

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	AP	20/1/2025
EIA Development - Notify Planning Casework Unit of Decision	NO	
Team Leader authorisation / sign off:	ML	20/01/2025
Assistant Planner final checks and despatch:	BB	20/01/2025

Application: 24/01344/FUL **Town / Parish:** Lawford Parish Council

Applicant: Colin Murphy - Prime Projects

Address: Telegan Pressed Products Ltd South Strand Lawford

Development: Planning Application - erection of 2no. flexible industrial/storage units (Use Class B2/B8) with associated hardstanding and landscaping.

1. Town / Parish Council

Lawford Parish Council Lawford Parish Council has no comment on this application.

2. Final Consultation Responses

Essex County Council We have reviewed the newly submitted Update Preliminary Ecology
09.01.2025 Ecological Appraisal & Baseline Biodiversity Net Gains Assessment (360 Ecology Ltd, August 2024) relating to designated sites, protected & Priority species and habitats and identify proportionate mitigation. We have also re-reviewed the Update Reptile Survey (360 Ecology Ltd, August 2024).

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

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

The mitigation measures identified in the Update Preliminary Ecological Appraisal & Baseline Biodiversity Net Gains Assessment (360 Ecology Ltd, August 2024) and Update Reptile Survey (360 Ecology Ltd, August 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 those recorded in the locality.

We also support the proposed reasonable biodiversity enhancements for protected and Priority species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent. In addition a wildlife sensitive lighting design scheme shall be secured by condition.

Please note we do not provide comments on Biodiversity Net Gain as we have been instructed to leave comments on this matter to the LPA.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

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.

ECC SuDS Consultee
20.11.2024

Thank you for your email received on 19/11/2024 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

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

Lead Local Flood Authority position:

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to three conditions securing development in accordance with the FRA and the mitigation measures, a maintenance plan for the surface water drainage system and yearly logs of maintenance.

Tree & Landscape Officer
26.11.2024

The application site contains a large unused factory building with large areas of hardstanding that is becoming overgrown with vegetation. There are established trees within the site and on the boundaries of the land that help to screen the existing building.

To show the impact of the proposed development on the trees on the land the applicant has provided an Arboricultural Impact Assessment (AIA). This information is in accordance with BS5837 2012 Trees in relation to design demolition and construction. Recommendations.

The AIA contains an accurate description of the health and condition of the trees on the land and the degree to which they are a constraint on development potential.

The AIA shows that all existing trees will be retained except for a single Lombardy Poplar (T24 of the AIA). This tree has extensive bark denudation resulting in exposed and decaying heartwood. The tree is not viable in the long term and should be felled on safety grounds regardless of the current planning application.

In terms of the impact of the proposed development on the local landscape character it is acknowledged that the application site is in commercial/industrial use and that the proposed development generally accords with the current use of the land.

It is also important to recognise the relationship of the application site with land to the north and west which is designated as the Dedham Vale National Landscape and further to the east which is designated as the Suffolk and Essex National Landscape. Although the Dedham Vale National Landscape is approximately 400m from the application site and the Suffolk and Essex National Landscape is over 600m to the east it would be desirable to strengthen the existing tree cover to further improve the current level of screening provided by existing trees.

Similarly, the land to the north and east of the application site is a well-used Public Right of Way along the sea wall adjacent to The River Stour. It would also be desirable to secure additional soft landscaping to strengthen the screening from the footpath.

In landscape terms the development proposal is not considered to be out of keeping with the characteristics of the surrounding area and that with new planting, secured by a planning condition, the new buildings could be relatively well accommodated in their setting.

Should planning permission be likely to be granted then details of the indicative soft landscaping proposals shown on the Site Layout Plan should be secured by a planning condition. Soft landscaping should aim to soften, screen and enhance the appearance of the development.

Environment Agency
27.09.2024

Thank you for consulting us on the above application, we have reviewed the documents as submitted and can confirm we have no objection to the proposed development. We have provided information below relating to Flood Risk and Biodiversity Net Gains.

Flood Risk

The applicant has sequentially sited all proposed development within Flood Zone 1. Our maps show the site boundary lies within tidal Flood Zone 3a, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for the erection of 2no. flexible industrial/storage units (Use Class B2/B8) with associated hardstanding and landscaping. This is classified as a 'less vulnerable' development, as defined in Annex 3: Flood Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential Test and be supported by a site-specific Flood Risk Assessment (FRA).

We are satisfied that the flood risk assessment (dated 9th August 2024) provides you with the information necessary to make an informed decision. The key points to note are: Actual Risk

-The site lies within the flood extent for a 0.5% (1 in 200) annual probability event including an allowance for climate change, due to its outer perimeter being in Flood Zone 3. Drawing 'SSMT03 A' shows all proposed development lies within Flood Zone 1 and does not lie within the flood extent for this event.

- The site level is between 5.50 m AOD and 5.75 m AOD and therefore remains dry during the 0.5% (1 in 200) annual probability flood event including climate change.

- The site does benefit from the presence of defences. These defences will overtop the surrounding area in a 0.5% (1 in 200) annual probability flood event including climate change, but the proposed buildings remain dry in this event.

- The access and egress route travels through Flood Zone 3 as the site is within a dry Island, and therefore there is not a safe route of access in the event of flooding from all new buildings to an area wholly outside the floodplain (up to a 0.5% (1 in 200) annual probability including climate change flood event). We have no objections to the proposed development on flood risk access safety grounds because a Flood Warning and Emergency Plan has been submitted by the applicant, but you should determine its adequacy to ensure the safety of the occupants.

- Compensatory storage is not required.

Residual Risk

- Our data shows that in a worst-case scenario (using undefended flood levels), the site will remain dry during the 0.5% (1 in 200) annual probability including climate change breach flood event.

Safety of Building - Flood Resilient Construction

The FRA does not propose to include flood resistant/resilient measures in the design of the building to protect/mitigate the proposed development from flooding.

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing. Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. Consultation with your building control department is recommended when determining if flood proofing measures are effective. Information on preparing property for flooding can be found in the documents 'Improving the flood performance of new buildings' and 'Prepare your property for flooding' (<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings> and <https://www.gov.uk/government/publications/prepare-your-property-for-flooding>).

Safety of Inhabitants - Emergency Flood Plan

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

Planning practice guidance (PPG) to the National Planning Policy Framework (NPPF) states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 173 of the NPPF and the guiding principles of the PPG.

Guidance for Local Council on partnership funding for new/upgraded defences

Please note that government funding rules do not consider any new properties (residential or non-residential), or existing buildings converted into housing, when determining the funding available for new/upgraded defences. Therefore, as the proposed development may reduce the funding available for any future defence works, we would like to take opportunities to bring in funding through the planning system, so please can you consider this when determining the planning application.

Other Sources of Flooding

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

Environmental Permit for Flood Risk Activities

The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. The River Stour is a designated a 'main river'.

Application forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Anyone carrying out these activities without a permit where one is required, is breaking the law.

Changes to the way we manage flood risk activity permit applications:

The Environment Agency are moving the management of flood risk activity permit (FRAP) applications from local area teams into the National Permitting Service (NPS). This change is happening in stages and applications previously managed in Essex, Norfolk, Suffolk area are now being managed in NPS.

FRAP applications for activities that take place in this area should be sent to: flood.permitting@environment-agency.gov.uk

Biodiversity Net Gain

The watercourse metric must be applied when there is a watercourse is on-site or the watercourse bank top is within 10m of the redline boundary (i.e. the red line boundary intersects the riparian zone). In this application, there is a section main river which forms the northern and eastern boundary of the development site which has been incorrectly identified as a SUDS drainage ditch in the PEA. The watercourse should be surveyed using a River Condition Assessment carried out by an appropriately qualified and accredited agent. The applicant will need to apply the watercourse Unit module irrespective of the impact of development to secure 10% Net Gain.

We would encourage the developer to look at suitable options to improve the biodiversity of the riparian zone which could include changes to bank top vegetation management. Further information on this watercourse and WFD mitigation measures can be found within the catchment data explorer Catchment Data Explorer - CaBA (catchmentbasedapproach.org)

Environmental Protection
03.10.2024

With reference to the above application, I can advise the EP Team have no comments to make.

Network Rail
12.09.2024

After reviewing the associated information, I would like to inform you that Network Rail have no objections to the proposals.

ECC Highways Dept
18.09.2024

The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material and google earth image.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority, subject to a condition securing a vehicular turning facility for articulated vehicles

Economic Growth Team
27.09.2024

No Comment

Babergh & Mid Suffolk
District Council
30.09.2024

I refer to the above consultation and to your email with attached documents, received on the 9th September 2024.

On the basis of the information provided, No Objection is raised by the Babergh Mid Suffolk Development Management Team, however reference is drawn to the site's vulnerability to all forms of flood risk as well as its location within the setting of the Dedham Vale National Landscape and it is recommended due consideration be given to the areas protection.

Suffolk Coast and Heaths
Area of Outstanding
Natural Beauty
02.10.2024

Thank you for consulting the National Landscape team on the above application for 2 new industrial units. The Dedham Vale AONB boundary lies approximately 300m west of the site. The boundary of the Suffolk Coast & Heaths AONB lies approximately 700m to the west. The site is therefore considered to be within the setting of these 2 National Landscapes. The land immediately east of the site is an allocated The Stour and Orwell SSSI and Ramsar lies immediately

east of the site. This land is also a designated Special Protection Area.

The land where the industrial units are being proposed has an employment allocation. The land to the south of the application site is in employment/ industrial uses and there is already a large industrial building on the site. The proposed units will be sited to the east of this existing warehouse.

The proposed buildings will be viewed against the other industrial buildings from the south and west. Views from the east will be restricted by the existing warehouse while views from the north will be reduced once the proposed landscaping has established. The proposed new landscaping should be secured via condition. The planting should comprise native planting given the proximity to the estuary and relative proximity to the Suffolk Coast & Heaths AONB.

A substantial number of rooflights are proposed in the design of the new building. This is acceptable provided that the interior warehouse lights are hooded/shielded to prevent upward light spill close to the designated habitats and landscapes. For the curtain glazing we recommend that the glazing has a maximum Visible Light Transmission Value (VLT) of 0.4 as recommended in the Lighting Design Guide for the Dedham Vale and Suffolk & Essex Coast & Heaths National Landscape - see pages 39 & 40.

Please also refer to the Lighting Design Guide for appropriate lighting in the parking areas. It is important that any external lighting avoids spilling light into the sensitive nature of the adjoining areas.

Constructing the new building using similar materials and colour finish as those used for the existing warehouse on site is considered appropriate in the estuarine environment.

Anglian Water Services ASSETS
Ltd
22.10.2024

Section 1 - Assets Affected

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

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

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

When assessing the receiving water recycling centre's(WRC) dry weather flow(DWF) headroom we take an average flow over the past 5 years to take account of changing weather patterns. Where the average exceeds the WRC's permitted allowance, we also take account of the following Environment Agency enforcement trigger - "has the DWF permit been exceeded in 3 of the last 5 years" - this must include non-compliance from the last annual data return.

Based on the above assessment Manningtree WRC is within the acceptance parameters and can accommodate the flows from the proposed growth

Section 3 - Used Water Network

This response has been based on the following submitted documents: Application form, Flood Risk Assessment 9th August 2024. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

1. **INFORMATIVE** - Notification of intention to connect to the public sewer under S106 of the Water Industry Act. Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
2. **INFORMATIVE** - Protection of existing assets - If a public sewer is shown on record plans within the land identified for the proposed development. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
3. **INFORMATIVE** - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
4. **INFORMATIVE**: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements."

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details Flood Risk Assessment 9th August 2024 submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

We would like to take this opportunity to advise that Anglian Water has no designated surface water sewers in the area of the proposed development. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an

effective surface water drainage strategy is prepared and implemented.

3. **Planning History**

92/00904/FUL	Temporary lightweight industrial storage building (Renewal of permission TEN/0885/87)	Approved	24.09.1992
05/00198/TELCO M	Installation of a radio base station comprising of 15 metre wooden clad monopole, 3no antennae, 1no 300mm and 2no 600mm transmission dishes, equipment cabinet and associated development ancillary thereto located at Industrial Dispersions.	Determination	23.03.2005
06/01118/FUL	Extension to existing warehouse for storage.	Withdrawn	22.08.2006
07/01029/FUL	Extension to existing warehouse to provide additional storage and provision of extended hard-surfaced service/turning areas - re-submission of 06/01118/FUL.	Approved	27.09.2007
07/01849/OUT	Erection of 4 no. units (Class B2)	Approved	24.01.2008
10/00782/FUL	Proposed extension to existing warehouse for storage purposes (extension of time of previously approved application 07/01029/FUL).	Refused	21.10.2010
24/01851/LUEX	Application for Lawful Development Certificate for Existing Use or Development for an existing extension.	Current	

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.

5. **Neighbourhood Plans**

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

6. Relevant Policies / Government Guidance

National:

National Planning Policy Framework December 2024 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

Local:

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

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PP6 Employment Sites

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

7. Officer Appraisal

Site Description

The application site is located at the northern end of South Strand on the Lawford Dale Industrial Estate, within an established and designated employment area. The area is characterised by a mix of brick and profiled-metal sheet clad buildings, container storage and a haulage yard. Occupying the site itself is an industrial warehouse building with associated parking, other hardstanding and trees and landscaping.

In the main the site lies within flood zone 1 with the north and eastern edges within flood zone 3. A majority of the Lawford Dale Industrial Estate lies within flood zone 3 and the Stour Estuary runs to the north. The site is bordered by railway tracks immediately to the north and west. The site is adjacent to the Stour and Orwell Estuaries SPA & RAMSAR and within the Stour Estuary SSSI. The Dedham Vale Area of Outstanding Natural Beauty (AONB) lies approximately 300 metres to the west of the site and to the east at a greater distance lies the Suffolk Coast and Heaths AONB. A public footpath runs along the north eastern edge of the site from Station Road in the south and across the railway line to the north and then follows the River Stour west.

Proposal

The proposal is for two flexible industrial/storage units (Use Class B2 – general industry/B8 – storage and distribution) to the west of the existing warehouse building with associated hardstanding and landscaping. The buildings would be of two storey steel construction finished in profiled metal sheeting with a pitched roof.

Principle of Development

The proposal is located as an Employment Site as defined with the Local Plan under Policy PP6. The proposal is for B2 and B8 uses, and as such is acceptable in principle and would accord with Policy PP6 subject to the detailed considerations below.

Scale, Layout and Appearance

Paragraph 131 of the National Planning Policy Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness.

The two units would each have a ground floor personal entrance doorway and a roller shutter vehicular access door on the southern elevation along with a row of first floor windows. The submitted plans detail a building that would be appropriate to its context, finished in appropriate materials, in a layout that enables sufficient space for off road car parking and HGV access and turning. The building would not be dissimilar to existing buildings on the industrial estate. The proposal is therefore considered to be policy compliant in terms of its design. A condition should however require prior approval of external materials and finishes.

Trees and Landscaping

Paragraph 136 of the NPPF 2024 sets out the importance of trees and how they can also help mitigate and adapt to climate change.

There are established trees within the site and on the boundaries of the site. To assess the quality of the trees and to show the extent to which they are a constraint on the development potential of the land the planning application is supported by an Arboricultural Impact Assessment (AIA). The AIA shows the positions of all trees on the application site and adjacent land that are likely to be affected by the proposed development. The AIA confirms that one tree, a Lombardy Poplar is to be felled and the Council's Tree and Landscape Officer agrees with this approach given the tree is decayed and not viable in the long term, all other trees will be retained. The AIA also shows how the retained trees will be physically protected for the duration of the development and a condition will be imposed on the grant of planning permission to secure the tree protection measures.

Strengthening the tree planting and further soft landscaping would improve the current level of screening provided by existing trees. Additional planting also on the eastern boundary alongside the footpath would obscure the new buildings from direct view and assist in assimilating them in the landscape setting. A condition is considered reasonable and necessary to secure soft landscaping and will be imposed on the grant of planning permission.

AONBs/National Landscapes

Section 85 of the Countryside and Right of Way Act 2000 (CRoW Act) (as amended by the Levelling-up and Regeneration Act in December 2023) imposes a statutory duty on relevant authorities, in exercising or performing any function that affects land in an AONB in England must seek to further the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty.

(From November 22nd 2023, all AONBs in England are known as National Landscapes. The statutory designation remains an area of outstanding natural beauty (AONB) and is currently referred to as such in policy and legislation).

Paragraph 189 of the NPPF (2024) provides: Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Paragraph 190 of the NPPF (2024) provides: When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of: a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Local Plan Policy PPL3 states: 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... Development proposals affecting protected landscapes must pay particular regard to the conservation and enhancement of the special character and appearance of the Dedham Vale and Suffolk Coast and Heaths AONBs, and their settings, including any relevant AONB Management Plan objectives. Elsewhere, development proposals should have regard to the Natural England Character Area profiles for the Greater Thames Estuary (No.81) and the Northern Thames Basin (No.111) and the Council's Landscape Character Assessments, as relevant, and should protect and reinforce identified positive landscape qualities.

The site is considered to be within the setting of two National Landscapes, Dedham Vale and Suffolk Coast and Heaths AONBs. The proposed buildings will be viewed against the other industrial buildings from the south and west. Views from the east will be restricted by the existing warehouse while views from the north will be reduced once the proposed landscaping has established.

The National Landscape Office has been consulted on the proposal and they confirm that constructing the new building using similar materials and colour finish (subject of further approval) as those used for the existing warehouse on site is considered appropriate in the estuarine environment. The National Landscape Office draws attention to the number of rooflights in the design of the new building which if not mitigated against will cause upward light spill close to the designated habitats and landscapes and therefore a condition will be imposed on the grant of planning permission for the design of interior warehouse lights, which shall be hooded/shielded, to be approved prior to occupation/first use of the building. It is not considered reasonable or necessary to impose a condition for the visible light transmission value of the curtain glazing as these windows face south in the direction of the industrial estate rather towards any National Landscape. Also highlighted is the sensitivity of external lighting and this is dealt with later in the Ecology and Biodiversity section of the report.

Flood Risk and Sustainable Drainage

Paragraph 181 of the NPPF states that, when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 182 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.

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.

A flood risk assessment (FRA), a preliminary contamination assessment (containing potential viability of infiltration), a Surface Water Drainage Strategy and a Flood Warning and Evacuation Plan (FWEP) has been submitted.

The FRA is considered appropriate to the scale, nature and location of the development and proportionate to the degree of flood risk and the Environment Agency have no objection to the proposed development. It is acknowledged that the site boundary lies within tidal flood zone 3a however the site of the proposed building is in flood zone 1. Data shows that in a worst-case scenario

(using undefended flood levels), the site will remain dry during the 0.5% (1 in 200) annual probability including climate change breach flood event. The proposed use of the land is classed as 'less vulnerable' according to Annex 3: Flood risk vulnerability classification of the National Planning Policy Framework. The site is and will be a workplace for industry and is not a residential property. It is noted however that entry and egress to the site in the event of a flood would be via flood zone 3 and therefore a FWEP will be in place. The FWEP and measures contained within will be secured by condition on the grant of planning permission.

Essex County Council as the Lead Local Flood Authority have reviewed the FRA and associated documents and do not object to the granting of planning permission subject to conditions pertaining to development in accordance with the FRA and the mitigation measures, a maintenance plan for the surface water drainage system and yearly logs of maintenance. These conditions are considered reasonable and necessary and will be imposed on the grant of planning permission. Sustainable drainage has been proposed by way of pervious pavement and geocellular attenuation which is shown on approved Drawing: 2407087-0500-01 Revision: P02 within the Surface Water Drainage Strategy.

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

Highway Safety, Accessibility and Parking

Paragraph 115 of the NPPF 2024 requires Councils, when making decisions to ensure:

- appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 116 goes onto to say, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

Paragraph 109 requires that streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

Local Plan Policy CP1 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. Local Plan Policy SPL3 Part B seeks to ensure that access to a new development site is practicable, and the highway network will be able to safely accommodate the additional traffic the proposal will generate.

The development will be accessed from South Strand with additional parking provided. In response to consultation the Highways Authority raises no objection, subject to conditions and informative advice. However, it is not considered necessary to impose the condition relating to a vehicular turning facility for articulated vehicles as the swept path analysis for HGVs is an approved plan and shows the path and turning of HGVs within the site. The proposal would not have any unacceptable impacts on highways safety, nor would the residual cumulative impacts on the road network be severe. The proposal is therefore policy compliant in this regard.

Ecology and Biodiversity

The preamble to Policy PPL4 states that where a development might harm biodiversity an ecological appraisal will be required to be undertaken, and the potential for harm should be considered and addressed in any application. Policy SPL3, Part A criterion d), requires that the design and layout of development maintains or enhances site features, including ecological value.

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." This includes local authorities, which encompass local planning authorities (LPAs). Section 40 states 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, LPAs play a crucial role in land use/development decisions, and these 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 above.

An updated Preliminary Ecological Appraisal and Reptile Survey has been submitted following appropriate surveying of the application site. It concludes that there is no potential for the proposed development to have any impact on notable habitats or designated sites beyond the boundaries of the surveyed site. Reptiles (slow worm) were present during a previous survey in 2021 and are still present within the site. Mitigation will be required for this species. Mitigation is also required for foraging bats, nesting birds, otter, hedgehog and other mammals during construction.

Place Services have reviewed the survey results and confirm certainty is provided for the LPA of the likely impacts on designated sites, protected and Priority species and habitats and, with appropriate mitigation measures secured the development can be made acceptable. Appropriate conditions relating to a biodiversity enhancement strategy, mitigation measures and actions in accordance with the ecological appraisal recommendations and a wildlife sensitive lighting design scheme will be secured on the grant of planning permission.

Biodiversity Net Gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals (excluding Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow).

The statutory framework for BNG applies. This involves the imposition (automatically applied as a deemed condition) of a planning condition on approvals to ensure the objective of at least 10% net gain over 30 years. The determination of the Biodiversity Gain Plan (BGP) under this planning condition is the mechanism to confirm whether the development meets the biodiversity gain objective. Development may not be begun until the BGP, via planning condition discharge, is approved.

The applicant has submitted the BNG metric calculation, a BNG metric condition assessment and a baseline biodiversity net gains assessment (statement) which concludes that although some net gain will be able to be met on site it will be necessary to purchase off site units too. In consultation with the Environment Agency they have noted that there is a section main river which forms the northern and eastern boundary of the development site which has been incorrectly identified as a SUDS drainage ditch in the Preliminary Ecological Appraisal. The applicant's agent is aware that the watercourse should be surveyed using a River Condition Assessment carried out by an appropriately qualified and accredited agent. The applicant will need to apply the watercourse Unit module irrespective of the impact of development to secure 10% Net Gain.

Given this position, the government strictly provides it would generally be inappropriate for decision makers to refuse an application on the grounds that the biodiversity gain objective will not be met. It is considered logical to confirm this closer to commencement of development, given the potential

number of options available. This further supports the position that the biodiversity gain objective can always be met in some form.

Other Considerations

Network Rail have confirmed they have no objections to the proposal.

The Council's Environmental Protection team have no comments on the proposal however the site is historic contaminated land owing to it once being part of a landfill site. The Preliminary Contamination Assessment submitted with the application concluded that the risk that heavily contaminated, gas generating wastes are present below the site is considered to be 'LOW'. It is not considered necessary to impose a condition to secure the precautionary works recommended given the industrial nature of the site which is not for residential use.

No Objection is raised by the Babergh Mid Suffolk Development Management Team.

No other representations have been received.

8. Recommendation

Approval - Full

9. Conditions

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

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

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

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

2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

The approved red line plan drawing is titled 'Location Plan' at a scale of 1:1250 received 5 September 2024

Drawing: 2406108-SK01 Revision: P1

Drawing: 2406108-TK01 Revision: P1

Drawing: 2406108-TK02 Revision: P1

Drawing: 2407087-0500-01 Revision: P02

DRAWING No. SSMT01 REV A

DRAWING No. SSMT02 REV A

DRAWING No. SSMT03 REV A
DRAWING No. SSMT04 REV A
Transport Statement
Flood Risk Assessment
Planning, Design and Access Statement
Surface Water Drainage Strategy

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

NOTE/S FOR CONDITION:

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

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

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

3 FURTHER APPROVAL: BIODIVERSITY NET GAIN PLAN

CONDITION: The development may not be begun unless (a) a biodiversity gain plan has been submitted to the planning authority (see note), and (b) the planning authority has approved the plan (see note).

REASON: In order to accord with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and amended by The Biodiversity Gain (Town and Country Planning) Modifications and Amendments (England) Regulations 2024

NOTE - CONTEXT AND APPLICATION:

Planning conditions are typically established upon the granting of planning permission under sections 70(1) and 72 of the Town and Country Planning Act 1990. However, it's essential to note that the biodiversity gain condition operates under a distinct statutory framework, specifically outlined in paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990.

This condition is deemed to apply to all planning permissions granted for land development in England, unless specific exemptions or transitional provisions are applicable (for further details, please refer to the provided web link <https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments> or contact us directly.

The government advises against including this condition in decision notices to avoid confusion. However, for clarity and accountability, we have opted to highlight this condition within the decision notice. This ensures that all involved parties are aware of its requirements, facilitating effective tracking and monitoring throughout the development process, including the discharge of conditions.

In certain instances, this condition may be imposed even if the applicant believes that biodiversity net gain (BNG) does not apply. Based on the available information, it is determined that this permission necessitates the approval of a biodiversity gain plan before commencing development, as none of the statutory exemptions or transitional arrangements apply.

For further details, please consult the officer report as needed. If you believe this condition does not apply, we strongly recommend contacting the Local Planning Authority (LPA) for clarification. Tendring District Council serves as the planning authority responsible for determining the approval of a Biodiversity Gain Plan in relation to this permission.

BIODIVERSITY GAIN PLAN REQUIREMENTS:

For the Biodiversity Gain Plan requirements, please refer to both paragraphs 14 and 15 of the Environment Act Sch 14 Part 2 as amended by The Biodiversity Gain (Town and Country Planning) Modifications and Amendments (England) Regulations 2024.

<https://www.legislation.gov.uk/ukpga/2021/30/schedule/14/enacted>

In summary, the Biodiversity Net Gain (BNG) plan must achieve a minimum biodiversity net gain of 10% and should typically include the following:

- Steps taken or to be taken to minimize adverse effects of the development on the biodiversity of the onsite habitat and any other habitat.
- Pre-development and post-development biodiversity assessments of the onsite habitat.
- Allocation of any registered offsite biodiversity gain to the development and its biodiversity value in relation to the development.
- Details of any biodiversity credits purchased for the development.
- Plans for maintaining and securing the net gain on and/or off site for at least 30 years after completion of the development.

The Local Authority will ensure the submitted details meet the requirements of the Town and Country Planning Act 1990 as amended, Environment Act as amended, associated legislation and guidance.

Ways to achieve 10% BNG may include:

- 1) Enhancement and restoring biodiversity on-site (within the red line boundary of a development site).
- 2) If proposals can only achieve part of their BNG on-site, they can deliver through a mixture of on-site and off-site. Developers can either make off-site biodiversity gains on their own land outside the development site or buy off-site biodiversity units on the market as close as possible to the site.
- 3) If developers cannot achieve on-site or off-site BNG, they must buy statutory biodiversity credits from the government. This must be a last resort. The government will use the revenue to invest in habitat creation in England.

Developers may combine all 3 options but must follow the steps in order. This order of steps is called the biodiversity gain hierarchy.

CONDITIONS AND LEGAL AGREEMENT:

The Local Authority is responsible for ensuring that the biodiversity gain objective is achieved, whether it be onsite, offsite, or through the purchase of credits, and that it is secured by legal agreement as necessary. It is essential to highlight that planning conditions operate within a

strict timeframe. Therefore, any legal agreements required to secure the biodiversity gain must be completed prior to the consideration of the planning condition. Failure to comply with this requirement may result in the refusal of the condition.

4 COMPLIANCE REQUIRED: FLOOD WARNING AND EVACUATION PLAN

CONDITION: The Flood Warning and Evacuation Plan shall be implemented and adhered to for the lifetime of the development in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. A copy of the evacuation plan shall be placed in each building hereby approved prior to first occupation/use.

REASON: The site is at risk from flooding and an evacuation plan is essential to safeguard future users of the development.

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

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

- a) Details of how construction and worker traffic and parking shall be managed.
- b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
- c) Storage of plant and materials used in the construction of the development.
- d) Details of measures to control the emission of dust and dirt during construction and including details of any wheel washing to be undertaken, management and location it is intended to take place.
- e) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.

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

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

NOTE/S FOR CONDITION:

You are strongly advised to discuss this condition with the Local Planning Authority and if possible/available local residents likely to be affected by this development prior to submission of details. Please note the provisions of the Highways Act 1980 Para 131 are likely to apply and may need to be discussed with the Highways Authority, this legislation includes details and penalties for any damage and/or alterations to the highway including verge, highway signage and surface materials of pavement/footpath and carriageway.

6 APPROVAL REQUIRED: LANDSCAPING SCHEME

CONDITION: No development above slab level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of soft landscaping works for the site, which shall include any proposed changes in ground levels.

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

NOTE/S FOR CONDITION:

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

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

7 COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED - LANDSCAPING SCHEME

CONDITION: All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development, or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of visual amenity, the character and appearance of the area and to underpin the Council's duty to enhance the biodiversity credentials of the development under the NPPF 2023 and s40 of the NERC Act 2006 (as amended).

8 COMPLIANCE REQUIRED: TREE PROTECTION

CONDITION: The approved scheme for the protection of the existing trees shown on Drawing No. EAS-101.2024TPP received on 12 September 2024 shall be implemented in full before the development commences and be maintained in full until the development has been completed.

REASON: To ensure protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired.

9 ONGOING REQUIREMENT IMPOSED - RESTRICTION ON EXTERNAL OPEN AIR STORAGE

CONDITION: No goods, products, raw materials, scrap material or other materials of any other sort shall be stored in the open air outside the confines of the buildings on the application site, except pursuant to the grant of separate planning permission on an application made in that regard.

REASON: In the interests of visual and residential amenity and to ensure sufficient parking provision is retained.

NOTE/S FOR CONDITION:

This condition shall engage and restricts the operation of the development from the first commencement of the use and/or operation hereby approved. This condition is imposed to ensure the development avoid unreasonable impact on visual amenity, especially given the location of the development with considerations to the prevailing character and proximity to

designated national landscapes and SSSI. This condition as detailed will apply to the development at all times unless varied or removed legally.

10 ACTION REQUIRED: ECOLOGICAL APPRAISAL RECOMMENDATIONS

CONDITION: All mitigation measures and/or works shall be carried out in accordance with the details contained in the Update Preliminary Ecological Appraisal & Baseline Biodiversity Net Gains Assessment (360 Ecology Ltd, August 2024) and Update Reptile Survey (360 Ecology Ltd, August 2024) as 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 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).

11 PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

CONDITION: Prior to occupation, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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).

12 FURTHER APPROVAL REQUIRED - BIODIVERSITY ENHANCEMENT STRATEGY

CONDITION: No development shall commence above slab level until a Biodiversity Enhancement Strategy for protected, Priority and threatened species prepared by a suitably qualified ecologist in line with the recommendations of the Update Preliminary Ecological Appraisal & Baseline Biodiversity Net Gains Assessment (360 Ecology Ltd, August 2024) and Update Reptile Survey (360 Ecology Ltd, August 2024) shall be submitted to and approved in writing by the local planning authority.

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;

f) details of initial aftercare and long-term maintenance (where relevant).

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

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

13 PRIOR TO OCCUPATION: INTERIOR WAREHOUSE LIGHTS

CONDITION: Prior to occupation, an "interior lighting design strategy" shall be submitted and approved in writing by the local planning authority. The strategy shall:

- a) show how and where the interior warehouse lights will be installed
- b) include mitigation to prevent upward light spill by using a hooded or shielded design
- c) include details of lighting level/luminance

All internal 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 internal lighting be installed without prior consent from the local planning authority.

REASON: In the interests of amenity to reduce the impact of night time illumination on the character of the area and in the interests of biodiversity.

14 COMPLIANCE REQUIRED: FLOOD RISK ASSESSMENT

CONDITION: The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed within the Flood Risk Assessment:

- Infiltration testing in line with BRE 365. If infiltration is found unviable the run-off rates from the site should be limited to 1l/s.
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of 45% climate change.

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

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

15 FURTHER APPROVAL: SUDS MAINTENANCE PLAN

CONDITION: Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies on each parcel, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk and pollution hazard.

16 FURTHER APPROVAL: MAINTENANCE LOGS

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

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

17 FURTHER APPROVAL: AGREEMENT OF MATERIALS

CONDITION: No development/works shall be commenced above slab level 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.

REASON: To secure an orderly and well designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

NOTE/S FOR CONDITION:

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

While this condition does not detail in what form the materials sought shall be detailed to the Local Planning Authority, it is suggested that a plan is submitted with the details to show where the materials will be located and the extent of coverage.

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.

Development and Flood Risk

We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protecting-environment>

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

Please note that where discharge is to a public sewer, consent from the relevant authority will be required. The links can be found below.

<https://www.anglianwater.co.uk/developing/drainage-services/sustainable-drainage-systems/>
<https://www.thameswater.co.uk/developers>

Any works to a ditch may require a S23 Ordinary Watercourse Consent. Please see the below link for more information and how to apply.

<https://flood.essex.gov.uk/maintaining-or-changing-a-watercourse/>

Highways Informative

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

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

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
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12. Notification of Decision

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO
Has there been a declaration of interest made on this application?	YES	NO