each potential discharge destination has been investigated and discounted for the following reasons:

- Due to the low permeability of the underlying clay deposits, infiltration of runoff into the ground would not be feasible for the application site. This is evidenced by borehole infiltration testing that was performed on the site in December 2023.

- No known surface watercourses are located within the vicinity of the site that could be feasibly discharged to. It would be impractical to connect to discharge to any surface water features further away due to the significant expanse of pipework that would have to extend over third-party land.
- No public surface water, combined, nor foul sewer network, is located within the vicinity of the application site. As such, the discharge to the sewer would not be suitable.
- Although highway drains are present within Old Ipswich Road, the capacity/destination of this drainage is unknown whilst the gradient of the site appears to slope away from the public highway. In any event, if it was possible to utilise the aforementioned highway drains to discharge surface water, it would likely increase the risk of off-site flooding.

Due to the lack of feasible discharge routes as set out above, the document states that the proposed Sustainable Drainage System (SUDS) is to drain the site as existing (with minor alterations to the drainage conditions as would be required to accommodate the construction of the proposed development). Perhaps most importantly, the report demonstrates that the proposals will not increase the surface water runoff volume produced by the application site.

With the site at low risk of flooding from all surveyed sources, and proposed arrangements to manage the risk of surface water flooding, it is considered that the scheme complies with the aforementioned policies

## 9. Habitats, Protected Species and Biodiversity Mitigation and Enhancement

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. Section 40 A1 states "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".

The duty to conserve and enhance biodiversity is placed on public authorities with functions exercisable in relation to England, this includes local authorities, which encompass local planning authorities. Section 40 provides authorities must consider what actions they can take to further the general biodiversity objective and, after consideration, determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. While the Section doesn't explicitly state that planning decisions must contribute to biodiversity conservation, it's essential to consider the broader context of planning functions within the authority. Typically, local planning authorities play a crucial role in land use decisions, and decisions related to development and land management can have significant implications for biodiversity. In conclusion for decision making, it is considered that the LPA must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined in the Natural Environment and Rural Communities Act 2006, as amended by the Environment Act 2021 and is designed to actively contribute to the enhancement and conservation of local ecosystems. Under the same Act (Environment Act 2021) mandatory Biodiversity Net Gain came into force for major applications submitted on or after 12<sup>th</sup> February 2024. This application was submitted on 24<sup>th</sup> January 2024 and mandatory BNG is not applicable in this instance.

Nonetheless, 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 whilst Paragraph 179 requires local planning authorities to safeguard components of local wildlife-rich habitats.

Policy SP7 of the Local Plan requires that development proposals incorporate biodiversity creation and enhancement measures. 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. Policy SPL3 requires that the design and layout of schemes should maintain or enhance existing site features of ecological value. Furthermore, Policy EP of the emerging Neighbourhood Plan, outlines that there should be no less

of green quality landscape features (including trees, hedges, and shrubs), with all new green landscape features of an appropriate local or native species.

The application is accompanied by a Preliminary Ecological Appraisal report concluding that the application site contains potentially suitable habitat for the following protected species: badgers, bats, nesting birds, great crested newts, reptiles, and hedgehogs. Based on its findings, it made the following observations:

- Trees should be retained or replaced wherever possible to maintain habitat connectivity, with tree protection measures to be advised by a suitably qualified Arboriculturalist.
- Any excavation work carried out within the site should include ramps or sloped slides, to minimise the risk of badgers and other animals becoming trapped.
- Given features suitable for bats were found within Building B4 (a disused structure), further nocturnal emergence surveys should be undertaken on two occasions between May and August (with an intervening three week gap between each survey) to confirm whether it is utilised by roosting bats.
- As some trees within the site are identified as containing features suitable for roosting bats, individual recommendations for each tree are given in Appendix 4.
- To avoid any adverse impacts on commuting and foraging bats, it is recommended that lighting is designed to minimise illumination of suitable habitats (by being kept to a low level, and restricting it the interior of the site).
- To avoid harm to great crested newts and reptiles (if present), precautionary working methods and timing are recommended for removal of suitable vegetation.
- Vegetation and buildings suitable for nesting birds may only be removed during the nesting season (typically March-August) if they have been checked by an ecologist and no nests are present.
- Care should be taken when removing dense vegetation, to avoid any harm to hedgehogs that may be present.
- A series of simple measures are suggested as to how the site can be enhanced for local wildlife, such as the inclusion of bird boxes.

Consultation has been undertaken with Essex County Council Place Services Ecology who initially raised a holding objection due to insufficient information on European Protected Species, in this case, Bats. A Bat Survey Report (Tim Moya Associates, May 2024) was subsequently provided by the applicant. The report concluded that Building B4, with "moderate" bat roost potential, has a likely absence of bats. As a result, the LPA now has certainty of the likely impacts to these European Protected Species, and ECC Ecology have removed their objection, subject to conditions securing the mitigation measures identified within the accompanying reports.

ECC Ecology have reviewed and support the proposed biodiversity enhancements of Hedgerow planting, mixed scrub creation and tree planting recommendations within the Biodiversity Net Gain Assessment (Tim Moya Associates), in addition to bird boxes, bat boxes, hedgehog boxes, and invertebrate boxes recommended by the Preliminary Ecological Appraisal (Tim Moya Associates, January 2024). Subject to conditions, these enhancements will secure net gains for biodiversity, as outlined under Paragraph 180d of the NPPF.

For the reasons set out above, and subject to conditions, the LPA are satisfied that the application can deliver a development in compliance with the above duties and aims.

#### **10. Environmental Protection – Contamination, Construction Management & Drainage**

Policy SPL3 states that the health, safety or amenity of any occupants or users of the proposed development should not be materially harmed by any pollution from an existing or committed use.

The application is accompanied by a Phase 1 Desk Study and Risk Assessment which identifies some potential sources of pollution within the site. This is in connection with its most recent use as a highway depot, including the storage of fuel.

However, the report recognises that “few active pathways are likely to exist between end users and the underlying soils as almost the entire site is to be covered in buildings and other hardstanding” and sets out the following recommendations:

- Whilst no evidence of asbestos was discovered in the walkover survey, an Asbestos Survey should be commissioned prior to the demolition of existing structures to identify any asbestos containing materials and advice on their safe removal/disposal.
- Following any demolition and clearance of the site including the removal of the fuel tanks, a detailed inspection should be undertaken by a suitably qualified geo-environmental engineer to assess potential sources of contamination (including some sampling of soils near the tanks, although the initial walkover didn't reveal any evidence of spillages). If there is evidence of significant contamination, a further phase of investigation may prove necessary; this would likely necessitate further drilling and testing may be required along with monitoring of ground gases, and laboratory testing.

Consultation has been undertaken with the Council's Environmental Protection Team (EPT). EPT confirm that the contents and methodology of the accompanying Geo-Tech report, dated January 2024 is satisfactory subject to a condition securing compliance with the recommendations outlined in section 10.7 of the report, including an asbestos survey. EPT also confirm that the accompanying Construction Method Statement is acceptable and raise no concerns with the sealed foul water disposal system, again subject to a compliance condition.

These matters can be suitable controlled by appropriately worded conditions to ensure compliance with the requirements of the accompanying reports in line with the aims of Policy SPL3.

11. Representations and Objections

Initially, Ardleigh Parish Council were opposed to the development and sought to refer the application to Planning Committee (concerns set out in full above). However, the applicant has proactively engaged with the parish council and have successfully alleviated their concerns.

The parish council (and Councillor Fairley) have removed their call-in request and objections subject to conditions restricting the B8 Use, and subject to securing landscaping and lighting plans. Conditions will be imposed as necessary. Engagement on these matters between the parish council and the applicant may continue, although there is no formal requirement to consult on any future related Discharge of Condition applications.

**Officer response:**  
*In response to the above, there is no requirement to restrict the B8 Use as there are no permitted development rights allowed within the General Permitted Development Order or Use Classes Order that permit other uses without the benefit of planning permission. The application is accompanied by a landscaping scheme approved by the Council's Tree and Landscaping Officer and a lighting scheme condition will be imposed as per ECC Ecology recommendations.*

No other letters of representation or objection have been received.

12. Other Matters – EIA Screening

The development is deemed to fall within the scope of Schedule 2 Part 10 (a) of the Regulations – Industrial estate development projects. Under this category, the threshold where EIA may be required is if the site area exceeds 0.5ha. In this instance the site area measures 0.99 hectares.

| Column 1<br>Description of development      | Column 2<br>Applicable thresholds and criteria   |
|---------------------------------------------|--------------------------------------------------|
| 10. Infrastructure projects                 |                                                  |
| (a) Industrial estate development projects; | The area of the development exceeds 0.5 hectare. |

However, In the opinion of the Local Planning Authority, having taken into account the criteria in Schedule 3 to the above Regulations, the proposed development would not be likely to have a significant effect on the environment, for the following reasons:

- Considering the scale and nature of the proposed development as well as its wider setting, it is not considered likely that impacts would result in significant effects which would require EIA. There would be no material impact in terms of traffic movements when compared to the existing use and buildings on the site.
- The proposed development would be visible to users of Old Ipswich Road but no wider views from the adjacent roads would be possible due to the extensive, mature trees and hedgerows.
- Considering the scale and nature of the proposed development and the existing environment comprising existing commercial development both on the application site and surrounding sites, while there would be some visual impact, it is not considered likely to result in significant effects which would require EIA.
- Considering the nature, scale and location of the proposed development and nature of the receiving environment, whilst there may be some impact on the surrounding area, any impact upon the nearby designated sensitive areas would not be significant environmental effects due to the separation distance and nature of the development (no recreational disturbance from new residents or visitors).

For the reasons set out above, the proposed development does **not** constitute “Schedule 2 Development” and an Environmental Impact Assessment is not required.

The LPA’s screening opinion and conclusions as set out above, have been added to the Public Register.

### 13. Conclusions and Recommendations

Given the character of the area, the established use on site and the proximity to transport links, the development proposal is considered compliant with the aims and aspirations of the relevant national and local plan policies addressed above. The development is considered to represent sustainable development and will support economic growth in the district. The application demonstrates an acceptable layout, scale and detailed design and will not result in any visual harm or wider landscape harm.

In the absence of any material harm resulting from the development, the application is recommended for approval subject to conditions as necessary.

### 8. Recommendation

Approval - Full

### 9. Conditions

#### 1. COMPLIANCE: TIME LIMIT

CONDITION: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

#### 2. COMPLIANCE: APPROVED PLANS AND 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.

- 001 Amended Site Plan – received 17.04.24
- 200 P10 Amended Proposed Block Plan – received 17.04.24
- 201 P3 Proposed Ground Floor Plan – received 02.02.2024
- 202 P3 Proposed First Floor Plan – received 02.02.2024
- 204 P3 Proposed Elevations – received 02.02.2024
- 203 P2 Proposed Roof Plan – received 24.01.24
- 205 P2 Proposed Front Elevations and Sections – received 24.01.24
- Construction Method Statement Doc No. REP-ST-23036-00 Rev 01 dated November 2023 – received 24.01.2024
- Transport Statement – received 24.01.2024
- Arboricultural Report SHA 1720 Rev A dated January 2024 – received 24.01.2024
- 230961-TMA-XX-DR-L-3001 Landscape Proposals Plan – received 24.01.24
- 230961-TMA-XX-DR-L-3005 Detailed Planting Plan – received 24.01.24
- Planting Specification – received 24.01.2024
- Bat Survey Report 230961-ED-06 May 2024 – received 31.05.2024
- Outline Bat Mitigation Strategy – received 24.01.2024
- Aerial Tree Bat Inspection – received 24.01.2024
- Biodiversity Net Gain Assessment – received 24.01.2024
- Preliminary Ecological Appraisal – received 24.01.2024
- Sustainable Drainage Assessment – received 24.01.2024
- Flood Risk Assessment – received 24.01.2024
- Phase 1 Desk Study Report and Risk Assessment – received 24.01.2024

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

### 3. COMPLIANCE: IN ACCORDANCE WITH AIA

CONDITION: The development hereby approved shall be carried out in accordance with the recommendations detailed at Section 8 of the accompanying Arboricultural Report SHA 1720 Rev A dated January 2024 received 24.01.2024 and accompanying appendices. The Tree protection plan SHA 1720 TPP A provided at Appendix 3 of the Arboricultural Report shall be erected prior to commencement of development and retained throughout the construction period.

No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

REASON: To ensure existing trees, shrubs and hedges that are identified as being retained are not removed and are protected appropriately during the development, as they are considered essential to enhance the character of the development and contribute positively to the appearance of the area.

### 4. COMPLIANCE: IMPLEMENTATION OF LANDSCAPING SCHEME

CONDITION: All changes in ground levels and soft/hard landscaping shown on the approved landscaping details 230961-TMA-XX-DR-L-3001 Rev: P04 Landscape Proposals Plan, 230961-TMA-XX-DR-L-3005 Rev: P02 Detailed Planting Plan and 230961-TMA-XX-DR-L-3006 Rev: P02 Planting Specification 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 is implemented in accordance with the approved scheme and has sufficient time to establish, in the interests of visual amenity and the quality of the development.

5. FURTHER APPROVAL: AGREEMENT OF MATERIALS

CONDITION: No above slab level works shall commence until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the local planning authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation, unless otherwise agreed in writing by the local planning authority.

REASON: To secure an orderly and well-designed finish in the interests of visual amenity and the character and appearance of the development as inaccurate and insufficient information has been provided with the application.

6. FURTHER APPROVAL: ENERGY EFFICIENCY & SUSTAINABLE CONSTRUCTION

CONDITION: No above slab level works shall commence until a detailed scheme for the provision and implementation of water, energy and other resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the local planning authority. The scheme such include, but not be limited to:

- Details of, including the location of all types of electric vehicle charging points
- Details of, including the location of a water resource efficiency measures
- Details of, including the location of any solar panels or other solar renewable energy measures
- Agreement of heating of the building hereby approved
- Agreement of scheme for waste reduction
- 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.

7. COMPLIANCE: ECOLOGICAL APPRAISAL RECOMMENDATIONS

CONDITION: All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Tim Moya Associates, January 2024) and Bat Survey Report (Tim Moya Associates, May 2024) accompanying the application.

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 (as amended).

8. FURTHER APPROVAL: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

CONDITION: Prior to the commencement of any demolition or construction, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including Precautionary Working Method statements for Bats in trees, Great Crested Newts and Reptiles.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended). This condition is required to be agreed prior to the commencement of any development to ensure the protection and safeguarding of protected or priority species prior to the removal or displacement of any habitat or habitat rich features.

9. FURTHER APPROVAL: BIODIVERSITY COMPENSATION AND ENHANCEMENT STRATEGY

CONDITION: Prior to any works above slab level, a Compensation and Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority. The content of the Compensation and Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation and enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed compensatory bat roost features and 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 compensatory bat roost features and 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 December 2023 and s40 of the NERC Act 2006 (as amended).

10. FURTHER APPROVAL: WILDLIFE SENSITIVE LIGHTING SCHEME

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

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

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

#### 11. FURTHER APPROVAL: ARCHAEOLOGY INVESTIGATIONS

CONDITION:

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.
2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.
3. The applicant will submit a final archaeological report or (if appropriate) a Post Excavation Assessment report and an Updated Project Design which has been approved in writing by the Local Planning Authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development. This condition is required to be agreed prior to the commencement of any development to ensure matters of archaeological importance are preserved and secured early to ensure avoidance of damage or loss due to the development and/or its construction. If agreement was sought at any later stage, there is an unacceptable risk of irreversible loss or damage to archaeological and historic assets.

NOTE/S FOR CONDITION:

A professional team of archaeologists should undertake the archaeological work. A brief outlining the level of archaeological investigation will be issued from this office on request.

#### 12. COMPLIANCE: CONSTRUCTION METHOD STATEMENT

CONDITION: The hereby permitted development shall be carried out in accordance with the submitted Construction Method Statement Doc No. REP-ST-23036-00 Rev 01 dated November 2023 received 24.01.2024, unless otherwise agreed in writing with the local planning authority.

REASON: To ensure that the development takes place in a satisfactory manner with regard to its impact on highway safety.

#### 13. COMPLIANCE: VISIBILITY SPLAYS

CONDITION: Prior to occupation of the development, the road junction / access at its centre line shall be provided with minimum dimensions of 2.4m x 127m to the north of the access junction 2.4m x 132m to the south of the access junction with no obstructions above 600mm in height in the visibility splay, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times. Any site boundary fence/wall/vegetation shall be located outside of the visibility splays.

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

#### 14. COMPLIANCE: PARKING & TURNING

CONDITION: Prior to occupation of the development, the vehicle parking area and associated turning areas (including powered two-wheeler/cycle parking and parking spaces for the mobility impaired) as shown on the approved drawings, shall be hard surfaced, sealed, marked out and made available for use. The vehicle parking and turning areas shall be retained in the approved form and used solely for the parking of vehicles that are related to the use of the development, unless otherwise agreed with the local planning authority.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner, to ensure that appropriate vehicle parking, cycle parking, and turning is provided in accordance with current standards, and to ensure on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety.

#### 15. COMPLIANCE: HIGHWAY WORKS

CONDITION: Prior to any above slab level works, a scheme of highway improvements shall be submitted in writing to the local planning authority for written approval that shall comprise of the following and include a timetable for implementation:

- a) A priority junction off Old Ipswich Road to provide access to the proposed site as shown in principle on planning application, amended visibility and access plan drawing number 2306470-D001 Rev A – contained within the Transport Statement
- b) Internal carriageway measuring no less than 7m in width to the position of the access gates.
- c) Kerb radii measuring a minimum of 15 metres.
- d) A straight section of carriageway to be provided from the entrance junction for 22 metres.
- e) 2-metre-wide footway on the south side of the junction and continued around the kerb radii.
- f) Appropriate pedestrian crossing facilities (drop kerbs/ tactile paving).
- g) Waiting restrictions (Red route restriction) shall be provided on Old Ipswich Road either side of the site access junction and opposite the junction - the extent of the restrictions to be agreed in advance with the Highway Authority.

The improvements as may be agreed shall be implemented as approved in the timetable provided and completed in their entirety.

REASON: To ensure the access is in accordance with current policy standards, 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, and walking.

#### NOTES FOR CONDITION

##### **Highways Approval:**

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

- The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with the Highway Authority.
- A formal Stage 2 Road Safety Audit outlining the junction detail/ footway design/ improvements will be required.

**Discharge of Condition Application:**

- This condition will require a formal discharge of condition application to be submitted and approved by the local planning authority in consultation with the Highway Authority. All necessary highway agreements should be in place prior to the submission of any related discharge of condition application. Failure to submit a discharge of condition application with evidence of the necessary highways permits in place, may result in a refusal of the discharge application.

**16. FURTHER APPROVAL: TRAFFIC MANAGEMENT PLAN**

CONDITION: Prior to the occupation of the development hereby approved, a Traffic Management Plan (TMP) outlining a designated route to and from the development for all HGV movements via the Crown Interchange/A12/A120 shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the Highway Authority. The development shall operate in strict accordance with the TMP for the duration of the approved use, unless otherwise agreed in writing by 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.

**17. FURTHER APPROVAL: WORKPLACE TRAVEL PLAN**

CONDITION: Prior to the occupation of the development hereby approved, a Workplace Travel Plan (WTP) shall be submitted to and approved in writing by the local planning authority in consultation with Essex County Council. The WTP shall include details of the travel arrangements to and from the site for employees, customers, and visitors. 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 Statement, 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 transport and development.

#### 18. COMPLIANCE & FURTHER APPROVAL: CONTAMINATION RISKS

CONDITION: The development hereby approved shall be carried out in strict accordance with the methodology and recommendations set out within the accompanying Phase 1 Desk Study and Risk Assessment Geo-Tech report, dated January 2024.

In accordance with all recommendations outlined in section 10.7 of the report:

1. Prior to the demolition of any existing structures / buildings, an Asbestos Survey should be commissioned to identify any asbestos containing materials and advice on their safe removal/disposal. The Asbestos Survey findings and recommendations shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
2. Immediately following any demolition and clearance of the site, including the removal of the fuel tanks, a detailed inspection should be undertaken by a suitably qualified geo-environmental engineer to assess potential sources of contamination (including some sampling of soils near the tanks). If there is evidence of significant contamination, a further phase of investigation will be required, likely to necessitate further drilling and testing along with monitoring of ground gases, and laboratory testing. Details of the findings, and the recommendations and methodology for further investigations (if necessary) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To protect site workers and end users Having regard to the most recent use of the application site as a highway depot, (including the storage of fuel).

#### 19. COMPLIANCE: PERMEABLE SURFACING & NO UNBOUND SURFACE MATERIALS

CONDITION: Any new parking areas or areas of hardstanding shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the site area. No unbound materials shall be used in the surface treatment of the altered access and throughout the site.

REASON: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety, and in the interests of sustainable development to minimise the risk of surface water flooding and surface water run-off / discharge onto the highway.

### 10. Informatives

#### Positive and Proactive Statement

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

#### Highway Authority 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](mailto:development.management@essexhighways.org)

2. On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.
3. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
4. Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

#### Essex Police Designing out Crime Informatives

Security forms a key part of a sustainable and vibrant development, and the Essex Police Designing Out Crime Office (DOCO) considers that it is important that this development is designed incorporating the maximum achievable benefit of Crime Prevention Through Environmental Design for which Secured by Design (SBD) is the preferred enabler.

SBD is the official police security initiative that works to improve the security of buildings and their immediate surroundings to provide safe places to live and work and is designed to address emerging criminal methods of attack. This reflects sections 92, 112 and 130 of the NPPF.

Whilst there are no apparent concerns with the layout of this site, Essex Police requests that the developer seeks to achieve the relevant Secured by Design accreditation for this development, which in this case will be Secured by Design Commercial Developments.

[https://www.securedbydesign.com/images/COMMERCIAL\\_GUIDE\\_23.pdf](https://www.securedbydesign.com/images/COMMERCIAL_GUIDE_23.pdf)

The DOCO would welcome the opportunity to discuss the points below as well as review the security of the complete site with the applicant.

#### ***Lighting Considerations***

Lighting plays a pivotal role in deterring criminal activity, but also promotes a feeling of safety within that space. When designing both public and private space, and when applied and designed correctly, lighting can reduce the potential for crime.

Essex Police recommend that lighting design meets the current relevant standard (i.e., the newest standard for street lighting BS5489-1 2020).

#### ***Access Roads and Service yards***

With HGV and cargo crime being prevalent across Essex, careful consideration is required regarding the design of the proposed access road and parking for the proposed development.

According to NaVCIS (National vehicle crime intelligence service,) Essex remains the area with the highest number of cargo crime reports, and therefore, it is important that the design of this area promotes good design and staff welfare.

### ***CCTV Operation and supporting policies***

Although CCTV is not cited within the documents submitted to the planning portal for this application, it is assumed that the proposed site will have CCTV cameras; the most important aspect of utilising CCTV is the quality of the system and its imagery. This should be based on a series of comprehensive operational user and requirement tables. It requested that the CCTV will be monitored at all times, and therefore management plans and procedures, alongside data sharing protocols are required detailing the expectation of all parties. This will need to be embedded within contingency plans and overall policies and procedures. It should be acknowledged that despite the most careful appropriate design and incorporating the most sophisticated physical and electronic security measures the net result will be diminished without suitable policies and procedures. Moreover, the policies must be translated into practice through relevant management, training and evaluation. A policy folder on a shelf does not deliver the intended outcome; its implementation does.

### ***Boundaries***

A good secure boundary around the entire site and, in this case with an open plan development, to the rear and/or side of a building, will frustrate an intruder intent on breaking in and will also serve to limit the size and quantity of goods that can be easily removed. We would welcome the opportunity to discuss this with the applicant.

The Essex Police Designing out Crime Team would welcome further consultation as part of the planning process, and if there are any further queries around embedding designing out crime practices within this project, please do not hesitate to contact [designingoutcrime@essex.police.uk](mailto:designingoutcrime@essex.police.uk).

## **11. Equality Impact Assessment**

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and 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.

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.

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 |

## 12. Notification of Decision

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