

**18/01022/OUT**

**MICHELIN FARM, ARTERIAL ROAD, RAYLEIGH**

**HYBRID PLANNING APPLICATION: FULL PLANNING APPLICATION FOR THE ERECTION OF BUILDINGS FOR USE WITHIN CLASSES B1C, B2 AND B8 WITH ACCESS AND SERVICING ARRANGEMENTS, CAR PARKING, LANDSCAPING, DRAINAGE FEATURES AND ASSOCIATED HIGHWAY WORKS (PHASE 1); OUTLINE PLANNING APPLICATION FOR UP TO 33,500 SQUARE METRES OF EMPLOYMENT USES (CLASSES B1(C), B2 AND B8) INCLUDING MEANS OF ACCESS WITH ALL OTHER MATTERS RESERVED (PHASE 2)**

APPLICANT:                   **QUOD**  
ZONING:                       **METROPOLITAN GREEN BELT**  
PARISH:                       **RAYLEIGH TOWN COUNCIL**  
WARD:                         **WHEATLEY**

**1     RECOMMENDATION**

1.1   It is proposed that the Committee **RESOLVES**

That planning permission be approved, subject to an agreement under Section 106 of the Act to the following heads of terms:-

- a) Financial contribution of £407,394 for off site early years and childcare provision in Wheatley Ward.
- b) Financial contribution of £5,000 for the management of the Travel Plan.

and to the following conditions

Full

- (1)   The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).

- (2) The development hereby permitted shall be carried out in complete accordance with the following approved plans:

18007 P003 Rev. A, 8007 P004 Rev. A, 18007 P006 Rev. A, 18007 P007 Rev. A, 18007 P003 Rev. A, 18007 P008 Rev. A, 18007 P010 Rev. A, 18007 P012 Rev. A;

18007 P1001 Rev. A 18007 P1002 Rev. A, 18007 P1003 Rev. A, 18007 P1006 Rev. A, 18007 P1007 Rev. A;

18007 P2001 Rev. A, 18007 P2002 Rev. A, 18007 P2003 Rev. A, 18007 P2004 Rev. A, 18007 P2005 Rev. A, 18007 P2006 Rev.A.

REASON: In the interests of clarity to clarify the scope of the application details considered and to ensure that the development is carried out in accordance with the provisions of the development plan.

- (3) No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.

REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy DM1 of the Development Management Plan and the NPPF.

#### Reserved Matters and Phasing

- (4) Application for the approval of the reserved matters for the phase two of the development shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

- (5) Phase two hereby permitted shall be begun within two years from the date of the final approval of the reserved matters for phase two. The development shall be carried out as approved.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

Uses

- (6) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (GPDO) as amended, none of the premises as built shall benefit from provisions within the GPDO which allow for a change of use. The development hereby permitted shall be restricted to the uses proposed in this application and for no other purpose.

REASON: In order to ensure the development is retained for specialised and high-density employment purposes.

Landscaping and Trees

- (7) Phase one hereby permitted shall be carried out in full accordance with the submitted arboricultural impact assessment produced by Tyler Grange dated 2 November 2018, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies CP1 of the Core Strategy and DM1 of the Development Management Plan and the NPPF.

- (8) No development shall commence before all existing trees, together with shrubs and hedgerows on the approved drawing 11866/P04, have been protected by chestnut paling fencing erected at the full extent of the crown spread, which shall remain for the duration of the development hereby permitted. Such protective fencing shall be removed only when the full extent of the development (including all underground services and works) have been completed. Under no circumstances shall any equipment or materials (including displaced soil) be stored or buildings or structures erected (including site offices), nor shall any changes be made to the existing ground level within the area marked by the chestnut paling fencing.

REASON: To enable the Local Planning Authority to secure adequate protection of existing trees, shrubs and/or hedge plants during the construction of the development hereby permitted, in the interests of visual amenity.

- (9) The 'Green Mesh Palisade Fence' to be provided in accordance with the plans and landscape specifications shall be erected within the first available planting season (October to March inclusive) following the commencement of the development and shall be retained in perpetuity for the life of the development thereafter.

REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies CP1 of the Core Strategy and DM1 of the Development Management Plan and the NPPF.

- (10) No development shall be occupied before plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted and shall be submitted concurrently with the Reserved Matters referred to in conditions 4 and 5 above, have been agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, which shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:
- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
  - existing trees to be retained;
  - areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
  - paved or otherwise hard surfaced areas;
  - existing and finished levels shown as contours with cross sections if appropriate;
  - means of enclosure and other boundary treatments;
  - car parking layouts and other vehicular access and circulation areas;
  - minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
  - existing and proposed functional services above and below ground level (e.g. drainage, power and communication cables, pipelines, together with positions of lines, supports, manholes etc);

shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

REASON: To enable the Local Planning Authority to retain adequate control over the landscaping of the site, in the interests of visual amenity.

- (11) No ground work or development shall take place within phase two (with a phase equivalent to a Reserved Matters application submission) until an Arboricultural Impact Assessment and tree protection plan and method statement in accordance with BS5837:2012 has been submitted to and approved in writing by Rochford District Council for that phase taking account of trees within the phase or whose root protection areas lie in any part within that phase. Tree protection measures, as agreed, shall be implemented prior to commencement of ground works within the relevant phase and the agreed method statement shall be complied with throughout the construction period.

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. To comply with policy DM25 of the Development Management Plan in the interests of visual amenity.

Ecology

- (12) Prior to commencement of development an updated survey for badgers should be undertaken and the findings of the survey and any additional mitigation measures proposed submitted to and approved in writing by the Local Planning Authority.

REASON AND PRE-COMMENCEMENT REASON: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development in accordance with policy DM27 of the Development Management Plan and the NPPF.

- (13) No disturbance of soil, roots or vegetation in respect of the development hereby approved shall take place until a full reptile survey has been undertaken and the details submitted to and approved in writing by the Local Planning Authority. The details shall include measures and programme for reptile mitigation and conservation, including a detailed methodology for the capture and translocation of such. The mitigation and conservation measures shall be implemented in accordance with the approved details and programme to the satisfaction of the Local Planning Authority.

REASON AND PRE-COMMENCEMENT REASON:: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development in accordance with policy DM27 of the Development Plan the NPPF.

SUDs

- (14) No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- The appropriate level of treatment for all run off leaving the site, in line with the CIRIA SuDS Manual C753.
  - Detailed engineering drawings of each component of the drainage scheme.
  - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
  - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment.

PRE-COMMENCEMENT REASON:

Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- (15) No works shall take place until a scheme to minimise the risk of off site flooding caused by surface water run off and ground water during construction works and prevent pollution has been submitted to, and approved in writing, by the local planning authority. The scheme shall subsequently be implemented as approved.

REASON AND PRE-COMMENCEMENT REASON: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If de watering takes place to allow for construction to take place below ground water level, this will cause additional water to be discharged. Furthermore, the removal of top soils during construction may limit the ability of the site to intercept rainfall and may lead to increased run off rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and ground water which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

- (16) No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

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

REASON AND PRE-COMMENCEMENT REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- (17) The applicant or any successor in title shall 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.

- (18) No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

REASON: Infiltration through contaminated land has the potential to impact on ground water quality.

- (19) Prior to the construction of buildings above damp proof course, a scheme for on site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

REASON: To prevent environmental and amenity problems arising from flooding.

#### Contaminated Land

- (20) Prior to each phase of development approved by this planning permission no development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site.
  - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

No occupation of any part of the permitted development/of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long term monitoring and maintenance plan shall be implemented as approved.

No development should take place until a long term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports, as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

**REASON AND PRE-COMMENCEMENT REASON:** To protect and prevent the pollution of the water environment (particularly ground water associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in accordance with policy ENV11 of the Core Strategy and the NPPF.

Noise

- (21) The design of the development shall be of such a standard that it will protect from the nearest noise receptors from external and internal noise. Noise mitigation measures must be carried out in accordance

with the approved Noise Assessment (section 6) produced by WYG dated September 2018 to ensure that nearest noise receptors are not exposed to daytime and evening noise levels exceeding 50 dB(A), Laeq, 1hr outdoor living areas and 35 dB(A), Laeq, 1hr for indoor living area.

REASON: In the interest of the amenity of the adjoining residential occupiers.

- (22) All buildings operating within B2 (general industrial) across phase one shall be constructed so as to provide sound attenuation against external noise.

REASON: In the interest of the amenity of the adjoining residential occupiers. An acoustic report with targeted acoustic mitigation measures should accompany any reserved matters application (phase two), unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interest of the amenity of the adjoining residential occupiers.

- (23) Where used, only visual and/or broadband reversing alarms will be permitted on vehicles operating and based on the site

REASON: In the interest of the amenity of the adjoining residential occupiers.

#### Archaeology

- (24) No development or preliminary ground works 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 AND PRE-COMMENCEMENT REASON: In the interests of ensuring adequate mitigation in respect of the archaeological asset at the site.

#### Highways

- (25) Prior to commencement of the development, the access shall be provided as shown in principle on Patrick Parsons Consultants drawing No B18258 SK01. The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway with an appropriate dropped kerb vehicular crossing of the footway.

REASON AND PRE-COMMENCEMENT REASON: To provide adequate inter visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM30 of the Development Management Plan.

- (26) No unbound material shall be used in the surface treatment of the vehicular access within 30 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM30 of the Development Management Plan.

- (27) No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the/ construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. wheel and underbody washing facilities

REASON AND PRE-COMMENCEMENT REASON: To ensure that on street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM30 Development Management Plan.

- (28) There shall be no discharge of surface water onto the Highway.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM30 of the Development Management Plan.

- (29) Prior to commencement of development the associated land identified for the improvement works at adjacent Fairglen interchange (A127/A1245) under the applicant's control shall be transferred to Essex County Council without charge, solely for the purposes of highway improvements.

REASON AND PRE-COMMENCEMENT REASON: To provide improved capacity of the highway network and in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- (30) Prior to the first occupation of the proposed development, the developer shall submit a Travel Plan to the Local Planning Authority in consultation with Essex County Council – Highway Authority and Highways England. The document should cover the following issues:

- Signing Strategy
- Promoted Vehicle Routes
- Travel Plan co-ordinator
- Travel Surveys
- Measures to be taken to encourage walking, cycling, use of public transport and reduce car travel by staff
- Monitoring and review in collaboration with Highways England
- Programme for implementation

The approved Travel Plan shall be implemented in accordance with the approved implementation programme.

**REASON:** To encourage sustainable methods of transport and to ensure that the impact of the proposal on the free and safe flow of traffic on the local and strategic highway network is kept to a minimum in accordance with section 10 of the Highways Act 1980 and DM30 of the Development Management Plan and to satisfy the reasonable requirements of road safety.

**BREEAM**

- (31) All buildings within the site shall achieve a BREEAM rating of 'Very Good' unless this cannot be achieved for reasons of viability in which case details of the BREEAM rating that can be achieved, including details to demonstrate the viability case to demonstrate why the 'Very Good' rating cannot be achieved, shall be submitted to and approved in writing by the Local Planning Authority. If an alternative BREEAM standard is approved for any building this shall be met.

**REASON:** To achieve compliance with Policy ENV10 of the Core Strategy.

**STATEMENT**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, assessed against the adopted Development Plan, and the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.

## **2 PLANNING APPLICATION DETAILS**

### **Site and Context**

- 2.1 The site is situated in a prominent location on the A1245/A127 junction. The site is currently known as Michelins Farm located to the north of the A127 and east of the A1245 and occupies a broadly rectangular shaped area of 8 hectares (ha). Access to the site is gained from the east off the A1245 and from the south off the A127 slip road to the Fair Glen interchange. The site is currently vacant and overgrown with a small number of single storey buildings. The site is considered to be degraded green field land and is relatively flat; however, there is a significant increase in levels on the northern boundary where it meets the rail line. There are trees and grassy areas, areas of waste materials, unmade roads/tracks throughout the site, including buildings and metal containers.
- 2.2 The site is bounded to the north by the Southend to London Liverpool Street railway line, to the west by open land, to the east by the A1245 and to the south by Annwood Lodge Business Park and the A127.

### **Proposal**

- 2.3 Planning permission is being sought for the re-development of the site. The application is a hybrid planning application (part full/part outline) comprising redevelopment of the site to provide modern industrial and warehouse units, together with the formation of a vehicular crossover onto the A1245 and layout vehicle and cycle parking, hard and soft landscaping and associated works. The overall site would comprise 20 units. Overall floor area across the entire site would equate to 44,578m<sup>2</sup>.
- 2.4 The application has been separated into two phases.
- 2.5 Phase One - Full planning permission is sought for nine industrial units comprising 11,078m<sup>2</sup> of floor space on a plot of 3ha. These units would be situated at the eastern end of the site and would be used for either light industry (class B1(c)), general industrial (class B2) or storage and distribution (class B8). To serve the proposed development, a new vehicular access would be gained from the A1245 and vehicular and cycle parking will be laid out to the front of the units.
- 2.6 Phase 2 – The remainder of the site is in outline form and is seeking permission for 33,500m<sup>2</sup> of industrial and warehouse floor space. Only 'access' is to be considered as part of the outline application with all other matters reserved, which would be determined at reserved matters stage.

## **3 PLANNING HISTORY**

- 3.1 No relevant planning history.

#### **4 MATERIAL PLANNING CONSIDERATIONS**

##### **Principle of Development**

- 4.1 The proposed development involves a comprehensive re-development of the entire site to include the provision of high quality industrial and warehouse units. The site is a vacant parcel of degradable land currently allocated for employment land by the Development Plan Proposals Map (2014).
- 4.2 Rochford District Council's Allocations plan identifies new employment sites across Rochford District with potential to accommodate new office and industrial uses. Policy NEL1 – West of the A1245, Rayleigh confirms that the site was allocated to compensate for the reallocation of Rawreth Lane Industrial Estate, with the site having the potential to accommodate displaced industrial uses (including heavier industry) from that site, along with the potential relocation of the recycling centre on Castle Road, Rayleigh and a proposed gypsy and traveller site. Section 5.7 explains that the site should be suitable for high quality office and industrial development and have a versatile layout and design that can accommodate a range of uses and can be adapted to meet changes in the economy. It is acknowledged that the proposed gypsy and traveller site is not included within this application but the layout to the master plan excludes that area from the current application so as to retain the future provision for a gypsy and traveller site in the overall planned allocation.
- 4.3 This is reaffirmed by policy ED4 of the Rochford District Core Strategy. The Core Strategy aims to ensure the growth of local employment opportunities and deliver an additional net 3000 local jobs by 2021. In addition, the Council will actively seek to maintain high and stable levels of economic and employment growth in the District, and will support proposals that secure growth within high value businesses and which match local skills in order to reduce reliance on out commuting.
- 4.4 Both policy NEL1 of the Allocations Plan and policy ED4 of the Core Strategy confirm that the site will have the following characteristics:
- Able to accommodate employment uses displaced by residential re-development of Rawreth Lane Industrial Estate;
  - Be suitable for high quality office and industrial development;
  - A versatile layout and design that can accommodate a range of uses and can be adapted to meet changes in the economy;
  - Accessible by a range of transport options; and
  - Good links to the A130 and A127.
- 4.5 The golden thread of sustainable development entwined throughout the National Planning Policy Framework (NPPF) comprises three dimensions. These are economic, social and environmental. In relation to the economic dimension, paragraph 8(a) confirms how the economic role is performed in the planning system and states that it should contribute to building a strong,

responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

- 4.6 Whilst more specifically Chapter 6 – Building a strong, competitive economy of the NPPF, states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Paragraph 80 confirms planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth and productivity through the planning system, taking into account both local business needs and wider opportunities for development. Whilst paragraph 82 encourages Local Planning Authorities (LPA) to plan proactively to meet the development needs of business and recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.
- 4.7 Paragraph 84 confirms that the LPA should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land (PDL) and sites that are physically well related to existing settlements should be encouraged where suitable opportunities exist. Whilst the use of PDL would normally be encouraged, Rochford District Council's Employment Land Study (ELS) 2014 recognises there is a deficit in adequate brown field sites within the District, and as such, the Council will reallocate the minimum quantity of Green Belt land necessary in this appropriate location to meet this local need.
- 4.8 The application site was situated in the Green Belt but as the site is an allocated site the Green Belt status of the land diminishes.
- 4.9 The ELS acknowledges there is generally a sufficient supply of employment land for industrial use within the District, but that any de-allocation would have to be compensated for. Land to the west of Rayleigh is the most suitable strategic location for additional employment land provision and the ELS recommends that land in this location comes forward for development.

#### **Employment and Marketing Assessment**

- 4.10 Policy ED1 of the Core Strategy encourages development that enables the economy to diversify and modernise through the growth of new enterprises

providing high value employment. The objective of policy DM32 of the Development Management Plan is to ensure the growth of local employment opportunities and deliver an additional net 3000 local jobs by 2021.

- 4.11 An Industrial Market Report prepared by Savills submitted as part of this planning application sets out the scene for the South East and Eastern Region Markets as well as the local market. It notes that there has been a strong occupier demand across different sized units. The report highlights that the lack of supply and strong occupier demand has seen occupiers prepared to pay increasingly higher rental levels. The application site is in close proximity to Basildon's enterprise corridor along the A127. Details of Basildon's commercial market have been provided. Due to a shortage of new commercial developments within Basildon there is now a shortage of supply. Additionally, there has been substantial 20% to 30% rental growth which demonstrates a demand for additional industrial and warehouse units within the area. It has been concluded that whilst the site is marginally further from the M25 than Basildon and West Thurrock, the proposed pricing for the units is at a suitable discount to both locations to ensure it is attractive to occupiers. It is considered by Savills that the site offers a strong opportunity for industrial and warehouse development.
- 4.12 The South Essex Economic Development Needs Assessment (EDNA) 2017 (a study by consultants GVA) identified a severe under-supply of employment space in the Rochford District relative to demand. The analysis also considered scenarios such as the Greater London Authority Industrial Land Study 2016-2036 and a model to reflect growth as a result of London Southend Airport. This anticipated potential workspace demand for Rochford District 2016-2036 for an additional 30,000m<sup>2</sup> of employment space, over 7ha of land, would create an additional 1,200+ jobs. This is clearly dependent upon provision of suitable employment space. Within this, it is noted that the 'Land Requirement Forecast' (Combined Scenario) identified positive demand for additional B1 and B2 floor space across the period to 2036, but negative floor space demand for B8 uses over the same period.
- 4.13 The Essex Grow On Space Feasibility Study, conducted by consultants SQW and commissioned by Essex County Council in October 2016 includes data which demonstrates that in regard to grow on space there is a mismatch between the supply of, and demand for, grow on space across the county and that both industrial and office space are in short supply. This is most pronounced in the Rochford District. Rochford is the second highest in the area and above the County, Eastern region and National for Micro Businesses (0 to 9 employees). Accordingly there is a good supply of local businesses that would either require start up space or eventually grow on space. This indicates there is a lack of available grow on space for our businesses, and the site in question represents a prime opportunity to address this and prevent such businesses being forced to move out of the district as they grow, or otherwise remain in unsuitable premises.

- 4.14 The LPA has undertaken a search of the Rightmove commercial property website which reveals that only two industrial properties of any size were available to lease within Rochford District. These were older industrial premises at the very small end of the spectrum (below 600 sq ft). Past regular searches during 2018 have indicated the availability of industrial premises within the district has always been scarce, underlining the findings of studies listed above, and underlining the need for new employment space.
- 4.15 The proposed development would create local employment opportunities (during construction and operational phases) and represent a significant investment in the local economy. The provision of a modern, purpose built space that can be used for businesses falling within Class B1 (c), B2 and B8 uses is considered to be in accordance with policies of the Development Plan and satisfy identified local market need as well as help to achieve employment growth set out in the Core Strategy and the Development Management Plan which seeks to provide 3,000 additional jobs by 2021. This investment in the site will deliver a sustainable economic development which is strongly supported by the NPPF, thus the principle of development is found acceptable.

### **Design**

- 4.16 Policy CP1 of the Core Strategy promotes good, high quality design that has regard to local flavour while policy DM1 of the Development Management Plan encourages the design of new developments that should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity. Both these policies are applicable to the design consideration of this application.
- 4.17 The site is located on the northwest corner of the Fairglen Interchange at the key strategic juncture of the A127 Southend Arterial Road and the A1245 to Chelmsford and East Anglia. The site also abuts the Liverpool Street – Southend Victoria railway line to the north and lies within close proximity of the A130 to the west, separated by a single field. It is also notable that the site forms the gateway to Rochford District and is surrounded by Basildon Borough Council to the south and west. The location is highly visible from a number of South Essex’s strategic highways and mainline railway.

### **Layout and Site Coverage**

- 4.18 The proposed layout would create an internal road which connects to a left in and left out road junction off the A1245, providing access into the car parking area for phase one of the industrial park. Dedicated access will be provided into each unit from the new central service road. The internal road would continue through to phase two.

- 4.19 The overall site has been split into two parcels – phase one and two. The development of the industrial park would be phased with the exact build out dependent upon the market, amongst other things.
- 4.20 Full planning permission is being applied for phase one whereby full details have been provided. The proposal would result in units along the eastern edge of the site and these are units 100 to 130. The western part of the site would be occupied by Units 200 to 240 which would be the largest units on phase one.
- 4.21 The proposed units would be set in from the site's boundaries to allow for the provision of soft landscaping around the edge of the site. Areas for car parking would be laid out to the front of each unit which whilst appearing car dominant is nevertheless typical of industrial areas.
- 4.22 A gateway green space is proposed to the entrance of the site with the use of water detention basins to aid sustainable drainage. This would also create an attractive soft and pleasant feel entering the site.
- 4.23 Phase two is the outline part of the application. An illustrative masterplan accompanies the planning application and shows a range of small, medium and large sized industrial units; however, the illustrative masterplan is indicative and would be subject to further detail to a necessary reserved matters application.
- 4.24 The overall layout of the development is considered acceptable.

#### **Design and External Materials**

- 4.25 A contemporary and simplistic aesthetic design approach has been applied to the proposed development with large amounts of glazing surrounded by metal cladding to the front façades of the industrial units. The external materials, other than glazing, would be polyester powder coated aluminium sections, welded at the corners with flush joints. Any boundary treatment would be paladin fencing and the car parking areas would be finished in concrete.

#### **Scale/Bulk/Height**

- 4.26 The proposed buildings would range up to 13m high with a mix of parapets, flat roofs and pitch roofs. The bulk of the development would be broken up into collections of building units, four units to the east and the five units to the west. The proposed cladding would be horizontally aligned and would appear to break up the building due to the different colours of cladding proposed. Large curtain walls would be utilised near the entrances and on the frontage which would add further visual interest.

- 4.27 There are no details of phase two with this application. Phase two details would be considered with the reserved matters application if outline permission were granted.

**Visual Impact on the Surrounding Area**

- 4.28 The proposed appearance of the industrial units would have a stark contrast to the surrounding verdant landscape; however, it is an accepted point that the re-development of a green field would significantly alter the character and appearance of the surrounding area. The Council has a need to provide an employment generating opportunity across the district and this site has been allocated as new employment land in the Allocations Plan. Therefore, in instances such as this, a reason for refusal based solely on the change and the appearance of the site or impact on the character and appearance of the area would not be appropriate. Notwithstanding this, there is always a need, through both the NPPF and the Development Plan, to ensure that the design of a development is to a good standard and the impact upon the character and appearance of the area is mitigated where possible.
- 4.29 There are no objections to the layout, scale, bulk and height or elevational treatments of the units, which are modern in appearance.

**Impact Upon Neighbouring Residential Amenity**

- 4.30 National planning practice guidance requires that noise needs to be considered when new developments may create additional noise. This relates to requirements in the NPPF, which require that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate impacts, including through the use of conditions.
- 4.31 The nearest residential neighbouring property is situated to the south – “Annwood Lodge “Southend Arterial Road (A127).
- 4.32 A Noise Assessment Report has been undertaken at locations representative of proposed noise sensitive receptors to support the planning application for the development. The noise generated by the construction activities associated with the development have the potential to temporarily increase noise levels at nearby residential properties from the operation of equipment and machinery. Due to the transient nature of construction activities the potential for receptors to be affected will depend on where within the application site the noisy activity takes place, the nature of the activity and controls and meteorological conditions.
- 4.33 Noise associated with the proposed employment operation has been assessed. The assessment includes the beneficial effects of a 5.0m high acoustic barrier to the south of the phase two Unit 300 service yard; it should be noted that the layout of phase two of the development is yet to be finalised,

as such the proposed acoustic barrier is considered to represent a suitable mitigating measure, the principles of which will be incorporated into the finalised site layout to maximise screening from the service yard.

- 4.34 The noise intrusion assessment has shown that cumulative noise levels are predicted to be within the BS 8233/WHO criteria at all nearby sensitive receptor locations on the basis of worst case assumptions. Regarding operational noise, noise emission limits have been specified to ensure that plant noise rating levels are at least 10 dB below existing daytime and nighttime background noise levels. Operational noise from HGV deliveries and associated movements have been predicted to be below existing background noise levels at all receptors.
- 4.35 Given the site's proximity to the A127, A130, A1245 and the adjacent railway line, the proposed development is not expected to adversely affect the tranquillity of the area. Therefore, it is considered that the proposals would not give rise to a noise impact at the ground and upper floors of the assessed existing properties in closest proximity to the activities when compared with the existing daytime ambient noise levels measured during the noise survey. Impacts on noise as a result of development generated traffic were not considered to be significant.

#### **Access, Parking and Highway Safety**

- 4.36 Policy NEL1 of the Allocations Plan requires that a new junction is provided to access and egress on and off the new industrial park from the A1245. The proposal includes details of a new left in left out access to the site off the A1245 which would be the sole vehicular access to the industrial park.
- 4.37 Essex County Council Highways has been involved in the design of the new access and is satisfied that the proposed access would be of an appropriate type and scale to serve the needs of the new development in accordance with the requirements of policy T1 of the Core Strategy.
- 4.38 The accompanying Transport Statement produced by Patrick Parsons dated October 2018 makes reference to the local strategic highway network as the highway network surrounding the site comprising of the A127, A130 and A1245. The report refers to future improvements to the Fairglen roundabout that are proposed by Essex County Council Highway Authority.
- 4.39 The entire site, phase one and two in its entirety would provide a total of 46,000m<sup>2</sup> of employment use. Vehicles would be able to enter and leave the site from the A1245 northbound carriageway only. Vehicles leaving the site and wanting to join the A127, A130 or travel south will have to take the A1245 northbound for approximately 1km to the roundabout at the A129/London Road and a u-turn.

- 4.40 Information has been provided that illustrates the trip generation created by the use of the site at peak times. The vehicles attending the site would naturally use the surrounding highway network introducing an increased traffic flow at the A1245/A127 roundabout, the A130/A1245 roundabout and the A1245/A129/London Road roundabout. It has been concluded that the likely additional traffic through each junction would be between 0.6% and 3.1% increase at peak times. These additional flows will have no significant impact in the short term (i.e. based on the existing road layout) with even less impact once the Fairglen Interchange proposals are constructed providing improved capacity on the local network.
- 4.41 The permitted Fairglen Interchange scheme is designed to cater for the expected growth in the area at least to the year 2036. The Fairglen proposals will remove a significant amount of traffic from both the A1245/A129/London Road roundabout and the A130/A1245 roundabout, with south bound traffic using the new one way slip road. It has been stated within the Fairglen Interchange literature, produced by Essex County Highways, that the scheme will significantly improve journey times through the junction, with average journey savings of: -
- 3:18 minutes in the AM Peak Hour
  - 1:48 minutes in the PM Peak Hour
- 4.42 It has been demonstrated that the Phase one proposals will generate an increased amount of traffic at peak times on the local highway network; however, the additional traffic is considered to insignificantly impact on the local highway network. Highways England has assessed the information that accompanies this application and raises no objections, subject to a recommended condition requiring a travel plan to be submitted to the Local Planning Authority.
- 4.43 Pedestrian access will be provided from a new footway and cycleway link from the existing shared cycleway and footway on the northern side of the A127 slip road, to the south west of the site.
- 4.44 Swept path analysis has established that the proposed layout provides sufficient space for HGVs to manoeuvre within the service areas of the site. All vehicles will be able to enter and exit the site in a forward gear.
- 4.45 The Council's adopted vehicle parking standards have been applied. The uses proposed are flexible between B2 (General Industrial) and B8 (Storage and Distribution) with ancillary offices.
- 4.46 To comply with cycle parking standards a maximum of 66 cycle parking spaces will be provided for phase one. However, dependent on the end user of each unit the need for cycle parking is likely to reduce. B8 standards are significantly less than the B2 standards set out below:-

- 44 No. staff spaces for the B2 industrial space (minimum 1 space per 250m<sup>2</sup>)
  - 22 No. visitor spaces for the B2 industrial space (minimum 1 space per 500m<sup>2</sup>)
- 4.47 The adopted parking standards would require a maximum total of 221 parking spaces for B2 and 74 parking spaces for B8 based on the floor area of the development of 11,078m<sup>2</sup> for each use in phase one. The parking provision has been revised by the applicant as a result of comments from the ECC Highway Authority who require car parking spaces to have a minimum dimension of 2.5m by 5m.
- 4.48 If phase one were to be a mix of B2 and B8 the proposed development would provide 114 spaces measured to the required dimensions. If phase one was purely B2 the proposed development would result in a total of 185 parking spaces.
- 4.49 As the parking standards are maximum rather than minimum in this instance the parking provision proposed is considered acceptable. ECC Highway Authority was re-consulted on this alteration and raises no objection.

### **Ecology**

- 4.50 Certain species and habitats are protected by law and in addition section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Authorities to have regard to the conservation of biodiversity when carrying out their normal functions including in the determination of planning applications. Planning policy at the local and national level also requires consideration of impact on ecology. Policy DM27 of the Development Management Plan requires consideration of the impact of development on the natural landscape including protected habitat and species and the NPPF also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity.
- 4.51 An Ecological survey accompanies the application produced by Ecology Solutions dated September 2018. A phase 1 habitat survey was undertaken at the site in July 2018 which identified potential for the presence of bats, badgers, reptiles and breeding birds. The survey identifies the following:
- There is no evidence of badgers.
  - There is unlikely to be any potential for roosting bats as the existing buildings on site are unsuitable.
  - The habitat is suitable for reptiles which were detected during a survey in September 2018 and therefore habitat manipulation (directional cutting),

translocation exercise and destructive surveys have been recommended and considered necessary.

- The habitats on site provide opportunities for both nesting and foraging birds. It is recommended that as a precaution to avoid a possible offence, that removal of suitable nesting habitats be undertaken outside the breeding season (March to July inclusive) or checked for nesting birds by a trained ecologist immediately prior to removal.
- No great crested newts were recorded, and conditions would not be suitable.

4.52 A full survey of the site to establish the presence/absence of reptiles and the size of the population and further badger survey is required. RDC Arboricultural and Conservation Officer raises no objection, subject to planning conditions to require mitigation and measures to avoid harm to ensure that the proposed development would not impact adversely on protected species or habitat of ecological value. This approach is consistent with both national and local planning policy, which advises that planning permission should only be refused if significant harm resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for.

#### **Landscaping and Trees**

- 4.53 An Arboricultural Impact Assessment produced by Tyler Grange dated November 2018 accompanies the application. The assessment identifies 13 individual trees, 6 groups of trees and 2 hedgerows on phase one.
- 4.54 Several trees and groups of trees would have to be removed to enable the proposed development.
- 4.55 On phase one 13 ash and oak trees, five groups of trees and a hedgerow would have to be removed to enable construction of proposed buildings and roads. The group of trees to the southern and eastern boundary are also proposed to be removed to facilitate the construction of future road widening works proposed to the Fairglen roundabout.
- 4.56 To mitigate against the loss of trees and hedgerows, a proposed landscaping scheme has been submitted. The proposed landscaped plan illustrates extensive planting of trees and native scrub planting along the southern and eastern boundaries of phase one. This would provide an improved arrangement of tree cover across this edge of the development in the long term, given the generally degraded state of the existing shrubs and trees that are proposed to be removed. The proposed landscaped access arrangement also provides opportunities for amenity provision as part of new feature tree planting.

- 4.57 The Strategic Landscape Masterplan also demonstrates the opportunities for new tree planting across phase two, which includes strengthening of the boundary stock and areas of amenity planting across the development. This would be considered in detail by way of a reserved matters submission, should permission be granted.
- 4.58 Overall, it is considered that the loss of trees would be adequately compensated for by tree planting in the strategic landscape areas.

### **Air Quality**

- 4.59 The submitted air quality assessment produced by consultants WYG concludes that the proposed development traffic impacts upon local air quality would not be significant and no mitigation in relation to road traffic emissions is therefore required. The dust assessment determined that there was a risk of impacts resulting from construction activities without the implementation of mitigation measures, which would be secured by condition.

### **Environmental Sustainability**

- 4.60 The Council requires that all new non residential developments meet a high standard of environmental sustainability. Policy ENV10 requires that buildings should meet, as a minimum, the BREEAM (Building Research Establishment Environmental Assessment Method) rating of 'Very Good' unless such requirements would render the development economically unviable.
- 4.61 The applicant has set out in the Sustainability Strategy that key principles of the BREAAAM 'Excellent' and 'Very Good' ratings would be followed. Policy ENV10 of the Core Strategy requires that all new developments meet the BREEAM minimum rating of 'Very Good'. A condition to require that all new buildings within the site achieve a BREEAM rating of 'Very Good,' subject to viability, is recommended, which would achieve compliance with policy ENV10.
- 4.62 Policy ENV8 of the Core Strategy requires that non residential developments of over 1000 square metres of floor space secure at least 10 per cent of their energy from decentralised and renewable or low carbon sources, subject to viability. A condition to require that all new buildings within the site achieve at least 10% of their energy from decentralised and renewable or low carbon sources, subject to viability, is recommended which would achieve compliance with policy ENV10 of the Core Strategy.

### **Land Contamination**

- 4.63 Policy ENV11 of the Core Strategy confirms that the presence of contaminated land on a site will not, itself, be seen as a reason to resist its development. Paragraph 179 of the NPPF confirms where a site is affected by contamination or land stability issues, responsibility for securing a safe

development rests with the developer and/or landowner and paragraph 183 of the NPPF encourages the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

- 4.64 The application is accompanied by a Geo Environmental Assessment Report produced by Fairhurst dated August 2018. Both the Council's Environmental Health Officer and the Environment Agency agree with the recommendations of the report as a full investigation is required to establish the existence of underlying London Clay to identify the most suitable foundation solution for the site. The extent, thickness and material properties of the Made Ground deposits should also be further assessed to gauge its suitability for re-use during earth work operations. Additionally, an investigation of the ground water regime underlying the site to determine the potential for shallow ground water and to support drainage design should also be undertaken.
- 4.65 The results of the investigation must be provided to the LPA in a report. Any recommendations for remediation should be stated in a remediation method statement (RMS) once an evaluation of measures has been undertaken. It would be expected that any such remediation will include sustainable techniques rather than removing to landfill. The contamination requirements can be dealt with through a series of planning conditions.

#### **Flood Risk and Drainage**

- 4.66 Paragraph 155 of the NPPF seeks to direct development to the lower risk flood zones. This stance is reiterated in policy ENV3 of the Core Strategy which provides local flood risk considerations.
- 4.67 The site is located within a lowest risk flood zone (Flood Zone 1) as identified on the Environment Agency flood maps. This means that the site is subject to a low probability of fluvial flooding. The proposal would involve uses falling within the 'less vulnerable' use based on the National Planning Practice Guidance (NPPG) flood table 2 'Flood Risk Vulnerability Classification' and industrial and storage and distribution development is 'appropriate' based on the NPPG flood table 3 'Flood Risk Vulnerability and Flood Zone Compatibility' in this location.
- 4.68 There is a requirement to apply the Sequential Test to new development located within a flood plain, in order to steer them to areas with a lower risk of flooding. The proposed development site is to an allocated industrial site located in Flood Zone 1 (low risk); therefore, there is no requirement for a Sequential Test. Table 3 classifies the proposed type of development as appropriate for Flood Zone 1 without having to address the Exception Test.

- 4.69 The application is accompanied by a Flood Risk Assessment and Drainage Strategy produced by consultants Fairhurst dated October 2018. As this is a hybrid planning application the assessment and strategy refer to phase one only (full planning permission). Information on the drainage strategy for phase two will be submitted at the reserved matters stage if outline consent is forthcoming.
- 4.70 The Flood Risk Assessment (FRA) and Drainage Strategy (DS) identify that the River Crouch located approximately 2km north of the site is not a significant source of flooding as the river is tidally influenced along the length within the Rochford district. The risk to the development and potential consequences of flooding from rivers is therefore considered to be low. According to Environment Agency maps, the main source of flooding is likely to be from surface water flooding as some small localised areas in the medium to high risk category. This is most likely due to the low levels around part of the site and therefore as part of the proposed scheme the levels will be set to reduce any surface water flooding within the site.
- 4.71 Section 7 – Flood Risk Management measures of the FRA and DS identify that surface water run off generated from around the buildings and paths into car park and service yard areas, where permeable surfaces would infiltrate surface water into linear drainage channels and gullies towards underground attenuation tanks, would include silt and oil interceptors that would then drain into a pond drainage system where water would discharge into the water course. There are no other flood risks associated with the site from other sources such as sewer and pluvial.
- 4.72 The Lead Local Flood Authority (LLFA) Sustainable Urban Drainage (SUDs) initially placed a holding objection to the application on technical aspects of the FRA. The agent has sought to address the objections through the submission of additional flood risk information. Following correspondence with the LLFA SUDs in light of this information the holding objection has since been removed and planning conditions have been recommended. It is considered that the planning conditions can be imposed to achieve the development to be acceptable in flood risk terms.
- 4.73 The Environment Agency (EA) has raised no objections to the use of permeable paving for private roads and driveways providing they are not sited in contaminated land and meet requirements for SUDs. It is noted the comment that infiltration drainage is not considered appropriate for this development. As long as this remains the case, the EA has no further comments on drainage. A condition in relation to surface water management is recommended for any forthcoming planning permission.

- 4.74 For foul drainage Anglian Water has advised that it has no objections as the catchment of the Wickford Water Recycling centre has available capacity for additional wastewater flows and foul sewage flows.

**Archaeology**

- 4.75 The Historic Environment Record shows that the proposed development area lies within a potentially sensitive area of archaeological deposits. Initial archaeological investigations have already been carried out on this site. Essex County Council's Archaeology Team has considered the archaeological potential of the site and raises no objection to the proposal, providing that further archaeological field work, including a mitigation strategy, is carried out before any ground works commence associated with delivery of the development proposed. A post excavation assessment would also have to be submitted within 6 months of the completion of field work; conditions are duly recommended.

**Refuse Facilities**

- 4.76 No details have been provided regarding commercial refuse and recycling facilities which would need to be incorporated into the development. There is also a need for refuse bins to be placed throughout the site and a waste management plan to ensure that the site does not become untidy. Whilst no details have been provided such measures can be controlled through the use of a planning condition requiring details to be submitted and approved.

**Planning Obligations**

- 4.77 For applying planning obligations paragraph 56 of the NPPF advises that:
- 'Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development'.
- 4.78 Essex Country Council has assessed the proposal and finds that the development would result in the need for additional early years and childcare places being required. A financial contribution is required. It is recommended that appropriate mitigation is secured through the s106.
- 4.79 There is also a requirement for a Travel Plan to form a planning obligation and to include a financial contribution of £5,000 for monitoring purposes.

**5 CONSULTATIONS AND REPRESENTATIONS**

**Rochford District Council - Environmental Health**

Contaminated Land

- 5.1 The report is accepted, although particular regard should be had to pollution to controlled waters arising from the tyre fire in 2015. Model Land contamination conditions are therefore recommended.

Air Quality

- 5.2 The proposed development is considered acceptable in air quality terms, subject to implementation of a dust management plan during the construction phase. The applicant should be aware of the proposals for highways works directly adjacent to the site in the next few years which may coincide with development/first occupation.

Noise

- 5.3 The acoustic report considers the general impacts of plant noise and vehicle movements across both phases of the proposed development. However, it does not address specific noises (including vibration) that may arise from operations within/out the individual units, particularly in Phase 2. This is of particular concern with regard to B2 units which, by their nature, are likely to be noisier and intensively used. The proposed acoustic barrier cannot be endorsed at this time due to uncertainties over which units will benefit from which use classes and differences in numbering on units across various plans.
- 5.4 As such, I recommend that conditions are imposed relating to use of directional, broadband reversing alarms for all vehicles requiring such a device (e.g. lorries and forklifts) that enter/operate on site and acoustic treatment of all B2 units at first use. A further acoustic report with targeted acoustic mitigation measures should accompany any reserved matters application.

**Rochford District Council – Arboricultural and Conservation Officer**

- 5.5 The ecological survey submitted determines the presence of reptiles - common lizard and slow worm - of local importance. No evidence of bats, badgers, GCN's, etc. The survey recommends habitat manipulation, translocation and destructive surveys as a form of mitigation. No objections are raised, subject to a further badger survey and reptile survey prior to the commencement of development.
- 5.6 The site is colonised by secondary successional ruderals, and woody species - buddleia, hawthorn and other occasional woody species. Much of the site is

subject to fly tipping and appears to be periodically managed where access is required for adding tip material. There are few standard trees within the site, occasional oak and ash; the trees do not offer significant visual amenity value as they are central to the site and obscured from significant public vantage points (highway, footway public right of way, etc. The boundary trees are early mature specimens, typical highway verge planting, but mostly colonised by suckering blackthorn, etc, the visual amenity value is reasonable but could be restored and enhanced with planting where required to screen and soften the proposal. The proposed landscape plan seems the most appropriate and viable option to add amenity value, soften the proposed built form and reduce the hard landscape impact. I have no objection to the proposal with regard to trees and soft landscaping.

### **Rochford District Council - Economic Development**

- 5.7 Phase 1 proposals represent an opportunity to provide a range of much needed high quality work space in a gateway site and aligns with the Economic Regeneration team's priorities in supporting both new inward investment and existing business growth.
- 5.8 A market report, undertaken by Savills, accompanied the application which highlights the strategic potential of the site as a site for B8 logistics/distribution uses, due to its proximity to the strategic Basildon market and relative affordability. The report seeks to highlight the employment potential of logistics and down play the significance of manufacturing in South Essex. This report is by a national agent and largely considers the major corporate market and therefore does not necessarily consider the role of SME manufacturers, of which Rochford District and South Essex have a considerable number of success stories. It is also important to consider both the lower value nature of many logistics jobs in comparison to manufacturing/engineering and the ongoing trend towards automation in the industry. It is considered that it is sensible to remain open to a range of uses on the site with the aspiration of attracting a diversity of high quality occupiers on a gateway site which will be adaptable to changing trends. To minimise the risk of uses with low value and low employment density, the team recommends measures are taken to restrict certain types of B8 use, namely trade counters and lock up/self storage.
- 5.9 Overall the application is supported as the range of uses is considered in keeping with the parameters of NEL1 of the Allocations Plan, the NPPF, Core Strategy and Economic Growth Strategy, and represent opportunities to support growing local businesses and attract inward investment.

### **Essex County Council – Urban Design**

- 5.10 Throughout the determination of this application alterations to the layout have been sought to amend aspects of the design as it was considered by Essex County Council – Urban Design that the development was unacceptable on

design grounds as the site is in a prime location for the creation of a gateway development.

- 5.11 The alterations adequately address the green gateway into the site providing a soft and pleasant feel by altering the layout and providing more soft landscaping. The development has been personalised to the area via the use of materials proposed.

**Essex County Council – Highway Authority**

- 5.12 No objections, subject to recommended conditions.

**Highways England**

- 5.13 No objections, subject to recommended conditions.

**Essex County Council - Education Authority**

Response one:

- 5.14 There is a deficit of 27 places in the Wheatley Ward. ECC Education Authority requires an off site financial contribution and on site land contribution.

Response two:

- 5.15 Negotiations took place and the contribution was reduced due to the clash of uses on site. ECC Education Authority requires an off site financial contribution. This will be sought via a S106 agreement.

**Essex County Council – Archaeology**

- 5.16 Documents attached to this application include a desk based assessment of the site, indicating a potential for archaeological remains. This assessment recommends an archaeological evaluation to further assess the potential. Therefore, no objections are raised and the following summarised conditions are recommended in line with the National Planning Policy Framework:

- The applicant must secure 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

The recommended conditions are stated in full at the top of this Committee Report.

**Essex County Council - Local Lead Flood Authority – SUDs**

5.17 The Local Lead Flood Authority has reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application. The LLFA does not object the granting of planning permission based on the following recommended conditions:

- A detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted.
- A scheme to minimise the risk of off site flooding caused by surface water run off and ground water during construction works and prevent pollution has been submitted.
- A Maintenance Plan detailing the maintenance arrangements, including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted.
- 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.

The recommended conditions are stated in full at the top of this Committee Report.

**Environment Agency**

**Flooding**

5.18 The Environment Agency has reviewed the flood risk assessment and drainage strategy prepared by Fairhurst, dated October 2018. No objections have been raised to the use of permeable paving (discussed in table 7.1), for private roads and driveways, providing they are not sited in contaminated land and meet our requirements for SUDS. The comments are noted that infiltration drainage is not considered appropriate for this development. As long as this remains the case, no further comments are provided on drainage. The following summarised condition has been recommended in relation to surface water management:

- No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority.

The recommended condition is stated in full at the top of this Committee Report.

Contamination

- 5.19 The Environment Agency has reviewed the geo-environmental assessment report prepared by Fairhurst, dated August 2018, which it is noted relates to phase 1 of the development. It is noted that the report identifies elevated concentrations of TPH detected at the site in one area (WS09). It is recommended that conditions are imposed in relation to this area. Based on the information provided we don't have any concerns about the remainder of the site.
- 5.20 It is agreed with the comments in section 6.2; ground water should be monitored and tested following a period of heavy rainfall, to understand any variation in level and, where encountered, tested for any potential leachable contaminants. It is noted that the exceedances relating to fly tipped material, which it is understood to be disposed of. Provided this material is removed from site by appropriate waste carriers we have no further concerns.
- 5.21 The following summarised conditions are recommended:
- A scheme that includes the components to deal with the risks associated with contamination of the site shall each be submitted. A preliminary risk assessment, a site investigation scheme, results of the site and detailed risk assessment and a verification plan.
  - A verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted.
  - A long term monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted.
  - If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy.
  - Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority.

The recommended conditions are stated in full at the top of this Committee Report.

**Anglian Water**

- 5.22 No records of assets owned by Anglian Water (AW) are present on site. AW confirm the foul drainage from this development falls within the catchment of Wickford Water Recycling Centre and has capacity for these flows.
- 5.23 It is considered by AW that the development will lead to an unacceptable risk of flooding downstream. AW will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. The developer has confirmed a pumped solution will be required as per Appendix J of the FRA; however, a pump rate and final connecting manhole will need to be confirmed for the site. A condition requiring a phasing plan and/or on site drainage strategy is therefore requested.
- 5.24 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 include a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to water course and then connection to a sewer. The surface water strategy/flood risk assessment submitted with the planning application relevant to AW is unacceptable. It is therefore recommended that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). The developer indicates in FRA 7.5 and Appendix J that a surface connection is required to Anglian Water's assets. However, there is no surface sewer owned by Anglian Water north of the site and the developer will need to review a direct discharge to the water course at this time. We request a condition requiring a drainage strategy covering the issue(s) to be agreed.
- 5.25 Overall, no objections have been raised as a result of this consultation, subject to two recommended conditions relating to a scheme for on site foul water drainage works and the submission of a surface water management strategy.

The recommended conditions are stated in full at the top of this Committee Report.

**Natural England**

- 5.26 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes. No objections are raised.

**Castle Point Borough Council**

5.27 This Authority has no comment.

**London Southend Airport**

5.28 No safeguarding objections.

**6 EQUALITY AND DIVERSITY IMPLICATIONS**

6.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

**7 CONCLUSION**

7.1 In determining this application, regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2 The application site comprises land designated within the Allocations Plan for the development of new employment land and consequently the principle of the proposed development is accepted. The quantum of floor space proposed would also meet the required minimum and the mix of uses proposed would also be acceptable.

7.3 The s.106 infrastructure requirements, as set out above, are sought in relation to the proposed development.

7.4 The proposed development would, subject to the recommended conditions and a legal agreement to deliver an off site education contribution and monies towards the management of a travel plan, adequately mitigate impacts associated with the development.

7.5 Subject to the recommended conditions and Legal Agreement, the proposal is policy compliant with respect to relevant Allocations Plan, Core Strategy and other planning policies and there are no other material planning reasons to refuse consent.



Marcus Hotten,  
Assistant Director, Place & Environment

---

**Relevant Development Plan Policies and Proposals**

Allocations Plan – NEL1

Core Strategy – CP1, T1, ED4, ENV3, ENV8, ENV10, ENV11

Development Management Plan – DM1, DM25, DM27, DM30, DM32

National Planning Policy Framework (2019)

National Planning Practise Guidance

**Background Papers**

None.

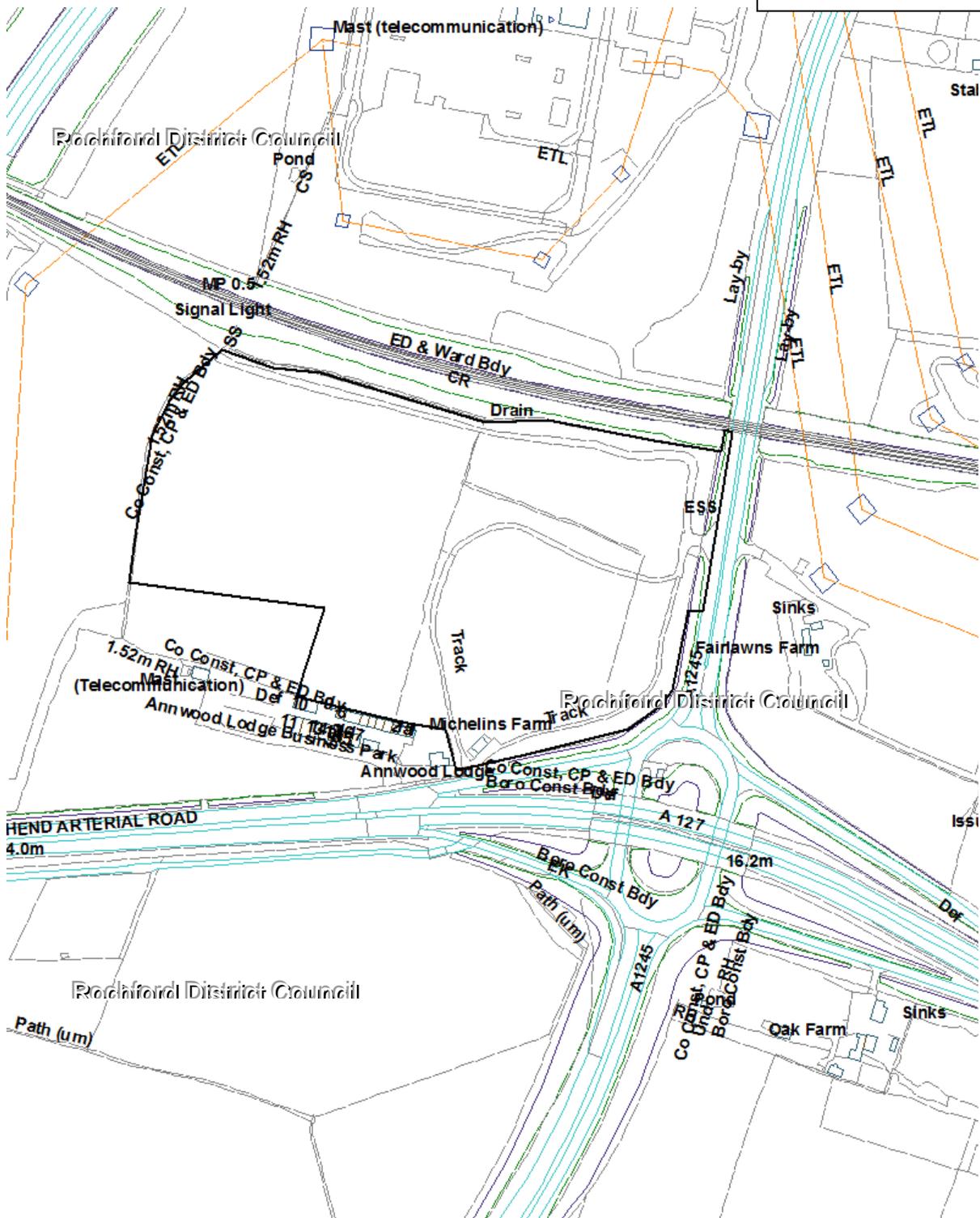
For further information please contact Katie Ellis on: -

Phone: 01702 318188

Email: [Katie.ellis@rochford.gov.uk](mailto:Katie.ellis@rochford.gov.uk)

If you would like this report in large print, Braille or another language please contact 01702 318111.

18/01022/OUT



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. This copy is believed to be correct.

Nevertheless Rochford District Council can accept no responsibility for any errors or omissions, changes in the details given or for any expense or loss thereby caused.

Rochford District Council, licence No.LA079138

