

PLANNING COMMITTEE

1 May 2018

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION - 17/01310/DETAIL - LAND SOUTH WEST OF HORSLEY CROSS ROUNDABOUT, CLACTON ROAD, HORSLEY CROSS, CO11 2NZ



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Application:	17/01310/DETAIL	Town / Parish: Mistley Parish Council
Applicant:	Robert Fairley Ltd	
Address:	Land South West of Horsley Cross Roundabout, Clacton Road, Horsley Cross, CO11 2NZ	
Development:	Submission of reserved matters pursuant to outline planning permission 13/00745/OUT with details pursuant to Conditions 1 (appearance, landscaping, layout and scale), 3 (Strategic Phasing Plan), 4 (Design Code), 5 (phasing arrangements), 6 (levels), in part 7 (external materials), in part 12 (roundabout), 15 (landscaping), 18 (loading, turning and parking) and in part Schedule 7 (details of an air quality monitoring programme) of Legal Agreement for the development of the site to provide a new industrial park for B2 and B8 uses.	

1. Executive Summary

- 1.1 The application site is approximately 11.2 ha and is presently open agricultural land, with part of the site being used for weekly car boot sales during March to October. It is in a rural area in the centre of the District and to the immediate south west of the A120/B1035 roundabout at Horsley Cross. Colchester is about 8 miles to the west and Harwich is about 9 miles to the east.
- 1.2 Outline planning permission (13/00745/OUT) on the site was approved by the Council on 4 August 2014 for *“Development of site to provide a new industrial park with up to 28,280m² of floorspace for B2 and B8 uses, a bus depot and 30m high telecommunications mast. All with associated access, landscaping, parking and highway improvements”*.
- 1.3 The submitted application seeks the approval of Reserved Matters for Appearance, Landscaping, Layout, and Scale, pursuant to condition 1 imposed upon the grant of 13/00745/OUT; together with details pursuant to conditions 3, 4, 5, 6, 7 (in part), 12 (in part), 15, 18 and Schedule 7 (in part) of the Unilateral Undertaking for the development.
- 1.4 The detailed design is considered acceptable, which includes the provision of a Bus Depot within plot 06 as required by condition 3 of 13/00745/OUT; and Schedule 3 of the Unilateral Undertaking (UU) which was submitted by the original applicant, pursuant to S106 of the Town and Country Planning Act 1990.
- 1.5 The proposal would result in no material harm to interests of acknowledged importance and would facilitate substantial economic development within the District. The application is recommended for approval.

Recommendation: Approve

Conditions:

1. Development to be carried out in accordance with the approved plans.

2. Planning Policy

National Policy

National Planning Policy Framework (NPPF)

- 2.1 The NPPF sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'.
- 2.3 The NPPF defines 'sustainable development' as having three dimensions:
- an economic role;
 - a social role; and
 - an environmental role.
- 2.4 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 2.5 Section 1 of the NPPF relates to building a strong, competitive economy. Paragraph 20 requires Councils to plan proactively to meet the development needs of business and support an economy fit for the 21st century.
- 2.6 Section 7 of the NPPF relates to design. Paragraph 56 states that government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 2.7 Paragraph 187 of the NPPF states "Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area".

National Planning Practice Guidance (PPG)

- 2.8 The PPG provides additional planning guidance from Central Government on a range of issues, including, but not limited to: Air Quality; Climate Change; Design, Flood risk and coastal change; Light Pollution; Natural Environment; Noise; and Travel Plans, Transport Assessments and Statements.

Local Plan Policy

- 2.9 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to

give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy.

- 2.10 As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

Tendring District Local Plan (2007) – as 'saved' through a Direction from the Secretary of State.

Relevant policies include:

QL2: Promoting Transport Choice - requires developments to be located and designed to avoid reliance on the use of the private car and promote travel choice, other than in exceptional circumstance; in which case measures to improve the accessibility of development, particularly by walking, cycling and public transport, can be required.

QL3: Minimising and Managing Flood Risk - requires applications for development involving sites of 1 hectare or more, even within areas of low flood risk, to be accompanied by a Flood Risk Assessment to consider potential drainage and surface water flooding issues.

QL9: Design of New Development - Provides general criteria against which the design of new development will be judged.

QL10: Designing New Development to Meet Functional Needs - Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

QL11: Environmental Impacts - Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.

COM1: Access for All - Requires publically accessible buildings to provide safe and convenient access for visitors, customers and employees of all abilities.

COM2: Community Safety - Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.

COM21: Light Pollution - Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

COM22: Noise Pollution - Requires noise-sensitive developments including houses and schools to be either located away from, or protected from (through mitigation measures) existing sources of noise.

COM23: General Pollution - States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.

COM29: Utilities - Seeks to ensure that new development on large sites is or can be supported by the necessary infrastructure.

COM31a: Sewerage and Sewage Disposal - Seeks to ensure that new development is able to deal with waste water and effluent.

EN1: Landscape Character - Requires new developments to conserve key features of the landscape that contribute toward local distinctiveness.

EN6b: Habitat Creation – states that consideration will be given to the potential for new wildlife habitats in new development.

EN12: Design and Access Statements - Requires Design and Access Statements to be submitted with most planning applications.

EN13: Sustainable Drainage Systems - Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

TR1a: Development Affecting Highways - Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR3a: Provision for Walking - Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

TR5: Provision for Cycling - Requires all major developments to provide appropriate facilities for cyclists.

TR6: Provision for Public Transport Use - Requires developments to make provision for bus and/or rail where transport assessment identifies a need.

TR7: Vehicle Parking at New Development - Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

Relevant policies include:

SPL3: Sustainable Design - Sets out the criteria against which the design of new development will be judged.

PPL1: Development and Flood Risk – Requires development proposals to include appropriate measures to respond to the risk of flooding on and/or off site and with the Flood Zone.

PPL3: The Rural Landscape - Requires developments to conserve, where possible, key features that contribute toward the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement.

PPL4: Biodiversity and Geodiversity - Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

PPL5: Water Conservation, Drainage and Sewerage - Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

CP1: Sustainable Transport and Accessibility – states that proposals for new development must be sustainable in terms of transport and accessibility and therefore should include and

encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport.

CP2: Improving the Transport Network - States that proposals which would have any adverse transport impacts will not be granted planning permission unless these are able to be resolved and the development made acceptable by specific mitigation measures which are guaranteed to be implemented.

CP3: Improving the Telecommunications Network - Requires new development to be served by a superfast broadband (fibre optic) connection installed on an open access basis and that can be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access for future repair, replacement or upgrading.

Supplementary Guidance

Essex Design Guide for Mixed Use and Residential Areas (2005)

Essex County Council Car Parking Standards – Design and Good Practice (2009)

3. Relevant Planning History

06/00891/OUT	<p>1) Use of agricultural land for employment purposes by formation of seven plots and the erection of buildings to enable relocation and expansion of existing businesses in North East Tendring District (one in Colchester) as follows:-</p> <p>PLOT 3 - 0.7ha, building 2,500sq. m, manufacture/refurbishment of filling and packing machinery contract packing operation, Class B2.</p> <p>PLOT 4A/4B, 1.3 ha, total.</p> <p>PLOT 4A, (building 2,000 sq. m, logistics depot serving Tendring District, Class B8.</p> <p>PLOT 4B, (building 1,775 sq. m, storage involving manufacture of specialist brick related products for the construction industry, Class B8/B2.</p> <p>PLOT 5 - 1.0 ha, building 1,900 sq. m, logistics depot national and international, Class B8.</p> <p>PLOT 6A - 0.5 ha, (ancillary building) 240sq. m, car transporter depot.</p> <p>PLOT 7 - 0.75 ha, 1,900sq. m, labelling operation, Class B2.</p> <p>PLOT 8 - 0.75 ha, 1,900sq. m, logistics depot, Class B8.</p> <p>2) PLOT 1 - 1.3ha, erection of 80 bedroom hotel.</p> <p>3) Remainder of the site to be comprehensively landscaped.</p>	Called in by Secretary of State – Appeal Dismissed	18.09.2008
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PLOT 6B, waste recycling centre (to be the subject of a separate application for full planning permission to Essex County Council).

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

4. Consultations

Building Control and Access Officer

No adverse comments to make at this time.

Environmental Protection

They are satisfied with the information submitted relating to Schedule 7 of the S106 agreement pursuant to 13/00745/OUT - details of an Air Quality Monitoring programme to be submitted.

Tree & Landscape Officer

The details relating to the soft landscaping of the site comprehensively address the level of new planting required to, as far as is possible, screen the site.

The possible exception to this is on land forming the lowest part of the site, to the west, where it may be possible to strengthen landscaping by planting additional trees in the grassed area adjacent to Holland Brook. It is clear that consideration will need to be given to the potential effect on the overhead power cables on this part of the site.

The internal planting will also help to screen the site by breaking up the mass of the grouped buildings and will contribute to the softening in the appearance of the development.

Essex County Council (ECC) Archaeology

Highlight that the Outline permission has an archaeological condition attached to it which has not been discharged (Condition 26); the implementation of a programme of archaeological work is required to satisfy the condition. The fieldwork required has not been completed and no Written Scheme of Investigation (WSI) has been submitted with this application, which does not provide any details with regard to the archaeological condition which will need to be discharged in advance of the development commencing.

Officer Note - Condition 26 requires appropriate details to be submitted to and approved in writing by the Council prior to development taking place (other than the mast); and

therefore does not need to be discharged at this stage.

ECC Flood and Water Management

Currently a holding objection is in place in regard to the discharge of condition 23 of 13/00745/OUT.

Officer Note - this aspect has been deleted from the description of development by the applicant. As Condition 23 requires appropriate details to be submitted to and approved in writing by the Council prior to the implementation of the development (other than the mast); the details do not need to be approved at this stage.

ECC Highways

The following comments have been received from the Strategic Development Engineer on the proposal as originally submitted:

- This development will be serviced by HGVs and other commercial vehicles and the proposed drainage solution for much of the estate road network relies on soft verge filter drains and planters. There is concern that the large vehicles are likely to over-run these soft areas adjacent to the carriageways and cause failure of these drainage features.
- The drainage strategy limits the rates of discharge from the various storm events to previously agreed figures. The main surface water outfall from the development is from an attenuation basin near the south-western boundary. The Environment Agency flood mapping indicates an area of Flood Zone 3 flooding associated with the Holland Brook and it should be noted that the attenuation basin must be located outside the extent of this Flood Zone 3. This is likely to have been considered but there is no reference to it in the documentation.

Environment Agency

Within their letter dated 21 September 2017 they stated that the site is located in a non-sewered area with the nearest public mains foul sewer being over 1km away. Consequently, a package treatment plant is an acceptable means of foul drainage. They were therefore satisfied with the development using a package treatment plant in principle, but raised a holding objection until further details had been provided, noting that that foul drainage is also covered by condition 24 of 13/00745/OUT.

Officer Note - This aspect has also been deleted from description of development by the applicant, as condition 24 requires appropriate details to be submitted to and approved in writing by the Council prior to the commencement of the development (other than the mast); the details do not need to be approved at this stage.

In respect of Flood risk, the Environment Agency stated that the site boundary includes a small area of Flood Zone 3 adjacent to the Holland Brook at the east of the site. No development is proposed in this area, and it does not impede safe access and egress. They are therefore satisfied

that the proposed development has been sequentially sited within Flood Zone 1.

**Health & Safety
Executive**

State that this application does not fall within the Consultation Distance Zones of either a Major Hazard Site or Major Accident Hazard Pipeline. They therefore have no comment to make.

Natural England

With regard to statutory nature conservation sites they raise no objection, having assessed the application using the Impact Risk Zones data (IRZs). They advise that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Stour and Orwell Estuary SPA and Ramsar site have been classified. Natural England therefore advises that the Council is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

In addition, Natural England are satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Stour Estuary SSSI has been notified. They therefore advise that this SSSI does not represent a constraint in determining this application.

5. Representations

**Little Bentley Parish
Council**

The Parish Council object to this application, for the following reasons:-

The condition of the roads locally, both surface and width, within Little Bentley and Ravens Green are far from ideal to deal with a large increase in traffic that such a development would bring on a daily basis through the villages. There is no direct link to the population of the District from where employees at the development will come and these roads will be used as shortcuts to the development.

Visual impact of the development would be significant, in its position at one of the highest points in Essex and concerns over light pollution in the Horsley Cross area as a result of the increasing traffic were voiced. As a result there may be additional infrastructure required with no or few rail or bus links nearby.

There appears to be no strategic plan for development within the District and apparently random warehousing and industrial development largely developed on greenfield sites are being seriously considered for permission despite falling outside of the remit outlined in the recently commissioned Local Plan.

There is already a huge purpose built industrial park at

Severalls Colchester which is continuing to grow up to and around the Community Stadium Area, and granted developments at Elmstead Market, all of which will serve the District well for transport links and make appropriate use of the County and District roads.

It is acknowledged that such development may encourage further investment in infrastructure with the villages - including broadband provision, although this wider picture is not evident from the application.

Little Bromley Parish Council

Little Bromley Parish Council object to the proposed planning application. Whilst accepting that the site did get planning permission some years ago, that was based on the promise of hundreds of jobs immediately coming into the district which was clearly untrue and the site has been for sale on rightmove.com for years now. It appears that this application may simply be a delaying mechanism to keep the permission 'alive' rather than a genuine attempt to develop the site. Specific planning objections are:

1. The design should be amended so is more in keeping with its countryside setting.
2. It should be made more aesthetically pleasing, and in natural materials ie. not look so industrial in appearance as it relates to an entirely rural location with no history of previous development. The buildings proposed would look completely out of place.
3. The site should be developed as a whole not piecemeal – conditions should be imposed if approval is considered to ensure that this does not become a building site for the next 50 years.
4. Concern as to the height of these units – some being 12m.

Mistley Parish Council

Support this planning application and note the importance of the telecommunications mast and also the colour scheme of the units in the industrial park.

6. Assessment

Site Context

- 6.1 The application site is approximately 11.2 ha and is presently open agricultural land, with part of the site being used for weekly car boot sales during March to October. It is in a rural area in the centre of the District and to the immediate south west of the A120/B1035 roundabout at Horsley Cross. Colchester is about 8 miles to the west and Harwich is about 9 miles to the east.
- 6.2 There is a small cluster of buildings, including The Cross Inn pub; a farm and some cottages to the north and to the south is Kelly's Poultry Farm, but most notable in terms of its visual impact is the nearby water tower. The A120 is dualled for a short section either side of the roundabout and the B1035 is a single carriageway road.

- 6.3 The surrounding landscape within the immediate vicinity of the site is characterised by large open fields, occasionally broken up by small groups of/or individual buildings. The site is near the top of a plateau and is roughly rectangular in shape. It has a northern boundary with the A120; a southern boundary to Kelly's Farm; the eastern boundary is shared with the B1035; and the western boundary to Holland Brook (this part of the site is crossed by electricity pylons). There is a fall of approximately 15 metres between the middle of the site and the western boundary.
- 6.4 The site is largely devoid of any significant vegetation, but there are some existing trees adjacent to the A120 roundabout and extending for a short distance down the B1035, in addition to where adjoining the A120 closer to the brook.

Proposal

- 6.5 The submitted application seeks the approval of Reserved Matters for Appearance, Landscaping, Layout, and Scale, pursuant to condition 1 imposed upon the grant of outline planning permission 13/00745/OUT on 4 August 2018; together with details pursuant to conditions 3, 4, 5, 6, 7 (in part), 12 (in part), 15, 18 and Schedule 7 (in part) of Unilateral Undertaking for the development of the site to provide a new industrial park for B2 and B8 uses.
- 6.6 The description of development for 13/00745/OUT as approved by the Council was: *"Development of site to provide a new industrial park with up to 28,280m² of floorspace for B2 and B8 uses, a bus depot and 30m high telecommunications mast. All with associated access, landscaping, parking and highway improvements"*. A copy of the decision notice and the conditions attached upon it can be found in Appended to this report.
- 6.7 The Unilateral Undertaking (UU) which was submitted by the original applicant, pursuant to S106 of the Town and Country Planning Act 1990, set out a range of planning obligations with the following heads of terms:
- Schedule 1 – Amenity Areas (and maintenance thereof);
 - Schedule 2 – Telecommunications Mast (and permitting its use by Broadband suppliers and Telecommunications companies on reasonable commercial terms). Details of the mast were approved under application 14/01296/DETAIL.
 - Schedule 3 – Bus Depot (to be utilised with Bus Depot Scheme for the provision of passenger transport services);
 - Schedule 4 – Bus Service (a minimum service of every 60 minutes between the hours of 0700 and 1900 inclusive, seven days a week, between the site and Manningtree Rail Station, Harwich Quay, Pier Avenue Clacton on Sea, and High Street Colchester);
 - Schedule 5 – Land Usage (not to permit more than 25% of the commercial floorspace, excluding the site of the mast and Bus Depot to be utilised for B8 storage and distribution);
 - Schedule 6 – Highway Land (not to carry out development upon and transfer strip of land when required to do so by ECC or the Highways Agency, to enable widening of the A120);
 - Schedule 7 – Air Quality Monitoring (submission of and adherence to a scheme, including provision of an Air Quality Monitoring Station);
 - Schedule 8 – Travel Plan Monitoring Fee (£3,000 to be paid to ECC for monitoring purposes).

- 6.8 The detailed matters, the subject of this application, have been provided in a suite of plans and supporting documents, which include:
- Completed planning application forms;
 - Location Plan;
 - Topographical Survey;
 - Site Layout Plan;
 - Level strategy arrangement;
 - Horizontal highway arrangement;
 - Vertical Road Alignment plans;
 - Illustrative long site sections;
 - Landscape Strategy Plan;
 - Detailed Hard and Soft Landscape Proposals plans;
 - Elevations and Floor Plans for each unit;
 - Planning Statement;
 - Design Code;
 - Air quality monitoring scheme;
 - Landscape and visual constraints and opportunities report;
 - Services appraisal;
 - Extended phase 1 survey; and
 - Drainage Strategy.
- 6.9 The submission shows the construction of 15no commercial buildings (13 of which would be for B2 (general industrial) use, including the bus depot, the remaining 2no for B8 (storage and distribution) equating to 24.98% of total floorspace. They would be served via a central spine road, accessed via the new B1035 roundabout and would range in floor areas from 407 sq.m to 3,535 sq.m. Each unit would be served by its own dedicated parking area for cars (including for the disabled), vans, powered two wheelers and cycles, in addition to loading bays for HGVs where proposed.
- 6.10 They would be of a portal frame construction, clad in profiled steel cladding to the roofs and walls, and of a contemporary appearance. With the exception of plots 12-15 (across the back/south eastern boundary of the site) having a maximum ridge height of 12m, all other units would be no higher than 10m high. Soft landscaping would be provided throughout the site, as well as to the site's boundaries, with a surface water attenuation basin to be provided on the low ground within the western-most tip where between Holland Brook and the overhead power line.

Principle of Development

- 6.11 The principle of development in the location proposed, as well as the access thereto, has already been established through the grant of outline planning permission (13/00745/OUT). Whilst the grant of permission was a departure from the adopted Local Plan, the proposal was considered in a positive light, particularly bearing in mind the significant potential to deliver new employment opportunities on a site with good access to the A120. The report to Planning Committee on 4th February 2014 considered the following:
- National and Local Plan Policy;
 - Highways and transport issues and sustainability;
 - Design principles and landscape impact;
 - Nature conservation, flood risk and heritage issues; and
 - S106 planning obligations.
- 6.12 The site had been allocated in the 2012 draft of the emerging Local Plan in recognition of the need for employment and the limited supply of commercially attractive sites elsewhere in the District. These factors were considered to outweigh concerns raised at the time over

the site's location in the open countryside, some distance from established centres of population. Although the promoters of the development at the time of the outline application had indicated that there had been significant business interest in the site, clearly the development has not been implemented to date.

- 6.13 The Council's latest evidence on employment land prepared in support of the new Local Plan, the 2016 Employment Land Review, recommended that the site should not be carried forward into the Local Plan because no transactions with businesses had progressed, the site remained unserviced and had a number of constraints, primarily in relation to sustainability and infrastructure that brought the viability of future development into question. The site no longer features therefore as an employment allocation in the emerging Local Plan.
- 6.14 However, the submission of this reserved matters application within the three year time limit indicates that there is a prospect of business activity on the site and it is understood that new investors are involved in the project who are keen to build the scheme and bring new businesses into the Tendring area. Officers have therefore approached the application positively, working with the applicants to ensure the details of appearance, landscaping, layout and scale are approved so the development can proceed smoothly and the economic and employment benefits of the development can be realised. This stance is supported by the NPPF which in paragraph 20 states that to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
- 6.15 Therefore, as the principle of development of, and access to the site, including to the public highway has already been approved at the outline stage, the outstanding reserved matters (and therefore the main planning considerations) to be assessed are Layout, Scale, Appearance and Landscaping, in addition to the requirements of the planning conditions and obligations imposed upon the outline planning permission which are discussed below.

Layout, Scale and Appearance

- 6.16 Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. NPPF Paragraph 58 states that developments should aim to *“establish a strong sense of place, using streetscapes and buildings to create attractive comfortable places to live, work and visit; and respond to local character and history and reflect the identity of local surroundings and materials”*. The spirit of the NPPF is reflected within the design focussed policies of the Development Plan which are listed above.
- 6.17 In paragraph 6.61, the committee report for 13/00745/OUT highlighted that *“The design will be controlled by set parameters in terms of phasing; height; use of materials and incorporation of sustainable features. It is acknowledged that the scale of the development will, however, have an adverse visual impact on the landscape due its scale and the defining characteristics of the open and flat landscape as it exists today. However, this has to be weighed against the overarching aim of the NPPF that seeks to support sustainable social; economic and environmental growth wherever possible and the numerous other benefits that will be delivered if the scheme were to be approved. Members will need to assess whether the proposed mitigation measures combined with these benefits are sufficient to outweigh the adverse impact on the landscape qualities bearing in mind that it is not a protected landscape or high quality agricultural land.”* Members agreed with the Officer recommendation and imposed a number of conditions upon the outline planning permission to mitigate the visual impact of the proposal upon the surrounding area.
- 6.18 Condition 3 of 13/00745/OUT, amongst other things, required details of the Bus Depot, internal access ways, estate roads, parking and servicing areas to be provided within a Strategic Phasing Plan in conjunction with the submission of the first of the reserved

matters (criteria ii) & vii)). The applicant has explained that the roll out of the development will not be phased, with the submission of reserved matters that is before Members covering the whole site. Furthermore, in regard to the submission of a Design Code as required by condition 4 imposed upon 13/00745/OUT, the applicant explains that at the time of the outline approval, it was considered that the development would be undertaken in a series of phases, therefore the need for a Design Code was deemed necessary. As this scheme is now to be developed in a comprehensive manner, with all reserved matters forming part of a single submission, the requirement for a separate Design Code is largely unnecessary. Nevertheless, a statement setting out the design codes embraced within the scheme form part of the submission.

- 6.19 The layout of the site has evolved since the Indicative Site Masterplan was approved, and as with the matters of appearance, scale and landscaping, has been the subject to pre-application discussions between Officers and the applicant, as well as having been revised further during the processing of the current application. Consequently, the layout has broadly, but not exclusively been formed by taking into account the approved indicative layout and the existing trees, hedging and landscaping that are situated along the site's boundaries.
- 6.20 The latest version of the submitted Site Layout plan identifies that plot 06 would be utilised as the Bus Depot and demonstrates the parking and turning areas that would serve it. The drawing also includes the internal access ways, estate roads, parking and servicing areas (also pursuant to condition 18 of 13/00745/OUT) that would serve the development. These details ensure that the scheme would have a maximum floorspace of 28,280m², to be laid out in a logical manner that would comply with the approved indicative layout and also clarifies that the proposed use of the site is for B2 and B8 commercial purposes with a maximum of 25% of the floorspace to be used for B8 purposes. This is in compliance with Schedule 5 of the Unilateral Undertaking.
- 6.21 In terms of scale, condition 8 of 13/00745/OUT stipulates that no building on the northern boundary of the site shall exceed 10 metres in height, with all of the other buildings restricted to no more than 12m in height. The schedule found upon the Site Layout plan, and the submitted detailed elevational drawings demonstrate that the buildings to be constructed on plots 1-11 (those adjacent to the A120 and the B1035) would have a maximum ridge height of 10m. The other four buildings proposed to be erected on plots 12-15 across the rear of the site are shown to have a maximum ridge height that also complies with condition 8.
- 6.22 Condition 7 of 13/00745/OUT requires samples and precise details of the external facing and roofing materials to be used in the construction of the development to be submitted to the Council prior to its commencement. In response to this and the requirements of the Design Code (condition 4), the applicant confirms that the buildings would have a contemporary design, with the use of low pitched or barrel roofs. Consideration has been given to reducing the bulk of the buildings, particularly the B8 units (nos 14&15), with the use of a sympathetic colour scheme. The drawings identify that the new units would be predominantly finished in green cladding to their elevations, with the colouring ranging from dark green (Fir Green – RAL 9009) at the bottom band to Grey White (RAL 9002) at the top, with a white fascia (Signal White – RAL 9003). The roofs would be finished in Goosewing Grey – RAL 080 70 50).
- 6.23 It is acknowledged that Little Bromley Parish Council have raised concerns with regard to the design and use of materials proposed in what amounts to be a countryside setting. However, the outline planning permission set out parameters to govern what could be built upon the site, and bearing in mind that the scheme is for general industrial and storage/distribution uses adjacent to and served by the A120, the design of the buildings as proposed is appropriate. Admittedly, natural materials and buildings of an appearance more in tune with the Essex vernacular could be considered to be more sympathetic to a

rural location, however they would be impractical to utilise by future commercial occupiers. Overall, it is considered that the layout, scale and appearance of the proposal would be acceptable, and as previously, the visual impact is outweighed by the economic benefits to the local economy of Tendring District.

Landscaping

- 6.24 Part 11 of the NPPF indicates that development should contribute to and enhance the natural environment and that impacts on biodiversity should be minimised.
- 6.25 As quoted above, paragraph 6.61 of the committee report for 13/00745/OUT acknowledged that the scale of the development would have an adverse visual impact on the landscape due its scale and the defining characteristics of the open and flat landscape as it exists today. However, it was also stressed by Officers at that time that the adverse impact on the landscape needed to be assessed within the context of the site not falling within a protected landscape or upon high quality agricultural land.
- 6.26 Conditions 3 (iii, iv & viii), 4, 6 and 15 of 13/00745/OUT are concerned with earthworks, strategic landscaping, as well as biodiversity enhancements. Some regrading of the land is proposed, although this would not be significant and in response to the scheme of landscaping submitted, the Tree and Landscape Officer has stated that the details comprehensively address the level of new planting required to, as far as is possible, screen the site. They also state that the internal planting would also help to screen the site, by breaking up the mass of the grouped buildings and by contributing to the softening in the appearance of the development.
- 6.27 With respect to biodiversity, condition 25 of 13/00745/OUT requires a scheme to be submitted to the Council that seeks to minimise the potential impacts upon wildlife present on site, as well as including opportunities to enhance the ecological value of the site. As highlighted above, such a scheme does not need to be submitted at this stage, provided that it has been prior to the commencement of development.
- 6.28 It is considered that the reserved matter of landscaping is acceptable to enable the planning process to proceed.

Other Matters

- 6.29 Schedule 7 of the UU required the applicant to submit an Air Quality Monitoring Scheme (AQMS) to the Council for approval not later than the date upon which the first reserved matters were submitted for approval.
- 6.30 An AQMS was submitted with the application, and Environmental Protection have confirmed that they are satisfied with the details provided.

Conclusion

- 6.31 The detailed design is considered acceptable, which includes the provision of a Bus Depot within plot 06 as required by condition 3 of 13/00745/OUT; and Schedule 3 of the Unilateral Undertaking (UU) which was submitted by the original applicant, pursuant to S106 of the Town and Country Planning Act 1990.
- 6.32 The proposal would result in no material harm to interests of acknowledged importance and would facilitate substantial economic development within the District. The application is therefore recommended for approval.

APPENDIX ONE



TENDRING DISTRICT COUNCIL

Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

AGENT: Pegasus Group - Ms Nicky
Parsons
3 Pioneer Court
Chivers Way
Histon
Cambridge
Cambridgeshire
CB24 9PT

APPLICANT: Croland Ltd
C/o Agent.

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 13/00745/OUT

DATE REGISTERED: 2nd July 2013

Proposed Development and Location of Land:

Development of site to provide a new industrial park with up to 28,280m² of floorspace for B2 and B8 uses, a bus depot and 30m high telecommunications mast. All with associated access, landscaping, parking and highway improvements.

Land South West of Horsley Cross Roundabout Clacton Road Horsley Cross Essex

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **DO HEREBY GRANT** **OUTLINE PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted, subject to the following conditions:

- 1 Application for approval of reserved matters relating to the appearance; landscaping; layout; and scale of the development shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - The application as submitted does not provide sufficient information for consideration of these details and 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 The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last of the reserved matters approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 3 In conjunction with the submission of the first of the reserved matters, other than the Mast, a Strategic Phasing Plan identifying the various elements of the development and the timing of their provision shall be submitted to and approved in writing by the Local Planning Authority. The Strategic Phasing Plan shall include details of the following:

- i) Technical design details and timing of a temporary site access (if applicable) for the construction phases of the development

- ii) Bus Depot (including details of outside working; outside working areas and hours of operation)
- iii) Earthworks and changes in existing ground levels including details of the volumes of any materials that are to be exported from or imported to the site
- iv) Strategic landscaping/planting belts
- v) Surface and foul water drainage strategy incorporating Sustainable Urban Drainage systems and attenuation methods
- vi) The provision of utilities
- vii) Internal access ways; estate roads; parking and servicing areas; and communal areas
- viii) Biodiversity enhancements and landscaping works
- ix) The order in which the phases are to be developed.

The development shall be carried out in accordance with the details of the Strategic Phasing Plan as approved.

Reason - To ensure that the scheme is brought forward in a timely and comprehensive manner in the interests of proper planning; amenity and the character and appearance of the area and to ensure a satisfactory relationship between the various components of the development and between the site and adjoining land. To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees or hedgerows and the amenities of neighbouring properties. To ensure that an adequate and satisfactory means of foul drainage is provided to avoid pollution.

- 4 In conjunction with the submission of the first of the reserved matters, other than the Mast, a Design Code shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall relate to and include details of the following:

- i) Scale;
- ii) Density;
- iii) Massing;
- iv) Height;
- v) Landscape;
- vi) Layout;
- vii) Design and architectural standards;
- viii) Materials and external colours;
- ix) Signage;
- x) Access;
- xi) Land use;
- xii) Parking and servicing areas;
- xiii) Sustainability principles and energy efficiency measures; and
- xiv) Key spaces.

The development shall be carried out in accordance with the details of the Design Code as approved for the lifetime of the development.

Reason - To ensure that the scheme is brought forward in a timely and comprehensive manner in the interests of proper planning; the environment; amenity; the character and appearance of the area and highway safety.

- 5 No development shall commence in each of the phases identified within the approved Strategic Phasing Plan, other than the Mast, until reserved matters for that phase relating to the appearance; landscaping; layout; and scale of the development have been submitted to and approved in writing by the Local Planning Authority. The development of each of the phases identified within the approved Strategic Phasing Plan shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient information for consideration of these details; 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; and to ensure that the scheme is brought forward in a timely and comprehensive manner in the interests of proper planning; the environment; amenity; the character and appearance of the area and highway safety.

- 6 Details of the existing and proposed ground levels of each phase of the development (other than the Mast and as approved within the Strategic Phasing Plan referred to in Condition 3) including the finished floor levels; eaves levels; and ridge heights and details of all areas of cut and fill (including details of the importation and exportation of any materials) shall be submitted to the Local Planning Authority. No development within the phase that the details relate to shall begin until those details have been approved in writing by the Local Planning Authority. No building shall be occupied (whether in whole or in part) until all the works to implement the approved details have been fully completed.

Reason - To ensure a satisfactory relationship between the various components of the development and between the site and adjoining land. To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees or hedgerows and the amenities of neighbouring properties.

- 7 Samples and precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in the construction of each phase of the development (other than the Mast and as approved within the Strategic Phasing Plan referred to in Condition 3 and the Design Code referred to in Condition 4) shall be submitted to and approved in writing by the Local Planning Authority. No development shall commence within the phase that the details relate to until the details have been approved in writing by the Local Planning Authority. The materials as may be approved shall be those used in the development unless otherwise first approved in writing by the Local Planning Authority.

Reason - To ensure that materials of an acceptable quality appropriate to the area are used across the application site and for the lifetime of the development.

- 8 No building on the northern boundary of the site shall exceed 10 metres in height as measured from the finished site levels immediately adjacent to the building to which it relates. No other buildings shall exceed 12 metres in height as measured from the finished site levels immediately adjacent to the building to which it relates.

Reason - In the interests of proper planning; amenity and the character of the area.

- 9 No development shall commence within each phase (other than the Mast and as approved within the Strategic Phasing Plan referred to in Condition 3) until full written details of the provision; siting; design and materials of screen walls; fences; and security gates within that phase have been submitted to and approved in writing by the Local Planning Authority. The screen walls; fences; and security gates shall be erected in accordance with the approved details before the first occupation of the building(s) to which they relate and shall at all times thereafter be retained in the approved form.

Reason - To ensure that the materials; design; height and location of the boundary treatments are of an acceptable quality appropriate to the area and that they are used across the application site for the lifetime of the development.

- 10 No street lighting, floodlighting, or other means of illuminating any part of the site outside any of the buildings hereby approved shall be erected or installed until written details of the illumination works have been submitted to and approved in writing by, the Local Planning

Authority. The works concerned shall only be carried out in accordance with the approved details.

Reason - In the interests of residential amenity; the character of the area and highway safety.

- 11 No development shall commence, other than the Mast, until details of a wheel cleaning facility within the site and adjacent to the egress onto the highway have been submitted to and approved in writing by the Local Planning Authority. The approved wheel cleaning facility shall be provided prior to commencement of any part of the development and shall be retained as such during construction of the development unless the Local Planning Authority first gives written approval to any variation.

Reason - In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway, in the interests of highway safety and visual amenity.

- 12 No part of the development shall be occupied, other than the site for the Mast, until the roundabout on the B1035 to provide access to the proposal site has been completed to accord with the scheme illustrated by drawing no. K511/008 along with any speed management measures required by the Highway Authority details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason - To protect highway efficiency of movement and safety in accordance with Policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 13 No part of the development shall be occupied, other than the site for the Mast, until the following have been provided or completed:

a) Two new bus stops to the Local Highway Authority's latest specification (to include real time passenger information) on the B1035 between the A120 roundabout and site access roundabout and substantially in the locations illustrated by drawing no. K511/008 details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

b) New sections of footway (minimum 2 metres wide) in the vicinity of the site access roundabout and two bus stops mentioned under a) above and substantially in accordance with the scheme illustrated by drawing no. K511/008 details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

c) Improvements to 20 no. bus stops along the routes of the Bus Services as set out in principle in the documents accompanying the planning application, namely the Cannon Consulting Engineers Technical Note K511/TN04 Proposed Public Transport Improvements dated 16 January 2014, details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

d) A Travel Plan which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason - To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with Policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted

Development) Order 1995 as amended or the Town and Country Planning (use Classes) Order 1987 as amended (or any Orders revoking and re-enacting those Orders with or without modification) no building hereby approved shall be used as an office (whether in whole or in part) except as ancillary to the principal use of that building hereby approved.

Reason - In order to ensure that the development is sustainable for its lifetime in accordance with Policy MLM6 of the Tendring District Local Plan: Pre Submission Focussed Changes 2014 and because Class B1 office uses are defined as 'town centre uses' by the National Planning Policy Framework (March 2012) and the accompanying National Planning Policy Guidance: Ensuring the Vitality Viability of Town Centres (March 2014).

- 15 The submission of reserved matters relating to hard and soft landscaping required by Conditions 1, 3, 4 and 5 of this planning permission shall include full written details of strategic landscaping/planting belts. The said details shall also accurately identify the spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS5837: 2012 - Trees in Relation to Design; Demolition and Construction". The said details shall also include other areas of strategic planting belts on the perimeter of and within the site and shall also include details of the planting of new trees and shrubs of species which are indigenous and compatible with the landscape and biodiversity characteristics of the locality.

Reason - To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area and to ensure protection during construction works of trees, shrubs 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.

- 16 All changes in ground levels, hard and soft landscaping, planting, seeding or turfing shown on the landscaping details approved pursuant to Conditions 1, 3, 4 and 5 of this planning permission shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other planting season as shall first have been agreed, in writing, by the Local Planning Authority having had regard to the Strategic Phasing Plan.

Reason - To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area and to ensure protection during construction works of trees, shrubs 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.

- 17 Unless otherwise formally agreed, in writing, by the Local Planning Authority pursuant to the consideration of the reserved matters, no building (other than the Mast) on any part of the development hereby permitted shall be constructed (whether in whole or in part) until the carriageway of the said estate access road, which provides access between the buildings and the B1035, has been constructed up to and including at least road base level. Until final surfacing of the estate access road is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageway, footways and footpaths in front of each building shall be completed with final surfacing by no later than 12 months after the first occupation of that building.

Reason - To protect highway efficiency of movement and safety in accordance with Policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 18 Prior to implementation of each phase (other than the Mast as approved within the Strategic Phasing Plan referred to in Condition 3) full written details of the areas to be provided for the loading, unloading, turning and parking of vehicles (including adequate cycle and disabled

parking spaces) for that phase shall be submitted to and approved by the Local Planning Authority. No building shall be occupied within that phase until the said areas to which it relates have been constructed in accordance with the details as so approved. The said areas shall be retained and kept available for use as such at all times thereafter.

Reason - To protect highway efficiency of movement and safety in accordance with Policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 19 No goods, materials or containers shall be stored, stacked or deposited on the site outside the buildings hereby approved above a height of 3m as measured from the finished site level or outside of those areas of the site the details of which shall have previously been submitted to and approved in writing by the Local Planning Authority. No commercial or manufacturing activities or processes (except for the loading and unloading of vehicles and activities associated with the bus depot use which shall have first been agreed in writing by the Local Planning Authority) shall be carried on outside the buildings.

Reason - In the interests of residential amenity; the character of the area and highway safety.

- 20 Full written details of areas for the storage of refuse and/or other waste for each phase of the development (as approved within the Strategic Phasing Plan referred to in Condition 3) shall be submitted to and approved by the Local Planning Authority prior to the implementation of the phase of the development (other than the Mast) to which the details relate. The said areas and details as so approved shall be provided before the first occupation of each building within each phase and shall thereafter be retained as such at all times.

Reason - In the interests of the environment; visual amenity; residential amenity; and the character of the area.

- 21 Details of a dust management plan for each phase of the development (as approved within the Strategic Phasing Plan referred to in Condition 3) shall be submitted to and approved prior to the implementation of the phase that the details relate to. Such details are to include measures to control the spread of dust and other similar material throughout every construction phase of the development. The dust management plan as so approved shall be fully implemented.

Reason - In the interests of the environment; residential amenity; the character of the area and highway safety.

- 22 No part of the site shall be used for retail sales (whether in whole or in part) except as directly ancillary to the uses hereby approved.

Reason - In order to ensure that the development is sustainable for its lifetime in accordance with Policy MLM6 of the Tendring District Local Plan: Pre Submission Focussed Changes 2014 and because retail uses are defined as 'town centre uses' by the National Planning Policy Framework (March 2012) and the accompanying National Planning Policy Guidance: Ensuring the Vitality Viability of Town Centres (March 2014).

- 23 Full written details of works for the provision and implementation of on-site surface water attenuation and details of the timing and phasing of their implementation shall be submitted to and approved by the Local Planning Authority prior to the implementation of any part of the development other than the Mast. Such details shall be substantially in accordance with the Surface Water Management Strategy as contained within Canon Consulting Engineers Flood Risk Assessment dated July 2013 and shall include or demonstrate that:

- a. Run-off from the developed site shall not exceed the existing rates of run-off for a range of return period rainfall events, as detailed within section 3.0 of the Flood Risk Assessment prepared by Cannon Consulting Engineers (dated July 2013), i.e. 1.8 l/sec/ha in the 1 year event, up to 5.0 l/sec/ha in the 1 in 100 year event.
- b. The proposed surface water management scheme, which includes permeable surfacing and swales upstream of an attenuation basin, shall be installed having been designed to attenuate run-off generated from roofs and hardstanding, for storm events up to and including the 1 in 100 year return (incorporating the recommended 30% allowance for climate change).
- c. The proposed type and location of outfall structure.
- d. The proposed pollution prevention and control measures to avoid a reduction in surface water quality.
- e. The long term management and maintenance arrangements for the surface water scheme.

Reason - To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

- 24 With the exception of the Mast, no development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No buildings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason - To ensure that an adequate and satisfactory means of foul drainage is provided to avoid pollution, in the absence of a foul sewer.

- 25 No development shall commence on site, other than the Mast, until a scheme to minimise the potential impact of the development on wildlife present on site (including details of the timing of their implementation) has been submitted to and approved by the Local Planning Authority. The Scheme shall have regard to the Ecological Reports prepared by Adonis Ecology Ltd dated 9 April 2013 and 30 May 2013 that form part of the planning application documents and shall include opportunities to enhance the wildlife value of the site. The scheme shall be fully implemented as so approved.

Reason - To ensure that the development incorporates proportionate mitigation measures to address the impact of the development and takes the opportunity to incorporate biodiversity enhancements in accordance with the National Planning Policy Framework and local plan policies.

- 26 With the exception of the Mast, no demolition or preliminary groundworks or development of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason - To ensure adequate opportunity is provided for archaeological investigation and research on the site which is potentially of archaeological and historic significance in accordance with the National Planning Policy Framework and local plan policies.

- 27 No development shall take place, other than for the Mast, including any ground works, until a Construction Environmental Management Plan incorporating a Construction Method Statement and Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period unless otherwise first agreed in writing by the Local Planning Authority.

The Statement shall provide details for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. wheel and underbody washing facilities;
- v. an HGV construction traffic routing plan;
- vi. the precise location and site area of construction compounds;
- vii. construction waste management - including details of recycling; storage and disposal of materials;
- viii. external lighting (in both the compound areas and construction areas);
- ix. control of emissions - including details of the burning of any materials; sheeting of bulk carrying vehicles; and working practices; and
- x. noise and vibration control - including type of machinery and mobile plant; demolition methods; and working practices.

Reason - In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway; to prevent inadequate parking, turning and manoeuvring for vehicles; inadequate materials storage and to ensure adequate recycling of materials in the interests of highway safety, visual amenity and environmental management. To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM1 of the Highway Authority's Development Management Policies February 2011 and in the interests of the environment; residential and environmental amenity.

- 28 No development shall commence, other than for the Mast, until a scheme has been submitted to and approved in writing by the Local Planning Authority to secure a local recruitment strategy. The strategy shall include details of how the developer will use their reasonable endeavours to promote and encourage the recruitment of employees and staff from within the District for the construction of the development and for the uses of the development thereafter. The approved recruitment Strategy shall be adhered to thereafter for the lifetime of the development.

Reason - In order to recruit and procure services locally to help and improve employment and training opportunities for local residents for the lifetime of the development and in accordance with Policy PRO3 of the Tendring District Local Plan Pre Submission Focussed Changes 2014.

DATED: 4th August 2014

SIGNED:



Catherine Bicknell
Head of Planning

IMPORTANT INFORMATION :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

- QL1 Spatial Strategy
- QL2 Promoting Transport Choice
- QL3 Minimising and Managing Flood Risk
- QL4 Supply of Land for Employment Development
- QL5 Economic Development and Strategic Development Sites
- QL7 Rural Regeneration
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- ER2 Principal Business and Industrial Areas
- QL11 Environmental Impacts and Compatibility of Uses
- QL12 Planning Obligations
- ER1 Employment Sites
- ER5 Transport Depots
- ER7 Business, Industrial and Warehouse Proposals
- COM2 Community Safety
- COM20 Air Pollution/ Air Quality

Tendring District Local Plan: Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014)

- SD1 Presumption in Favour of Sustainable Development
- SD5 Managing Growth
- SD7 Securing Facilities and Infrastructure
- SD8 Transport and Accessibility
- SD9 Design of New Development
- SD10 Sustainable Construction
- PRO1 Improving the Strategic Transport Network
- PRO1a Improving the Public Transport Network
- PRO2 Improving the Telecommunications Network
- PRO3 Improving Education and Skills
- PRO12 Freight Transport and the Movement of Goods

PRO14 Employment Sites

PLA1 Development and Flood Risk

PLA3 Water Conservation, Drainage and Sewerage

PLA4 Nature Conservation and Geo-Diversity

PLA5 The Countryside Landscape

MLM6 Development at Horsley Cross

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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.

Informatives

This decision is also subject to a planning obligation under section 106 of the Town and Country Planning Act 1990 the purpose of which is to exercise controls to secure the proper planning of the area and to ensure that the development is sustainable for the lifetime. The planning obligation runs with the land and not with any person or company having an interest therein.

The applicant/developer is advised to contact the Council's Inward Investment and Growth Team in advance in order to agree the local recruitment strategy referred to in Condition 28.

The applicant/developer is reminded of the comments made by Anglian Water in its letter dated 29 July 2013 (reference 0411/SP126(002A)) and is advised to contact Anglian Water to obtain its advice in advance of submitting details in order to discharge those conditions that require details of foul and surface water drainage to be agreed with the Local Planning Authority.

The applicant/developer is reminded of the comments made by Natural England in its letter dated 2 August 2013 in connection with Condition 25.

The applicant/developer is reminded of the comments made by the Environment Agency in its letter dated 16 August 2013 (reference AE/2013/116354/01-LO1).

The applicant/developer is reminded of the comments of the Highway Agency in its letter dated October 2013 (Reference M123272) in which it is stated that : "The site is remote from any other settlement and is only considered sustainable in planning transport terms by the location of the bus depot on the application site if this were to disappear for any reason the site would be considered unattainable in transport policy terms." The applicant/developer is thus advised to ensure that discussions with the Local Planning Authority take place as early as possible to agree the details of the Bus Depot Scheme.

The applicant/developer is advised that in connection with Condition 26 a team of professional archaeologists should undertake the archaeological work. This will comprise initial trial trenches followed by targeted open area excavation of identified archaeological remains. A mitigation strategy detailing this archaeological excavation/preservation strategy shall be submitted to the Local Planning Authority following the completion of the initial trial trenching work. A brief outlining the level of archaeological investigation will be issued from Essex County Council Historic Officer.

The above is required to ensure the proposal complies with Essex County Council Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

In making this recommendation the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site as illustrative only.

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

All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with Essex County Council Highway Authority as soon as possible).

All highway related details should be agreed with Essex County Council Highway Authority.

The proposal should be in accordance with the Essex County Council Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009.

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.