

20/01196/FUL

MICHELIN FARM, ARTERIAL ROAD, RAYLEIGH

PROPOSED 1 NO. BUILDINGS FOR USE WITHIN CLASSES B2 (GENERAL INDUSTRIAL) AND B8 (STORAGE AND DISTRIBUTION) WITH ACCESS AND SERVICING, CAR PARKING, LANDSCAPING AND NEW BOUNDARY FENCING (INCLUDING SECTION OF 5-METRE-HIGH ACOUSTIC FENCE), GATE HOUSE BUILDING, DRAINAGE FEATURES AND ASSOCIATED HIGHWAY WORKS.

APPLICANT: STAR UK RAYLEIGH PROPCO LIMITED

ZONING: NEL1 & GT1

PARISH: RAYLEIGH TOWN COUNCIL

WARD: WHEATLEY

1 RECOMMENDATION

1.1 It is proposed that the Committee RESOLVES

That planning permission be refused for the following reason:

The proposed development would involve a departure from the adopted Development Plan as a result of proposing alternative development on a site allocated for gypsy and traveller accommodation under Policy GT1 of the Allocations Plan. There is still an identified need for the site allocated for gypsy and traveller accommodation and it is considered that there is still a reasonable prospect of an application coming forward for the allocated use. The application, as a departure to the adopted Development Plan could not be justified.

2 PLANNING APPLICATION DETAILS

Site and Context

2.1 The site is currently known as Michelins Farm and is situated at the junction of the A1245 and A127.

2.2 The application site to which this current application relates forms part of a wider, broadly rectangular site under the same ownership which in total extends to some 9.5 hectares. This wider site is subject to planning permission for

commercial development granted under planning reference 18/01022/OUT and development relating to this has commenced.

- 2.3 The application site edged red on the submitted location plan relating to this current application is irregularly shaped and includes the western part of the wider site and land to form the vehicular access extending to the eastern boundary. The red-lined application site subject to this current application extends to some 6.9 hectares.
- 2.4 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. There is one residential dwelling known as Annwood Lodge, which is also sited adjacent to the site's southern boundary.
- 2.5 The site is generally relatively flat apart from earth bunds at points across the site and mounds of waste, however there is a significant increase in levels to the northern boundary where the site borders the railway line.

Proposal

- 2.6 Planning permission is being sought for the re-development of the site consisting of the erection of one building for use for general industrial (Use Class B2) and storage and distribution (Use Class B8) purposes.
- 2.7 The building proposed would have a rectangular footprint with a width of some 222 metres and a depth of some 128 metres. In addition, two modest projections are proposed which would be centrally positioned on both the southern and northern elevations of the building. The building would be sited approximately centrally within the red-lined application site. As the southern boundary of the site is irregular, the separation distance between the building and the southern boundary of the site would vary from between 36 to 52 metres.
- 2.8 The building would be approximately 20 metres in height from ground level to the top of the parapet roof beyond which the roof would be formed of a series of very shallow dual-pitches, the ridges of which would extend slightly higher to a maximum height of some 22 metres from ground level.
- 2.9 The external facing material proposed for use on the majority of the walls is a half-round or trapezoidal cladding which would be horizontally laid. Three different colours are proposed for use, all shades of grey. The cladding proposed for use on the two storey projections to the southern and northern elevations would be different, described as a micro-rib cladding panel. The windows in the elevations of the projections would have aluminium frames in a dark grey colour. A pre-cast retaining wall is proposed around the series of openings in both the northern and southern elevations which would allow lorries to unload and load. A strip of architectural wall lights would be installed to sections of both the eastern and western elevations. The shallow pitched roof would also be formed of a profiled cladding system and would feature roof

lights. The external walls of the north-eastern corner of the building where the reception at ground floor and main office space above would be provided would be treated with an aluminium curtain glazing wall around which micro-rib cladding in a distinctive and contrasting yellow and white colour would feature. The external walls of the proposed gatehouse building would also feature cladding which in colour and type would match those materials that would feature to the main building. The roof would be sloping at a maximum height of some 4.2 metres.

- 2.10 Internally, the vast majority of the floorspace of the proposed building would be one single undivided space designed for the purpose of warehousing and for the storage and distribution of goods. Within the north-eastern corner of the building, office and other ancillary space including toilets and a reception area would be provided. The reception area would be at ground floor with office space at first and second floor level; the area of office space here would total some 1369 square metres.
- 2.11 The two, two-storey projections to the southern and northern elevations would also provide office space at ground and first floor levels, totalling some 470 square metres.
- 2.12 Vehicular access to the proposed building would be via the same vehicular access which will serve the remainder of the wider site, positioned off the A1245. A new access road within the site would extend off the main vehicular access and run around the perimeter of the proposed building, providing access to the two proposed service yards which would allow lorries to load and unload from both the northern and southern elevations of the building. The proposed gatehouse building, approximately 8 metres by 5 metres in footprint, would be sited adjacent to the proposed access road. Parking for lorries is proposed adjacent to both the northern and southern boundaries of the site.
- 2.13 An area for the storage of refuse is proposed adjacent to the south-east corner of the proposed building, this area would be enclosed with timber hit and miss fencing at a height of 2.4 metres.
- 2.14 Fencing is proposed to the site boundaries. This would include a section of acoustic fence which would be 5 metres in height, and which would extend along part of the southern boundary which borders the site of the residential dwelling known as Annwood Lodge. The section of acoustic fence would extend some 47 metres in length. The site perimeter would be demarcated by a 2.4-metre-high paladin security fence which would be black in colour.

3 Planning History

- 3.1 18/01022/OUT - Hybrid planning application: full planning application for erection of buildings for use within Classes B1(c), 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).
APPROVED.

- 3.2 20/00694/NMA - Proposed Non-Material Amendment to 18/01022/OUT relating to re-wording of Condition 25. APPROVED
- 3.3 20/00705/DOC - Application for discharge of condition 13 (reptile survey and mitigation) on 18/01022/OUT. DISCHARGED
- 3.4 20/00783/DOC - Discharge of condition no 24 (archaeological work) on planning consent ref 18/01022/OUT. DISCHARGED
- 3.5 20/00943/DOC – Discharge of part 1 (Preliminary Risk Assessment) of condition 20 (Contamination). DISCHARGED.
- 3.6 20/01001/DOC - Discharge of Condition 3 (Materials External Surfaces) of planning permission ref. 18/01022/OUT. External Colour Swatch Board and Cladding Profiles (CA 32 1000W; CA 32 1000R; and CA ARC 50 930) DISCHARGED
- 3.7 20/01052/NMA - Non-Material Amendment to alter the triggers relating to Conditions 25 and 29 (relating to Highway works) following approval 18/01022/OUT: Hybrid planning application: full planning application for erection of buildings for use within Classes B1(c), 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). APPROVED
- 3.8 20/01059/DOC - Discharge of Condition 12 (Badger Survey) on application 18/01022/OUT. DISCHARGED
- 3.9 20/01085/DOC - Application for Discharge of Condition 14 (Drainage Strategy) on application 18/01022/OUT. DISCHARGED
- 3.10 20/01147/DOC - Discharge of conditions 15 and 27 on planning application: 18/01022/OUT. DISCHARGED
- 3.11 20/01155/DOC - Discharge of condition no.11 (Arboricultural Impact Assessment) of planning permission 18/01022/OUT. DISCHARGED
- 3.12 20/01160/DOC -Discharge of condition no.19 (Foul Drainage) of planning permission 18/01022/OUT. PENDING DETERMINATION.
- 3.13 21/00028/DOC – Discharge of parts 2 (Remediation Strategy) and 3 (Verification Report) of condition 20 (Contamination) relating to Phase 1 only. PENDING DETERMINATION.

- 3.14 21/00331/DOC - Application for Discharge of condition 30 on application 18/01022/OUT. PENDING DETERMINATION
- 3.15 21/00742/NMA - Non-Material Amendment to Approved Application Ref: 18/01022/OUT to Include Landscaping Changes, Highway/Parking Related Alterations and Revised Plans. PENDING DETERMINATION

4 MATERIAL PLANNING CONSIDERATIONS

Principle of Development

- 4.1 Section 38(6) of the 2004 Act requires that planning applications must be determined in accordance with the relevant policies of the adopted development plan unless material considerations indicate otherwise. Paragraph 12 of the National Planning Policy Framework (NPPF) also emphasises that the adopted development plan should be the starting point for decision making, advising that where a planning application conflicts with an up-to-date development plan permission should not usually be granted. This paragraph goes on to advise that local planning authorities may take decisions that depart from an up-to-date development plan but only if material considerations in a particular case indicate that the plan should not be followed.
- 4.2 The relevant parts of the adopted development plan for the determination of this application are the Allocations Plan, the Core Strategy, and the Development Management Plan. Policies NEL1 and GT1 of the Allocations Plan are two of the key policies relevant to the determination of this application.
- 4.3 For allocation purposes the relevant parts of the adopted development plan are considered up to date in that both the need for the new employment development and the need for gypsy and traveller accommodation remain.
- 4.4 The Council's Allocations Plan allocates land for new employment sites across the district including at this site under Policy NEL1. This new employment site was allocated for new high-quality office and industrial development in recognition of the sites good transport links. In addition, the site is identified in policy NEL1 as having potential to accommodate displaced industrial uses from Rawreth Lane industrial estate, a site identified for residential redevelopment. Policy NEL1 also identifies that the site has the potential to relocate the recycling centre on Castle Road in Rayleigh. Policy NEL1 states that the site should have a versatile layout and design that can accommodate a range of uses and can be adapted to meet changes in the economy.
- 4.5 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 Core Strategy identifies that 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.

- 4.6 The key considerations and requirements of development at this site allocation are set out in Policy NEL1. Whilst the policy references it being envisaged that alongside heavier industrial uses the site would accommodate a recycling centre and that land should be set aside for this purpose this is not proposed as part of the current application and neither will a recycling facility feature in the remaining part of the site allocation under planning consent reference 18/01022/OUT. Whilst it was envisaged, as referred to in policy NEL1, that a new recycling facility to replace the existing facility in Castle Road in Rayleigh would be required, Essex County Council as Waste Authority have been consulted on the application and raise no objection to the proposal.
- 4.7 Policy NEL1 also refers to it being envisaged that this site allocation should accommodate heavier uses displaced from Rawreth Industrial Estate, however it is also the case that the current proposal does not seek to provide space to relocate existing businesses but rather seeks to provide a bespoke warehousing facility for a business that it is understood would be new to the district. The remainder of the site allocation, subject to planning consent reference 18/01022/OUT would however deliver a number of smaller units which may be suitable for some existing businesses in the district to relocate to; whether businesses on the Rawreth Industrial Estate would choose to do so would depend on commercial factors and suitability of premises.

Quantum and Type of Uses

- 4.8 The proposal is for a large single warehouse building with ancillary office space within. In addition, the site allocation subject to Policy NEL1 also includes the additional land to the east which is subject to planning consent 18/01022/OUT which granted planning permission for buildings within the B1(c), B2 and B8 Use Classes. If the current application were approved and the NEL1 site allocation built out in accordance with this current proposal alongside the 18/01022/OUT consent (in so far as it relates to the eastern part of the site allocation) what would result would be three buildings; the currently proposed large warehouse with ancillary office space and two smaller buildings each subdivided to provide a total of 9 individual commercial units.
- 4.9 Whilst the current proposal for one large single warehouse building would not provide a versatile layout and design that could accommodate a range of uses and be as readily adapted to meet changes in the economy, taken as part of the wider site allocation it is considered that the developed site would provide a degree of versatility as the smaller units in the eastern part of the site could be put to use within the B2, B8 or B1(c) use classes and adjoining units perhaps merged to create larger units.
- 4.10 Policy NEL1 does not specify the quantum of floorspace in relation to different use classes. The proposed building, for use within the B2 and B8 Use

Classes would accord with the site allocation which envisages these uses at this site.

- 4.11 Policies ED1 and DM32 are also relevant considerations. Policy ED1 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 is to ensure the growth of local employment opportunities and deliver an additional net 3000 local jobs by 2021.
- 4.12 It is considered that the proposed development would accord with the adopted development plan in terms of the quantum and type of commercial development proposed.
- 4.13 The golden thread of sustainable development in the NPPF comprises three dimensions. These are economic, social and environmental. In relation to the economic dimension, paragraph 8(a) relates to the planning system's economic role 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.
- 4.14 Chapter 6 of the NPPF, states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and paragraph 81 states that planning should operate to encourage and not act as an impediment to sustainable growth requiring that '...significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'
- 4.15 The Council's Employment Land Study 2014 acknowledged there was generally a sufficient supply of employment land for industrial use within the District, but that any de-allocation would have to be compensated for.
- 4.16 A Statement of Economic Benefits has been submitted by the applicant in support of this planning application. This 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 for large floorspace which is increasing within South Essex due to a growing economic focus on e-commerce and a diminishing supply of industrial floorspace within London. Supply of high quality industrial and warehousing floorspace is identified as being vital to meeting market demand and enabling Rochford to economically benefit from its strategic transport links. The application site is identified as being in close proximity to Basildon's enterprise corridor along the A127. The applicant advises that the floorspace would generate new jobs which would provide local opportunities for Rochford, Basildon and Castle Point residents. Distribution, manufacturing and industrial employment offers roles across a range of skill profiles from entry level to management positions, with structured training

opportunities. This is something identified by the applicant as being of particular benefit to the adjacent Basildon area, which suffers from pockets of deprivation. The supporting document also advises that the lack of economic containment is an identified weakness for Rochford district, with high levels of out-commuting to Southend-on-Sea (21%) and London (17%). In addition to providing new jobs within sustainable travel distance for Rochford residents, the report also identified that the development would also enable the district to capture associated fiscal benefits through business rates, GVA and local employee spending.

- 4.17 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 the Rochford District (2016-2036) of an additional 30,000m² of employment space, over 7ha of land which 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.
- 4.17 It is recognised that the ongoing economic uncertainty created by the COVID-19 pandemic and other long-term structural economic changes create a reasonable doubt over the continued use of the modelling used to underpin these figures. Notwithstanding the limitations of the South Essex EDNA, there is an undoubted need for additional employment land both in Rochford and across South Essex as a whole. Rochford falls within the Thames Estuary growth area, a key area identified for growth by Government, and is located close to nationally significant economic infrastructure including the emerging Thames Freeport and the Lower Thames Crossing, as well as London Southend Airport. The location of the application site relatively close to these three key economic assets and well-located relative to the strategic road network make it comparatively advantageous for the industrial, storage and distribution uses proposed in this application.
- 4.18 The application is for a single large unit of 29,759 square metres and a unit of this size is larger than anything either currently available for occupation, or which has recently been occupied, in Rochford District. The standard and scale of accommodation proposed is on the scale of some of the larger logistics warehouses in Basildon, and the accompanying Statement of Economic Benefits report provided seeks to position the site as part of the Basildon logistics market, which itself is an important part of the major logistics market surrounding the M25 corridor. As such, it is highly likely that any future occupier of this site would be new to Rochford District, and possibly South Essex, and would therefore represent a significant new inward investor to the area something the commercial property market highlights through the listed major occupier requirements seeking space in the corridor. It is noted

that the development would be estimated to generate 400-800 permanent job roles along with c.190 roles during the construction phase. Other figures noted in the Economic Benefit Statement include up to £23.4m of direct and indirect investment in the local economy, along with an estimated £1.1m-£2.2m of additional spending by new employees per year.

- 4.21 Whilst the Council's evidence may suggest a lack of demand for additional warehousing floorspace, it shows strong evidence for additional industrial floorspace, and both these uses are relatively more resilient to longer-term structural changes to the economy given these uses cannot reasonably take place "remotely". In light of the above and given that there is a clear market appetite to see the site developed for additional employment space, the principle of developing the site for a flexible mix of class B2 and B8 uses is considered ultimately compatible with Policy NEL1.
- 4.22 As discussed above, there would be clear economic benefit derived from the proposed development and significant weight should be given to this. However, the proposed warehouse would extend outside the commercial NEL1 allocation and onto land allocated by Policy GT1 for gypsy and traveller accommodation and consideration must be given to whether this proposal which would amount to a departure from the adopted development plan as a result of proposing alternative development on the allocated gypsy and traveller site would be acceptable. In addition, just because significant economic benefit would arise from the current proposal that is not to say that an alternative scheme which sought to retain the gypsy and traveller site allocation and limited the commercial scheme to only the site allocated for such would not be possible and economic benefit would also arise from this. Significant economic benefit could still derive from industrial development of the NEL1 allocation excluding and therefore retaining the land allocated for gypsy and traveller provision for such.

Gypsy and Traveller site allocation

- 4.23 It is the role and responsibility of Rochford District Council as the Local Planning Authority to plan for the provision of gypsy and traveller pitches in the District to meet identified need. The Council allocated land at Michelin Farm for gypsy and traveller accommodation in the Allocations Plan following the lengthy plan making process including consultation and examination in public of the draft plan by a planning inspector; the suitability of this allocation was established upon examination of the Allocations Plan (2014).
- 4.24 As a result of the Allocations Plan having been adopted, an area of land situated in the south-west corner of the application site is allocated for gypsy and traveller accommodation under policy GT1 of the Allocations Plan. The allocation seeks to provide 15no. pitches and the provision of amenity land (to act as a buffer to the adjacent employment allocation). The need for this accommodation was identified in 2009 and is referenced as a requirement to meet need as set out in Policy H7 ('Gypsy and Traveller Accommodation') of the Core Strategy. Following a more recent assessment of need it is clear that

there remains an identified need for additional gypsy and traveller accommodation in the District.

- 4.25 Policy GT1 recognises that provision of a gypsy and traveller site adjacent to an industrial site would necessitate careful consideration of issues such as means of access, noise and landscaping to secure an appropriate residential environment. In this regard Policy NEL1 requires that a substantial green buffer be provided between the commercial land allocation and the gypsy and traveller site, that appropriate vehicular access be provided to the latter and that noisier uses be carefully positioned in the layout. The fact that the gypsy and traveller site allocation is part of the adopted development plan means it has gone through the whole process of adoption and been considered a suitable site for provision of a gypsy and traveller site.
- 4.26 The current proposal does not however propose to deliver or set aside and retain the land allocated for the gypsy and traveller accommodation but instead seeks to use the land allocated for such to accommodate the large warehouse building proposed. In this respect the proposal would not accord with the adopted development plan.
- 4.27 The NPPF is clear that the planning system should be genuinely plan-led and where a planning application conflicts with an up-to-date development plan permission should not usually be granted. The local planning authority can depart from the adopted development plan but only if material considerations in a particular case indicate that the plan should not be followed. It is therefore necessary to consider whether there are any material planning considerations which would warrant the local planning authority taking a decision to approve the application as a departure from the development plan as a result of the proposal resulting in the loss of the gypsy and traveller site allocation.
- 4.28 A key consideration is paragraph 122 of the National Planning Policy Framework (NPPF) which requires the following.
- ‘Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:
- a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and
- b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.’
- 4.29 It is therefore necessary to consider whether there is *a reasonable prospect* of an application coming forward for gypsy and traveller accommodation at the

site as envisaged in Policy GT1. The judgment on whether “a reasonable prospect” exists is one for the local planning authority. ‘Reasonable prospect’ is not defined and the assessment to be made is not a test where specific considerations are set out in the NPPF, related guidance or otherwise. Rather, the LPA in reaching a view as to whether a reasonable prospect exists should have regard to the particular circumstances of the allocation. The use of the word “reasonable” requires that the LPA’s judgment should involve an element of objectivity i.e., considering the facts as they relate to the allocation.

- 4.30 If it is concluded that no reasonable prospect of an application coming forward exists, then part (b) of para.122 would require consideration. The applicant has sought legal advice in relation to how the consideration of whether a reasonable prospect exists should be approached and has shared this with officers. Officers agree with the view contained within this advice that the ‘The objective of the policy contained in paragraph 122 [of the NPPF] is to ensure that the sustainable use of land is not sterilised by policy in circumstances where the policy has no reasonable prospect of being effective.’
- 4.31 Policy GT1 identifies that it was always envisaged that the Council would likely develop gypsy and traveller provision at this site allocation. It states that ‘...the Council will seek to acquire this land and will ensure that it is appropriately managed by or on behalf of the Council.’ It is certainly the case now that the current land landowner has no intention of delivering a gypsy and traveller site on the land as set out in a statement submitted with the current application.
- 4.32 It is recognised that an application has not yet come forward for gypsy and traveller accommodation at the site, despite the Allocations Plan having been adopted in February 2014. A significant period of time has therefore elapsed since adoption, where the Council has not actively engaged with the landowner to seek to acquire the site or progressed with pursuing compulsory purchase. However, this does not preclude a planning application from coming forward in the future and there are a number of factors that have likely played a role in the delay. Whilst Policy H7 of the Core Strategy identifies that the site should have the capacity to accommodate 15 pitches by 2018, the Policy GT1 of the Allocations Plan does not relate to a specific time-period and will therefore only expire when superseded by the adoption of a new local plan.
- 4.33 As is recognised by the applicant, the Council prepared a Gypsy and Traveller Accommodation Issues Paper (GTIP) in 2019 which set out a range of options relating to planning to meet future qualitative and quantitative traveller household needs. As the GTIP never progressed to consultation, it holds no statutory weight in the determination of this application, but it is considered that the information contained within it provides a factual account of needs and options at that time.

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- 4.34 In a recent appeal decision relating to gypsy and traveller provision (ref. 18/00318/FUL and appeal ref APP/B1550/W/18/3209437) which was allowed on the 10th of February 2021, relating to 'Land adjacent to St. Theresa, Pudsey Hall Lane, Canewdon', it was recognised that the Council could not compel the landowner to bring forward a planning application for a gypsy and traveller site on the Michelins Farm gypsy and traveller site allocation and that they also cannot compel the sale of the land to a third party who might be willing to provide gypsy and traveller accommodation. Officers at the time of the inquiry indicated that the Council were not intending at that time to exercise their powers of compulsory purchase and operate Michelins Farm as a public site and the Inspector considered that there was no sign of Michelins Farm gypsy and traveller site allocation coming forward. However, more recently, further consideration has been given to the possibility of the Council actively looking to acquire the site subject to the gypsy and traveller site allocation under Policy GT1, to deliver gypsy and traveller accommodation here.
- 4.35 It was further agreed between RDC officers and the appellant in the above-mentioned appeal that there is significant unmet need (the precise level was not agreed on) and as a result, Rochford District Council cannot currently demonstrate a 5-year supply of pitches; this emphasises that there remains a need for the gypsy and traveller site allocation.
- 4.36 In other appeals in 2017 (The Pumping Station APP/B1550/W/16/3162649) and 2018 (Woodville APP/B1550/W/17/3174424), the respective Inspectors also noted that there were issues surrounding the deliverability and suitability of Michelins Farm for gypsy and traveller accommodation. This view has since been compounded by the recent decision at Pudsey Hall Lane where the Inspector made it clear that the position of delivering the gypsy and traveller site at Michelins Farm is worse, in that the 2018 timescale in which the 15-pitch allocation was to be delivered has long since expired. The Inspector here took the view that there was no realistic prospect of an application coming forward as things currently stand.
- 4.35 The Council is in the process of preparing a new Local Plan for the District estimated for adoption in 2023 and is currently out to consultation on the Spatial Options. This options paper includes options for the provision of gypsy and traveller accommodation in the district. It includes an option to retain the Michelin Farm gypsy and traveller site allocation but acknowledges that this site has not been delivered as expected and that there now exists doubt as to when or if delivery of this site is likely to be possible advising that it would only be possible to take forward this option in a final draft new local plan if the site were considered deliverable.
- 4.33 It is considered likely that gypsy and traveller site accommodation could only realistically be delivered at this site allocation if the Council were to acquire the site. Initially the Council would be expected to approach the landowner regarding potential purchase although the process could revert to compulsory purchase order (CPO) proceedings having to be pursued in the event that no agreement with

the landowner could be reached. Such proceedings would likely involve significant financial cost to the Council.

- 4.34 In particular, there are a number of site constraints to delivery of gypsy and traveller accommodation at this site allocation, likely to include but not necessarily be limited to costs associated with contaminated land, provision of foul and surface water and electricity/gas supplies, and telecommunications connections. In a letter submitted to the Council's planning policy team in relation to the Spatial Options (Regulation 18) consultation paper and specifically the deliverability of gypsy and traveller accommodation at the Michelin site, the applicant has stated the total estimated cost for service provision on the gypsy and traveller site allocation land to be more than £1.3 million. In addition, acquisition of the land would also have to include land to deliver vehicular access to the site or the right of use of a vehicular access. At present only one vehicular access has been agreed in principle to the wider site (subject to the commercial allocation subject to Policy NEL1) off the A1245 to the eastern boundary. There would be further cost to the Council associated with resourcing any compulsory purchase order process which would likely include the need for expert legal advice. Specific costings that would be associated with the whole CPO process are not available at this time, but it is considered that the likely costs of acquiring and delivering gypsy and traveller accommodation here would be very significant.
- 4.35 It has however recently emerged that the option of the Council undertaking CPO proceedings is now being given consideration and some initial work has been undertaken in relation to this. The Executive has been briefed on the key steps of the CPO process. Whilst no formal decision to seek to acquire the site allocation for gypsy and traveller accommodation from the current landowner or to progress CPO proceedings has yet been taken by the Council, the Leader of the Council, together with the Executive, have requested that officers explore this possibility. It is anticipated that the next stage of this process would be for a report be presented to the Executive to enable them to make a decision in principle to allow for and to resource a full assessment of the considerations associated with the land acquisition and CPO process (if required). As part of the CPO process the Council would be required to demonstrate the necessary resources to deliver the gypsy and traveller site in a reasonable time scale exist.
- 4.36 It is considered that where there remains a possibility that the option for the Council to acquire the land subject to the gypsy and traveller site allocation, including by CPO if necessary, will be pursued, the conclusion cannot be reached that there is no reasonable prospect of an application coming forward for gypsy and traveller accommodation at this site allocation.
- 4.37 It is certainly the case that there is still a need to provide gypsy and traveller accommodation in the district as evidenced in recent appeal decisions and the Council's up to date needs assessment. The land allocated for gypsy and traveller accommodation by Policy GT1 is still therefore very much needed to respond to an under-provision of such accommodation in the district. No plan review has taken place to determine that there is a more sustainable or more

deliverable alternative mechanism to address the unmet need. There are alternative options for delivery to meet identified need set out in the Spatial Options document which is currently out to consultation which includes the possibility of regularising existing gypsy and traveller sites in the District and possibly in appropriate cases extending these and the option of allocating new sites, which would likely mean release of green belt land. These alternative options can however be afforded little weight as alternative options for delivery of provision to meet need, given the relatively early stage of the new Local Plan process.

- 4.38 Whilst the Council have not yet carried out a full assessment as to the prospects of a CPO progressing successfully to completion or taken a formal decision in relation to this with regard to whether to pursue such proceedings, it is considered that it cannot at this stage be ruled out that objective evidence of the prospects of a CPO progressing successfully to confirmation could exist and therefore a reasonable prospect remains.
- 4.39 It is necessary to apply planning balance in the consideration of the determination of this application. As mentioned earlier in this report, Section 38(6) of the Act requires that planning applications be determined in accordance with the adopted development plan unless material considerations indicate otherwise. It is considered that although a number of years have elapsed since the allocation plan was adopted and constraints exist to the delivery of gypsy and traveller accommodation at this site allocation, there is still an identified need for such accommodation. Despite the Council Leader and Executives fairly recent decision to request that officers explore the possibility of the Council acquiring and delivering provision at this site allocation, this cannot be ruled out. Whilst significant weight should be attached to the economic benefit which would arise from the proposal, an alternative proposal which would retain the gypsy and traveller site allocation, and which would also result in likely significant economic benefit could also not be ruled out. On balance, it is considered that the benefits associated with the proposed development would not outweigh the conflict with the adopted development plan, the weight attached to which is considered significant. It is therefore concluded that the application, as a departure to the adopted Development Plan could not therefore be justified.

Mitigation – Unilateral Undertaking

- 4.40 The applicant has offered a financial contribution of £100,000 to be paid to Rochford District Council in the form of a unilateral undertaking under the provisions of s106 for use by the Council to facilitate the provision of alternative gypsy and traveller accommodation in the district in recognition that the need for such provision still exists.
- 4.41 Planning obligations can be used to assist in mitigating the impact of unacceptable development to make it acceptable in planning terms, however these may only be used and constitute a reason for granting planning permission if they meet the three legal tests. They must therefore be:

- 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.
- 4.42 In this case, given the Leaders recent instruction to officers to explore the possibility of the Council acquiring the land subject to the gypsy and traveller site allocation, it has not been concluded that there is no reasonable prospect of an application coming forward for gypsy and traveller accommodation on the site allocation that forms part of the application site.
- 4.43 It is considered that the proposed contribution would not make the development, which would amount to a departure from the adopted development plan as a result of prohibiting the delivery of gypsy and traveller accommodation on the site allocated specifically for this, acceptable in planning terms. In short, this contribution would not overcome the objection to the proposed development relating to the loss of the gypsy and traveller site allocation. Whilst mitigation by way of a financial contribution could be considered necessary to make the development acceptable as in this circumstance it would be the proposed development that would, by developing an alternative commercial use on the gypsy and traveller site allocation, prevent such provision from being realised at the site, this site allocation has been scrutinised through the plan making process, considered suitable and there is currently no alternative site(s) in the district allocated for this purpose where alternative provision to meet need could be met utilising this contribution. It is considered that the offered contribution would not make the development acceptable in planning terms.

Design

- 4.44 Policy CP1 promotes good, high quality design that has regard to local flavour while policy DM1 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. The immediate context of a site is an important consideration in assessing the design, form and appearance of proposed buildings. In this case, the site is located on the northwest corner of the Fairglens Interchange at the key strategic juncture of the A127 Southend Arterial Road and the A1245. 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 abutted by land within Basildon Borough to the south and west. The location is highly visible from several strategic highways and from the mainline railway.

Scale, Form and Appearance.

- 4.45 The proposed building would follow the appearance and style of buildings recently approved within the eastern part of the site allocation (ref 18/01022/OUT). A contemporary and simplistic aesthetic design approach

has been applied with large amounts of glazing featuring to the corner of the building where the main office space would be situated. The fencing proposed would be appropriate to this location and the surfacing of the access and car parking would be bitumen tarmac with contrasting concrete block paving.

- 4.46 The proposed building would be substantial in scale up to some 22 metres in height with a parapet roof to the front of a series of shallow pitched roof beyond. The proposed building would be centrally located and feature cladding which would be horizontally aligned and of varying colours which would appear to break up the massing of the building. Large curtain walls would be utilised near the entrances and on the frontage which would add further visual interest.
- 4.47 Proposed ground levels and finished ground floor levels for the proposed warehouse building have been provided on a layout plan which also shows existing spot height ground levels. Whilst no existing and proposed site sections have been provided to visually show the proposed changes to existing ground levels, in particular in relation to the only neighbouring residential property Annwood Lodge, the layout plan that has been provided details that no very significant change to existing ground levels at the site are proposed. As is set out below, the proposed building, whilst significant in scale would be sited a sufficient distance from the boundary with the rear garden of Annwood Lodge such that it is considered that it would not be overly imposing so as to result in unreasonable harm to residential amenity.
- 4.48 The design, form and external finish of the proposed industrial unit would be similar to the buildings approved within phase 1 of the wider site allocation. The scale including the height of the proposed building would however be significantly greater and the building would stand out as a very distinct addition in the wider landscape. The site allocation for industrial/commercial redevelopment was always however going to significantly alter the character and appearance of the site and have a visual impact on the surrounding area. The site is largely enclosed by roads, neighbouring commercial development (albeit featuring much lower-profile buildings) and a railway line to three sides. The wider locality is not of any particular environmental sensitivity such that the proposed scale, form and design of the building would have a detriment impact on visual amenity by way of appearing out of place in the context of the environment of which it would be a part. It is considered that the design and appearance of the proposed building would be good, both functional and appropriate to the site.

Impact on Residential Amenity

- 4.49 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.

- 4.50 The nearest residential neighbouring property is 'Annwood Lodge' which is situated immediately south of the site.
- 4.51 A Noise Assessment Report has been submitted with the application. 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.
- 4.52 Noise associated with the proposed employment operation has also been assessed. The modelling input data uses worst-case calculations. The calculations have been based on measurements of refrigerated lorries delivering consumables. All measurements were undertaken in free-field conditions. In addition to noise from the unloading process, the levels used in the assessment include noise from the vehicle pulling up to the unloading bay, manoeuvring into position and then pulling away once unloading/loading is complete, together with other sources such as trolleys and reversing beepers.
- 4.53 The proposal is assumed to operate on a 24/7 basis and has been assessed based on a worst-case scenario. 126 HGV's movements are associated with the proposed development and 50% of these movements would occur during the night-time (23:00 – 07:00).
- 4.54 The proposal in comparison to the already approved development (phase 1) on the wider site (under 18/01022/OUT) would be used more intensively as 22 HGV movements are stated in the report to be associated with phase 1. Moreover, the siting of the buildings in phase 1 would also acts a barrier to prevent noise and disturbance to the occupants of the Annwood Lodge as the HGV movements would be contained between the two buildings with one of the buildings acting as a sound buffer.
- 4.55 The assessment includes the beneficial effects of a proposed 5.0m high acoustic barrier to the south-east corner of the site. The proposed single large warehouse building would be situated some 72m away from Annwood Lodge, although HGV movements would take place between the proposed building and the rear garden boundary of this property.
- 4.56 The noise intrusion assessments show that with the inclusion of a 5m high acoustic fence along the south-eastern corner of the site, cumulative L_{aeq} noise levels are predicated to be within the BS 8233/WHO criteria at all nearby sensitive receptor locations on the basis of worst-case assumptions.

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- 4.57 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 night-time background noise levels. Operational noise from HGV deliveries and associated movements have been predicted to be below existing background noise levels at all receptors. The applicant has indicated that the proposed warehouse would be anticipated to operate 24 hours and day, 7 days a week.
- 4.58 The Noise Assessment Report has been reviewed by RDC Environmental Health and no objection raised subject to the proposed mitigation, namely a 5m acoustic barrier, in order to protect residents of Annwood Lodge in particular. The barrier should be of sufficient density so as to perform satisfactorily, and the specification should be tested at discharge of condition stage. As there is no mention of planned use of any external p.a. systems, a condition would be considered necessary to prohibit use of external speakers.
- 4.59 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 and night-time ambient noise levels measured during the noise survey. Impacts on noise as a result of development generated traffic were not considered to be significant.
- 4.60 The proposed building would be of a significant scale and visible to the occupants of Annwood Lodge particularly from their rear garden and rear windows. In the course of the application a revised site layout has been submitted which reduces the number of proposed HGV parking spaces, specifically removing five spaces closest to the boundary with Annwood Lodge. In place of the HGV parking spaces removed, an area of soft landscaping is now proposed which could include large specimen tree planting within the site, which over time would provide some softening of the visibility of the elevation of the proposed building which would face this residential neighbour. The proposed 5 metre acoustic fence would be an imposing feature close to the boundary of the rear garden of Annwood Lodge, but this feature has already been considered acceptable, forming part of the already approved earlier application at the site, reference 18/01022/OUT. With the additional soft landscaping within the site and given the separation between the proposed and nearby Annwood Lodge house it is considered that the proposal would not be overbearing to the detriment of residential amenity.
- 4.61 An indicative external lighting plan has been submitted and it is considered that subject to agreeing precise details by planning condition, lighting at the site would not give rise to harm to residential amenity of the nearby residential dwelling.

- 4.62 Whilst there are commercial premises adjacent to the southern boundary it is considered that the proposal would not give rise to harm to business operations.

Access to the site

- 4.63 Vehicular access to the site would be off the A1245 to the eastern site boundary. A vehicular access in this position was agreed in principle in relation to the original hybrid application at the site (18/01022/OUT). The proposed layout would create an internal secondary access road leading off the primary access which connects to the A1245. The secondary access road would lead towards two service yards via a gatehouse.
- 4.64 Whilst the original vehicular access submitted in relation to 18/01022/OUT was a T-junction, further work has been undertaken in relation to the submission of a s.278 application to Essex County Council Highways Authority for the detail of this access and it has now been confirmed that this access would be signalised. The Highways Authority are satisfied with the proposed signalised access and raise no objection to the current application subject to recommended conditions. The applicant has indicated that the requirement that a travel plan monitoring fee be paid to ECC Highways Authority would be dealt with by a legal agreement, likely as a unilateral undertaking.
- 4.65 Policy NEL1 acknowledges that the location and types of uses proposed may encourage use of private vehicles for many trips to and from the site, but states that the potential to enhance sustainable modes of travel to the site should be explored. In the course of the application, revised plans have been received which now propose a pedestrian and cycle access to the site on the southern boundary.

Parking

- 4.66 Lorry parking would be sited along the northern and southern boundaries. In addition, an area of car parking would be situated to the east of the proposed building, this car parking area would provide 244 spaces. No objection is raised to the number of parking spaces proposed. Cycle parking provision would also be provided.

Ecology

- 4.67 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 impacts on ecology. Policy DM27 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.

- 4.68 An Ecological Assessment produced by Ecology Solutions dated November 2020 has been submitted. Previously Ecology Solutions undertook a phase 1 habitat survey of the site in July 2018 and the results of this were reported and conditions imposed relating to ecological considerations on planning consent reference 18/01022/OUT. These conditions related to the submission of full reptile and badger surveys and a mitigation strategy and have since been discharged. The current Ecological Assessment, submitted with this application, is an updated assessment since clearance of the site has commenced and refers to the application site which forms the site of the current pending application only.
- 4.69 The site was cleared between October and November 2020 under the existing planning consent, and the habitat on-site is now noted as being broadly unsuitable for protected and priority species. It is noted that a reptile translocation was undertaken between August and November 2020, and that the site should be maintained as unsuitable for reptiles to avoid recolonisation. The Ecological Assessment recommends a series of mitigation and biodiversity enhancement measures for the site. The ECC ecologist raises no objection, subject to planning conditions to require that all mitigation and enhancement measures be carried out in accordance with the details contained in the Ecological Assessment and the submission of a Biodiversity Enhancement Strategy. 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

- 4.70 Policy NEL1 specifically references the location of the site adjacent to surrounding land which is designated green belt. In order to strengthen the Green Belt boundary in this location, this policy requires that existing trees and hedgerows particularly to the south and west should be retained and enhanced, unless it can be demonstrated at the planning application stage that this would render development unviable/undeliverable. Existing trees and hedgerows along the northern, eastern and southern boundaries should also be retained and strengthened.
- 4.71 An Arboricultural Impact Assessment has been submitted. The assessment proposes to remove 10 trees, 290m of hedgerow and 310m of scrub clearance to accommodate the proposed development. The trees, hedgerow and scrub proposed to be felled are of poor health and low amenity value (Category C) and it is considered that the extent of new tree planting proposed across the site suggests that the overall tree-scape would be substantially improved as a result of the development.

- 4.72 To mitigate against the loss of trees and hedgerows, a proposed landscaping scheme has been submitted. The submitted scheme would have to be updated as a result of a revised layout plan having been submitted in the course of the application, where several lorry parking bays adjacent to the southern boundary abutting Annwood Lodge have been removed and an additional area of soft landscaping and tree planting proposed. Details of this additional soft landscaping could be secured by way of a planning condition.
- 4.73 The proposed planting plan shows extensive planting of trees and native scrub planting along the northern, southern and western boundaries of the site. Areas of grass would be laid out and bulbs planted surrounding areas of car parking. 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.
- 4.74 A retained oak tree located off-site requires protection measures during the course of the development. A Tree Removal and Protection Plan (with accompanying Arboricultural Method Statement) would therefore be required, to ensure the tree remains unaffected by construction works near to the tree. Adherence to the Tree Removal and Protection Plan (with accompanying Arboricultural Method Statement) could be secured by way of an appropriately worded planning condition.
- 4.75 Overall, it is considered that the loss of trees would be adequately compensated for by tree planting in the strategic landscape areas.

Air Quality

- 4.76 The submitted air quality assessment concludes that the traffic impacts associated with the proposed development upon local air quality would not be significant and no mitigation in relation to road traffic emissions is therefore required. The Council's Environmental Health consultation response has however indicated that a condition could be recommended to prevent HGV's from idling in the interests of reducing pollution to this residential neighbour. The dust assessment determined that there was a risk of impacts resulting from construction activities without the implementation of mitigation measures, which could be secured by condition.

Contamination

- 4.77 Potential sources of contamination exist at the site including from waste material having been deposited at the site. However, the site already benefits from planning permission for redevelopment under planning consent reference 18/01022/OUT and in the determination of this earlier application, consideration was given to the issue of contaminated land at the site, including consideration of a submitted geo-environmental assessment which identified potential sources of pollution and the risk arising from such.

- 4.78 A planning condition (No. 20) was imposed on the consent relating to 18/01022/OUT which required (1) a preliminary risk assessment, (2) site investigation works, a remediation options appraisal and strategy and (3) a verification report all to be submitted to and agreed by the LPA, the latter to be submitted once the agreed remediation works have been completed to provide a clear record of the measures undertaken to render the site suitable for the proposed commercial development. This condition has been partially discharged under application 20/00943/DOC through the agreement by the LPA to part (1), the submitted preliminary risk assessment. A further application to discharge parts (2) and (3) of condition 20 (reference 21/00028/DOC) is pending consideration. In relation to this discharge of condition application the applicant has submitted a proposed Remediation Strategy dated January 2021. The application to discharge parts (2) and (3) has only been specifically made in relation to Phase 1 and it would therefore be considered necessary to reimpose a similarly worded planning condition no. 20 to ensure that the same approval of a remediation strategy and verification report would apply to land at the application site if this application were to be determined favourably.

BREEAM

- 4.79 Policy NEL1 requires that buildings should meet at least the 'very good' BREEAM rating, and at least 10% of the energy requirements should be generated by on-site renewable and low carbon sources, unless demonstrated as part of a planning application that this would be unviable.
- 4.80 Similarly, 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.
- 4.81 The applicant has set out in the Sustainability Strategy that key principles of the BREAAM 'Very Good' ratings would be met. A condition to require that the new building within the site achieve a BREEAM rating of 'Very Good,' subject to viability, would be required, which would ensure compliance with this policy requirement.
- 4.82 Policy ENV8 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. The submitted Energy Statement confirms the renewable technologies identified for the proposed development would be in the form of a photovoltaic arrays for generation of partial power for the building and air source heat pumps. Through the inclusion of energy efficient measures and low and zero carbon technology the site is shown to achieve a 27.5% carbon dioxide reduction against a notional building design. In accordance with policy ENV8 a minimum of 10% of the sites energy would be generated by low to zero carbon technologies in the form of air source heat pumps and photovoltaic panels which could be secured via planning condition.

Archaeology

- 4.83 Policy NEL1 identified that the site may be of archaeological importance. The Historic Environment Record shows that the proposed development area lies within a potentially sensitive area of archaeological deposits. Condition 24 imposed on the approved planning application 18/01022/OUT required a written scheme of investigation. A Written Scheme of Investigation for Archaeological Trail Trenching prepared by RPS Group and Archaeological Evaluation Report prepared by MOLA has been submitted and approved by the Local Planning Authority (LPA) under application 20/00783/DOC. Archaeological investigations have already been carried out on this site, as indicated in the Heritage Statement attached to the application and ECC archaeology team has approved the submitted report. There would therefore be no need to impose any further archaeological related requirements by condition in relation to this proposal.

Sustainable Urban Drainage (SUDs)

- 4.84 Paragraph 159 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 relates to flood risk considerations.
- 4.85 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.
- 4.86 The proposed development site is a site allocated for development in the adopted Development Plan and located in Flood Zone 1 (low risk); therefore, there is no requirement for a Sequential Test to be considered which seeks to ensure that development is preferentially located in areas at lowest flood risk.
- 4.87 The application is accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy. The FRA and Drainage Strategy 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 would be set to reduce any surface water flooding risk within the site.

- 4.88 Section 7 - Flood Risk Management Measures of the submitted FRA and Drainage Strategy identify that surface water run off generated from around the building 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 discharge into an existing surface drain into the water course. The existing drainage ditch running northwards across the site would be relocated in an underground pipe and discharge to the outfall to the north of the site. There are no other flood risks associated with the site from other sources such as sewer and pluvial.
- 4.89 There are no foul water sewers located in close proximity to the proposed development, it is proposed that the foul water would be drained to an on-site sewage treatment works, subject to agreement with the Lead Local Flood Authority (LLFA). Whilst the location of the proposed sewage treatment works is not shown on a submitted plan, the applicant has confirmed in the course of the application that their intention would be to locate this in the soft landscaped area adjacent the northern site boundary between the proposed HGV parking and the site entrance security building.
- 4.90 The LLFA initially placed a holding objection to the application on technical aspects of the FRA. The applicant has sought to address the objections through the submission of additional flood risk information. Following correspondence with the LLFA 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 could be imposed and result in a development that would be acceptable in flood risk terms.

5 CONSULTATIONS AND REPRESENTATIONS

Rayleigh Town Council

- 5.1 Based on the information provided to this Planning and Highways Committee the Town Council objects to this application due to the overdevelopment of site. There are major concerns regarding traffic issues on the A1245 with problems impacting on the Fairglen and Carpenter Arms roundabouts. The developments will cause an increase in traffic congestion especially considering the plans for a new spur road from the A130 to the A1245. The infrastructure is not in place at the moment to support a development of this size and scale. There are concerns for the safety of lorries accessing A1245 at a lower speed to the on-coming traffic from the Fairglen Interchange, which will be travelling at a considerably higher speed.
- 5.2 There is poor central reservation lighting on the A1245 and concerns over the noise pollution, air quality and carbon emissions generated by the site, and the impact on neighbouring residential areas.

Essex County Traveller Unit (ECTU)

- 5.3 The ECTU is a partnership of Essex County Council (ECC), local councils, Essex Fire and Rescue Service and Essex Police. Together, we support Gypsies and Travellers to access services, including:
- supporting children into school and further education
 - health services
 - site and home fire safety visits
- 5.4 We manage unauthorised encampments on ECTU Partner land and operate/own/lease 12 existing local authority sites for Gypsies and Travellers. In accordance with the Housing and Planning Act 2016, Rochford District Council (RDC) is the local authority responsible for housing and planning provision for the Gypsy and Traveller community. Accordingly, ECC is not the statutory body with responsibility for the provision of pitches for the gypsy and traveller community. It is noted the Rochford Core Strategy Local Plan (2014) identified a need to plan for the provision of 15 additional Gypsy and Traveller Pitches, and that the Rochford Allocations Local Plan (2014) policy GT1, allocates land at Michelins Farm to deliver 15 Gypsy and Traveller Pitches. However, this is not provided for within the above planning application and is a departure from the Adopted Local Plan. Furthermore, the South Essex Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (2019) (SEGTA), identifies a need for the provision of 18 gypsy and traveller pitches within Rochford over the next 20 years. The SEGTA provides the most up to date evidence base and has informed the Rochford New Local Plan Spatial Options (Regulation 18) Consultation (July 2021).
- 5.5 As stated above, ECC recognise that RDC is the responsible body with statutory housing and planning duties to provide for gypsy and travellers and would anticipate that RDC would determine the planning application in conformity with the Adopted Local Plans, national planning policy, and material considerations including e.g., SEGTA.
- 5.6 As indicated above it is the role and responsibility for RDC, as the Local Planning Authority to plan and deliver the provision of additional gypsy and traveller pitches in accordance with the Adopted Local Plans, to meet the identified need.
- 5.7 On this basis neither ECC or the ECTU has a role to deliver (manage and operate) new sites, which is a matter for the Local Planning Authority to address. I can advise that neither ECC or the ECTU have capital budget or funding available to facilitate RDC in the delivery of a new traveller site at this allocation.
- 5.8 The determination of this planning application is a matter for RDC as the Local Planning Authority, as stated above ECC would anticipate that the application would be determined in accordance with the adopted Local Plan and national

policy unless there are exceptional circumstances to justify a departure from the Local Plan. RDC would need to be satisfied that the application demonstrated exceptional circumstances, and in doing so would need to have regard to the harm caused to the adopted Local Plan(s), including for example the impact on the 5-year housing supply for Gypsy and Traveller Provision.

RDC – Strategic Planning and Economic Development

- 5.9 This consultation response is provided to inform the determination of application 20/01196/FUL by providing an up-to-date factual position on the status of the development plan, the need for permanent Traveller pitches and the need for additional employment land. This response also includes general observations made by the Economic Development team which are considered relevant to the determination of this application.
- 5.10 It is not the purpose of this response to make any recommendation as to the outcome of the application and it should be recognised that this response does not take into account nor imply the acceptability of the myriad other considerations that will need to be taken into account when determining this application, including design, transport or environmental considerations.

Up to Date Position on the Development Plan

- 5.11 The relevant development plan documents relating to this application are the Core Strategy (2011) and the Allocations Plan (2014). In particular, the application site is allocated under two main policies; Policy GT1 (relating to the use of part of the site for Gypsy and Traveller accommodation) and Policy NEL1 (relating to the use of the majority of the site for new employment land).
- 5.12 It is recognised that the expectations of the Allocations Plan with respect to the application site have yet to be fulfilled. Specifically, the assumption of the Allocations Plan that the 15 new pitches set out in Policy GT1 would be delivered by 2018 has failed to materialise for a number of reasons. In particular, it is understood that the previous owner of the site had made little attempt over many years to prepare or market the site for potential occupants and that potential conflicts with the use of the land for traveller households have emerged in relation to the adjacent 'Fairglen Interchange' transport improvement works and a claimed commercial incompatibility with the adjacent employment allocation that continues to form part of the applicant's justification for deviating from the development plan.
- 5.13 As is recognised by the applicant, the Council prepared a Gypsy and Traveller Accommodation Issues Paper (GTIP) in 2019 which set out a range of options relating to planning to meet future qualitative and quantitative traveller household needs. As the GTIP never progressed to consultation, it holds no statutory weight in the determination of this application, but I remain of the view that the information contained within it provides a factual account of needs and options as at that time.

- 5.14 Without prejudice to the view that the Council will need to take relating to the prospect of the site being delivered for the allocated uses under Paragraph 120 of the NPPF, it remains a matter of fact at this time that the site continues to form a dual allocation for employment uses and Gypsy and Traveller pitches and that no plan review has taken place to determine there is a more sustainable or more deliverable alternative mechanism to address traveller and economic needs. The suitability and deliverability of these allocations was established upon examination of the Allocations Plan (2014). It is my view that the starting point for considering the compliance of this application with the development plan must and should remain that the application site is allocated for both an employment use and a Gypsy and Traveller accommodation use. In this regard alone, the application clearly fails to deliver upon the allocations nor does it comply with the development plan. Nevertheless, a view will need to be taken, in light of Paragraph 120 of the NPPF, whether a justification exists to deviate from the development plan. This response offers no view as to whether such a justification exists but the information provided in the following sections may be useful to inform your consideration.
- 5.15 The Council is in the process of preparing a new Local Plan for the District. This new Local Plan is estimated for adoption in 2023 and, once adopted, will provide a new planning strategy for the area, replacing the current suite of development plan documents that make up the Local Development Framework.
- 5.16 The Council is out to Regulation 18 consultation which includes options for addressing Gypsy and Traveller accommodation needs in the future, including the potential for regularisation of some or all existing unauthorised sites or the allocation of new sites. However, at this time, no assessment has taken place of the relative merits of these alternative approaches and little certainty can be given to their compatibility with national and local planning policy nor their timescales for delivery. It is clear from the Council's evidence, however, that in the absence of a policy-compliant scheme at Michelin Farm, even regularising all existing unauthorised sites would only deliver up to 13 pitches and that therefore one or more additional sites would likely be required to meet needs in future, which, given the nature of the District, would likely require further Green Belt release.
- 5.17 It is also a matter of fact that any new allocations in the Green Belt may only become eligible for planning permission upon adoption of the new Local Plan in 2023, and therefore reliance on this alternative without interim measures would likely create a significant unmet need for an extended period.

Up to Date Position on the Need for Permanent Traveller Pitches

- 5.18 The Council's most recent assessment of the need for permanent accommodation for Gypsies, Travellers and Travelling Showpeople is the South Essex Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (SEGTA) in 2019.

- 5.19 The SEGTA concluded there is a need for around 19 additional pitches in the District before 2038. This need figure comprised 18 additional pitches from traveller households understood to meet the planning definition (as set out in the Planning Policy for Traveller Sites) and one additional pitch arising from the assumption that 25% of traveller households of unknown definition would meet the planning definition.
- 5.20 Pertinent to understanding these figures are the conclusions of the SEGTA that 14 of these pitches would be required by the end of 2021 which presents a clear imperative to deliver additional pitches in the short-term to avoid the emergence of a significant unmet need and potential consequences, including the emergence of unauthorised sites elsewhere, including in the Metropolitan Green Belt.
- 5.21 It is recognised that since the SEGTA was prepared, the Council has unsuccessfully contested an appeal at Pudsey Hall Lane that has granted permanent planning permission for a total of two pitches. It is therefore considered a reasonable position to assume that the remaining need for permanent pitches by 2038 is around 17 pitches, of which twelve would be required by the end of 2021.
- 5.22 If the area of the application site covered by Policy GT1 was to be delivered for at least 15 pitches, the identified need in the District could largely be addressed. Furthermore, it is recognised in the wording of the Allocations Plan that the area of land allocated for GT1 was around 25% greater than would be required for 15 pitches; as a result, it is conceivable that the entire outstanding need of 17 pitches could be accommodated on the application site.
- 5.23 In the absence of a policy-compliant development at the application site, alternative strategies for meeting identified needs would likely be reliant on the Council's new Local Plan which is not expected to be adopted until 2023. Whilst a small number of unauthorised sites exist across the District which could theoretically be regularised, even if all of these sites were to be granted planning permission, there would remain an outstanding need of anywhere from 4 to 17 pitches that would likely necessitate further sites being identified, which, given the nature of the District, would likely require further Green Belt release.

Up to Date Position on Need for Employment Land

- 5.24 The Council's most up-to-date evidence of the need for employment land is set out in the South Essex Economic Development Needs Assessment (EDNA) 2017. The EDNA identified an additional need for around 7 hectares of employment space before 2036, of which the majority of need was for general industry floorspace, with a small amount needed for offices. A negative need was identified for warehousing floorspace.

- 5.25 It is recognised that the ongoing economic uncertainty created by the COVID-19 pandemic and other long-term structural economic changes create a reasonable doubt over the continued use of the modelling used to underpin these figures. In recognition of this, the Council is in the process of procuring a new economic development needs assessment that will identify an up-to-date understanding of the need for additional employment space, however this assessment is unlikely to be available prior to the determination of this application.
- 5.26 Notwithstanding the limitations of the South Essex EDNA, there is an undoubted need for additional employment land both in Rochford and across South Essex as a whole. Rochford falls within the Thames Estuary growth area, a key area identified for growth by Government, and is located close to nationally-significant economic infrastructure including the emerging Thames Freeport and the Lower Thames Crossing, as well as London Southend Airport. The location of the application site relatively close to these three key economic assets and well-located relative to the strategic road network make it comparatively advantageous for the industrial, storage and distribution uses proposed in this application.
- 5.27 The majority of the application site (8.8 hectares) was allocated under Policy NEL1 for employment uses. Whilst the Council's evidence may suggest a lack of demand for additional warehousing floorspace, it shows strong evidence for additional industrial floorspace and both these uses are relatively more resilient to longer-term structural changes to the economy given these uses cannot reasonably take place "remotely".
- 5.28 For the reasons given above, alongside the clear evidence in the applicant's planning statement that potential tenants of the site have been identified and there is a clear market appetite to see the site developed for additional employment space, the principle of developing the site for a flexible mix of B2 and B8 uses is considered ultimately compatible with Policy NEL1.

Further Observations from the Economic Development Team

- 5.29 The *National Planning Policy Framework (NPPF)*, Chapter 6, states that planning policies and decisions *should help create the conditions in which businesses can invest, expand and adapt, and that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.* Within this, para. 81 states that planning policies should, among other things, *set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth; set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period; seek to address potential barriers to investment, such as inadequate infrastructure[...]; and be flexible enough to accommodate needs not anticipated in the plan [...], and to enable a rapid response to changes in economic circumstances.*

- 5.30 Para. 82 states *planning policies and decisions should 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.*
- 5.31 This application for a sizeable B2/B8 industrial unit of 29,759 sq. m is the second phase on a site which already has a hybrid planning permission granted, under 18/01022/OUT. This sought full permission for an initial phase of 9 smaller industrial units with B1c/B2/B8 planning permission, along with outline permission for up to 33,500 sq. m of employment uses (B1c/B2/B8) in a future phase 2. The Team considers that the principle for the present proposal was established at this time, and our response to this application outlined that the hybrid proposal complied with both national and local economic development policies, in that it proposed a range of modern industrial units at a range of sizes likely to appeal both to growing local companies and new inward investor businesses seeking prime business accommodation. Evidence was supplied demonstrating that within Rochford District there is presently a shortage of industrial space, particularly at the 'grow-on' size category of c.500-1,500 sq. m. It was surmised that the hybrid proposal had the potential to address some of this shortfall, and could generate both business and employment growth within Rochford District.
- 5.32 The letter written in response at the time outlined the Team's support for the proposals, noting that they accorded with local strategic priorities, including the economic aspirations of the 2011 Core Strategy and 2017 Economic Growth Strategy, noting the potential to support significant local job growth and help counteract the District's present low job density, which sees a significant proportion of the working population having to commute elsewhere for employment opportunities. It was considered to be an appropriate proposal for employment site NEL1, which was deemed to be a strategic gateway site for Rochford District.
- 5.33 It should be noted that the site is currently being marketed as 'Arterial Park' and on a recent drive past the site, it was observed that the phase 1 units are now under construction and the frames of structures on the site are now visible. Correspondence with commercial property agents marketing the site has confirmed that units were to be developed on a speculative basis (i.e. without a pre-let agreement from an occupier), demonstrating the strength of the market and considerable demand for high-quality industrial accommodation in this location.
- 5.34 The full application now submitted for phase 2 of the site proposes a single large unit of 29,759 sq m. A unit of this size is larger than anything either currently available for occupation, or which has recently been occupied, in Rochford District. The standard and scale of accommodation proposed is on the scale of some of the larger logistics warehouses in Basildon, and the accompanying report provided seeks to position the site as part of the Basildon

logistics market, which itself is an important part of the major logistics market surrounding the M25 corridor. As such, it is highly likely that any future occupier of this site would be new to Rochford District (and possibly South Essex) and would therefore represent a significant new inward investor to the area – something the commercial property market highlights through the listed major occupier requirements seeking space in the corridor. The Team notes the estimated 400-800 permanent job roles that would be generated, along with c.190 roles during the construction phase. Other figures noted in the Economic Benefit Statement include up to £23.4m of direct and indirect investment in the local economy, along with an estimated £1.1m-£2.2m of additional spending by new employees per year.

Employment & Skills

- 5.35 The applicant, in their Economic Benefits Statement, is keen to highlight the local construction roles that will be created, highlighting in particular the development and training opportunities the site will provide. The team is keen to ensure as much of training opportunities, apprenticeships and entry-level positions can be accessed by local communities in Rochford District and other neighbouring towns, something that is particularly important given the significant economic impact the COVID-19 pandemic has had on both apprenticeship opportunities and the wider jobs market for young people. Consequently, it would be welcomed if the developer were to commit to providing these opportunities.
- 5.36 Essex County Council (ECC)'s *Essex Developer's Guide to Infrastructure Contributions* (revised in 2020) requires developers to submit an Employment & Skills Plan (ESP), highlighting how work experience, training and employment opportunities will be provided through both the construction and end-use phase, demonstrated through a series of key performance indicators. This is to support the strategic aim of improving the skills base of the local labour force, and, as a result, the economic competitiveness of both the local area and wider Essex. ESPs are an accepted aspect of major development schemes in the area, with a nearby 1,091 sq. m (117,340 sq. ft) speculatively-built B2/B8 unit on the A127 Corridor in Basildon being a recently-completed example of how an ESP has been put to effect through the construction contractor and sub-contractors to secure a number of work placements and apprenticeships for local people, along with a careers workshop to highlight opportunities to young people.
- 5.37 For the construction phase, the Guide recommends that ESPs commit to providing an agreed number of apprenticeships, school/college engagement activities, and work experience placements for 16-18 year olds, with the number dependent on the scheme's development value. Further details on this can be found on p.52 of the guide, and in Appendix L.
- 5.38 For the end-use (occupier) phase, the ESP is expected to provide details of how the scheme will provide supported employment opportunities for local residents who are unemployed or groups who require additional educational

and skills support such as individuals with an education, health and care (EHCP); care leavers; young carers; youth; and ex-offenders. The guide states *ECC would expect every 2,500 sqm of commercial development to be capable of generating at least one paid job placement lasting for a minimum of six months. These supported employment opportunities will need to be open to candidates nominated by ECC (or another agency as agreed by ECC).* For proposal, this would amount to 11 placements, based on the proposed floorspace of 29,759 sq. m.

- 5.39 It is noted that, at present, an ESP has not been provided and the Team would request this before the application is determined. We would be happy to meet with the applicant to discuss ways in which an ESP could align with initiatives supported by the Council to improve the local skills base and support residents into employment. This includes the South Essex Construction Training Academy (SECTA) - a government-funded training academy that is working to boost construction skills across multiple academies in South Essex. They are keen to partner with developers and contractors to provide funded recruitment solutions, placements and work experience opportunities, helping to ensure development benefits the local construction skills base. This could be a potential partner for provision of construction placements and candidates, and the Team would be happy to provide an introduction. For further information, please visit <https://www.sectatraining.co.uk/partner-with-secta>.
- 5.40 In addition, the Team works closely with local schools and employers to provide a series of skills workshops, allowing school pupils to experience career opportunities in sectors of the economy where there are skills shortages, including construction, engineering, manufacturing and logistics. Attending in, and/or contributing to, this programme would be a positive way to demonstrate a commitment to developing the workforce of the future for both the construction and end-user occupier phase, and could form part of an ESP linked to the site.
- 5.41 It is expected that, alongside the ESP, a financial contribution to employment and skills development in the local area should be made by developers. For commercial developments this is calculated on the basis of an assumption about the level of net additional employment generated by a development, and will be set out in a Section 106 agreement. Reference to the Guide and engagement with officers from the Economic Regeneration Team and ECC's Employment and Skills Team is recommended as soon as possible to discuss this further.

Accessibility

- 5.42 Given the strategic nature of this employment site for the District, it is critical to ensure local communities will benefit from the employment and training opportunities provided by the development, including those without access to a car or wishing to travel in a more sustainable manner. At the same time, it is important that the site is as accessible as possible for potential workers, something which will in turn make it more marketable to occupiers. Given the location of the site is at the Western extremity of Rochford District, is isolated

by major roads and a railway, and is presently not connected to existing footpath, cycling or public transport networks, it is important that this situation is rectified as the site is developed. The design & access statement includes details of cycle racks and there is an accompanying transport assessment that seeks to establish this as an accessible location. As outlined in the applicant's own transport assessment, *national and local level transport policy encourages development to be located in areas that are readily accessible on foot, cycle or public transport*. However, Chapter 3 of the assessment uses non-specific walking catchment data that does not reflect that there is no footpath accessing the site along the A1245 and no pedestrian crossings at the Fairglen Interchange. Similarly, whilst the assessment points out there is a cycle path along the A127 to the south, there are presently no safe ways for cycles to cross the interchange or travel to the site via the A1245, and this is unlikely to encourage access to the site by bike. Furthermore, as pointed out by Highways England's response dated 18th February, there are no public transport options presently within a reasonable distance of the site. The Team strongly suggests the applicant engages with ECC Highways to help facilitate more sustainable ways of accessing the site

RDC – Arboricultural and Conservation Officer

- 5.43 No objection
- 5.44 The tree impact assessment has correctly identified and categorised the trees. The recommendations of tree works are acceptable when read in conjunction with the landscaping detail.
- 5.45 The landscaping plan provides details of native hedgerows and occasional native tree planting mix with some non-natives, this is acceptable as it provides interest and colour whilst providing sufficient wildlife interest, some large (upon maturity) species have been chosen that will offer screening and help break/reduce the perceptual load of the built form.

RDC - Environmental Health

- 5.46 I have reviewed the noise and air quality reports supporting application 20/01196/FUL. My comments are:
- 5.47 Noise - The conclusions are accepted. A 5m acoustic barrier should be erected, as indicated, in order to protect resident(s) of Annwood Lodge in particular. The barrier should be of sufficient density so as to perform satisfactorily, and the specification should be tested at discharge of condition stage. As there is no mention of planned use of external p.a. systems, it is also recommended that an additional condition is imposed to prohibit use of external speakers.
- 5.48 The proposed barrier would slightly overlap the existing tiled-roof structure shown in the photo above. This would prevent noise breakthrough between the structures. Noise arising from the waste area/operations are not

specifically mentioned, although plant operations in general are. Examples of noise from waste operations include waste deposition, collection and potentially baling/crushing. There is also no direct mention of the effect of reversing alarms on HGVs or other vehicles. *Note: Table 5.3 confirms that operations will be below background levels except for a 2dB increase at Annwood Lodge (before mitigation). Figure 5.1 shows that the garden of Annwood Lodge would be within WHO guidelines from future operations, were it not for the already significant influence of traffic noise from the A127 and slip road.*

- 5.49 Whilst I do not consider it to be proportionate to extend the proposed acoustic barrier westwards based upon the WYG report, I propose that a condition is added to ensure that only broadband reversing alarms are permitted to be used on any vehicles driven on site. This would extend to HGV, forklift trucks, etc. I also advise that a soft landscaping scheme is agreed along the southern boundary in order to protect the areas of soft ground shown on the plans and perhaps to also provide a visual screen from the development from Annwood Lodge.
- 5.50 Air Quality - The report does not discuss the planned remodelling of Fairglen Interchange: (<https://www.essexhighways.org/highway-schemes-and-developments/highway-schemes/a127-a130-fairglen-interchange.aspx>). However, the findings of the report are accepted as there is no significant adverse impact at relevant receptor locations. Odour/pollution - In respect of potential concerns regarding fumes, odour or pollution from vehicles operating on site, I do not consider this significant due to the nature of the activities carried out either side of the boundary. However, some control could be exercised and enforced by condition and be of benefit to the noise environment too. This may include an anti-idling condition for any vehicles – HGV or otherwise - in the 23 bays 'HGV' bays located on the southern boundary. A 5 minute 'warm-up' time may be permissible if needed to activate air brakes, for instance.

ECC – Highway Authority

- 5.51 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following summarised conditions:
- The Developer shall provide a signalised junction onto A1245;
 - An area within the site for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be sited clear of the highway;
 - No unbound materials used in the surface treatment of the vehicular access;
 - No discharge of water onto the highway;
 - The submission of a CEMP;
 - Parking to be provided in accordance with the EPOA Parking Standards;
 - Powered two wheeler/cycle parking to be provided prior to first occupation;
 - A footway / cycleway connection from the existing facility on the northern side of the A127 into the site to be provided; and
 - A workplace travel plan and monitoring fee.

Highways England

First Response

- 5.52 Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.
- 5.53 Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN. In this case, principally the M25, in particular Junction, 29 and 30, A13 and A282.
- 5.54 Upon review of the documents provided, Highways England has a number of queries outstanding. As part of our response to the previous application for Phase 1 of this development (18/01022/OUT), Highways England had various correspondence with the previous Transport Consultants in relation to the Transport Assessment. As part of this, we advised that whilst we acknowledge the site is some distance from the SRN, both Junction 29 and Junction 30 of the M25 are sensitive junctions and therefore the slightest increase in trips could cause safety implications. There is particular sensitivity on the northbound off slip and adding to the existing queues that currently occur in the peak hours could have safety implications. We also have concerns about increased queuing back onto the A13 westbound main carriageway from the off slip at Junction 30. On this basis, HE requested traffic flow diagrams were provided to show these junctions, broken down by cars and HGVs.
- 5.55 Upon receipt of these and after further discussions with the Transport Consultants, Highways England's final response to Phase 1 of this development in June 2019 advised that we were content that the trips generated by the proposals (14 in both the AM and PM peaks at Junction 29) would have a negligible impact on the SRN. This was on the basis that traffic associated with the development would use Junction 29 only, which would be enforced through a signing strategy and promoted vehicle routes within the Travel Plan, prior to occupation. Highways England would have expected these discussions and associated recommendations to have been carried forward for the application for Phase 2 of the development, however these have not been considered in the Transport Assessment and Framework Travel Plan submitted with the application. Therefore, in the list below provides details of the additional information we require:
- There is no indication of the traffic distribution/ proposed routing that HGVs would be assigned to travel to /from this development. As noted above, Junction 29 and Junction 30 of the M25 are both very sensitive junctions and the slightest increase in trips could have implications for the safety and

operation of these junctions. We therefore request that traffic flow diagrams are provided to show both the staff and operational trips forecast to use these junctions in both the AM and PM peaks.

- Neither the TA nor the Framework Travel Plan provide details on the number of staff proposed to travel to/ from the site nor information on staff shift patterns. We therefore request this is provided.
- We note that modal share has been provided for the Wheatley Ward in Section 5.3 of the TA, however it does not explain how this has been used to understand staff trips to/ from the site. Notwithstanding, whilst we acknowledge this site sits within the Wheatley Ward, given the location of the site (next to a busy dual carriageway on the western outskirts of the ward; a significant distance from the built up areas to the east) and the fact that the nearest railway stations/ bus stops are not within a reasonable walking distance of the site, we would not consider it realistic that 47% of staff could travel sustainably. We therefore request that staff trips consider a worst-case assessment that all staff will drive to the site, unless evidence can be provided to suggest otherwise, such as the results of a staff travel survey for staff currently on site/ at a site nearby.
- The Framework Travel Plan makes no reference to promoted vehicle routes nor the signing strategy that was conditioned for Phase 1. Whilst Highways England acknowledge this is a Framework Travel Plan, given the planning history of the site, we would have expected reference to have been made to this for Phase 2 of the development.
- The TA makes no reference to the construction impacts of the proposals. Highways England would be interested to understand the impacts of construction vehicles on the SRN.

- 5.56 Based on the above, there is insufficient evidence for us to make a full assessment on whether the development will have a severe impact on the SRN and therefore further information should be provided to enable us to assess whether the proposals materially affect the safety, reliability and/or operation of the SRN (the tests set out in DfT C2/13 para 10 and DCLG NPPF para 32).

Second Response

- 5.57 Referring to the notification of a planning application dated 28th January 2021 referenced above, in the vicinity of the A13 and the M25 that forms part of the Strategic Road Network, notice is hereby given that Highways England's formal recommendation is that we recommend that conditions should be attached to any planning permission that may be granted. The following summarised condition is recommended:

- A Travel Plan shall be submitted to the LPA

ECC – LLFA

First Response

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

- Discharge rates – Please submit the greenfield runoff rates calculations for review. The discharge rates should be calculated using the impermeable area only. Discharge from the site should be limited to 1 year greenfield rates from all storm events up to and including 1 in 100 year plus 40% climate change.
- Insufficient details of storage - Please include modelling and calculations for all areas of drainage network. Please also demonstrate sufficient storage is provided and no offsite flooding as a result of proposed development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Water Treatment – It should be demonstrated all surface runoff leaving the site should appropriately be treated in line with simple index approach in chapter 26 of CIRIA SuDS Manual C753. The development would be considered under medium to high risk of pollution which requires at least two stage treatment. The areas with HGV movement are treated with oil separator however the mitigation indices for oil separator weren't included to ensure appropriate treatment is in place for TSS, Metal and hydrocarbons. Surface water runoff from roof area is attenuated into underground tank without treatment. The runoff from roof would be treated in line with Simple Index Approach of chapter 26 of CIRIA SuDS Manual C753.
- Half Drain Time - Demonstrate that all storage features can half empty within 24 hours for the 1:30 plus 40% climate change critical storm event.

Second Response

5.59 Having reviewed the Surface water strategy and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following summarised conditions:

- The submission of a detailed surface water drainage scheme;
- The submission of a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution;
- The submission of a maintenance plan; and
- A yearly log of maintenance must be maintained.

ECC – Archaeology

5.60 Archaeological investigations have already been carried out on this site, as indicated in the Heritage Statement attached to the application. I have seen and approved the report and there are no further archaeological recommendations required on this application.

ECC – Place Services – Ecology

- 5.61 We have reviewed the Ecological Assessment (Ecology Solutions, November 2020) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats. We are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.
- 5.62 The mitigation measures identified in the Ecological Assessment (Ecology Solutions, November 2020) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species. We note that the site has been cleared under an existing consent, and the habitats onsite are now broadly unsuitable for protected and Priority species. We note that a reptile translocation was undertaken in 2020, the development site should be maintained as unsuitable for reptiles to avoid recolonisation.
- 5.63 We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured as a condition of any consent.
- 5.64 This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.
- 5.65 Impacts will be minimised such that the proposal is acceptable subject to the conditions based on BS42020:2013.
- 5.66 No objection subject to securing biodiversity mitigation and enhancement measures.

Natural England

- 5.67 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Anglian Water

- 5.68 Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments.

London Southend Airport

- 5.69 No safeguarding objections

ECC – Minerals and Waste Planning Authority

- 5.70 The site for the development proposed through Application Reference 20/01196/FUL is not within a Mineral Safeguarding Area, Mineral Consultation Area or Waste Consultation Area. Essex County Council in its capacity as the Minerals and Waste Planning Authority has no comment to make.

Health and Safety Executive (HSE)

- 5.71 The proposed development site does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site.

Neighbours

1 response received from the occupants of Annwood Lodge, Arterial Road.

- 5.72 The intended building is positioned to sit beyond the line of our buildings and this overhang will impact our use of the garden and the garden view. This is and always has been, a residential property and the submitted plan will leave us unable to enjoy the garden due to the view and privacy issues. The building will no doubt affect the light for our tenants in our units. We would like assurances that the site entrance on the A127 will not be in permanent use as this would compromise the safety of the access for all road users (already having an impact since work on site has started). We strongly object to the new proposed road that runs between phase 1 and phase 2 to access the area for car and lorry parking for the large building. Big lorries will be accessing that site at all times of the day and night and all passing by the garden. the noise levels and the pollution levels are not acceptable for a residential property and will cause undue noise and health issues for residents.

6 EQUALITY AND DIVERSITY IMPLICATIONS

- 6.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need:
- To eliminate unlawful discrimination, harassment and victimisation
 - To advance equality of opportunity between people who share a protected characteristic and those who do not
 - To foster good relations between those who share a protected characteristic and those who do not.

The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, pregnancy/maternity.

- 6.2 The Equality Impact Assessment (EIA) indicates that the proposals in this report could have a disproportionately adverse impact on some people with a particular characteristic.
- 6.3 The impacts that would be associated with the proposed development relate to the gypsy and traveller community and the protected characteristic 'race'. The impacts are considered in the Equality Impact Assessment which is referenced as a background paper to this report.

7 CONCLUSION

- 7.1 Significant economic benefit would arise from this proposal. However, the proposal would also result in the loss of the Council's only gypsy and traveller site allocation in the District and in this respect the proposal would amount to a departure from the adopted Development Plan. The adopted Development Plan should be followed unless material considerations exist to justify a departure. The land allocated for gypsy and traveller accommodation at the site is still required to meet identified need and although still at a very initial stage, the Council seeking to acquire the land subject to the gypsy and traveller site allocation cannot be ruled out and officers have recently been instructed to investigate this possibility. It is concluded that there are not material considerations to justify the proposed departure from the adopted Development Plan.
- 7.2 The proposal would also impact on the one residential dwelling bordering the sites southern boundary. Whilst increased activity associated with the proposed development including use of the proposed warehouse and vehicle movements associated with this, particularly towards the southern boundary would result, it is considered that taking into consideration the context of the locality surrounding the site and the proposed mitigation including an acoustic fence, that the impacts would not result in unreasonable harm such as to justify refusal of the application on this ground.



Marcus Hotten

Assistant Director, Place & Environment

Relevant Development Plan Policies and Proposals

Allocations Plan (2014) Policies NEL1 and GT1.

Development Management Plan (2014) Policies DM1, DM5, DM25, DM26, DM27, DM29, DM30, DM31 and DM32.

Core Strategy (2011) Policies H7, CP1, ED1, ED4, ENV1, ENV3, ENV5, ENV8, ENV10, ENV11, CLT1, T1, T3, T5, T6, T8.

National Planning Policy Framework (NPPF) 2021

Planning Practice Guidance

Standing Advice (Natural England)

Plans considered

The following plans have been considered in the determination of this application:-

Drawing No's;

18007 P0302 Rev D Site Layout

18007 P0304 Rev C Tracking

18007 P0305 Rev C Pedestrian and Cycle Routes

18007 P0308 Rev C Masterplan

18007 P0307 Rev C Cycle Shelter Details

18007 P0306 Rev C External Finishes

18007 P0303 Rev C Fence Layout

11866 P05 Detailed Planting Plan

18007 P3012 Rev B Indicative CGI

18007 P3011 Rev B Indicative CGI

18007 P3010 Rev B Indicative CGI

18007 P3007 Rev B Gatehouse Layout and Elevations

18007 P3006 Rev B Roof Plan

18007 P3005 Rev C Building Elevations and Sections

18007 P3004 Rev B Northern Transport Office Floor Plan

18007 P3003 Rev B Southern Transport Office Floor Plan

18007 P3002 Rev B Main Office Layout

18007 P3001 Rev B Warehouse Layout

18007 P0301 Rev B Location Plan

124638/220 Rev C Proposed Site Levels

20-211-EX-001 Rev PL1 – Indicative external lighting

Background Papers

Equalities and Diversity Assessment

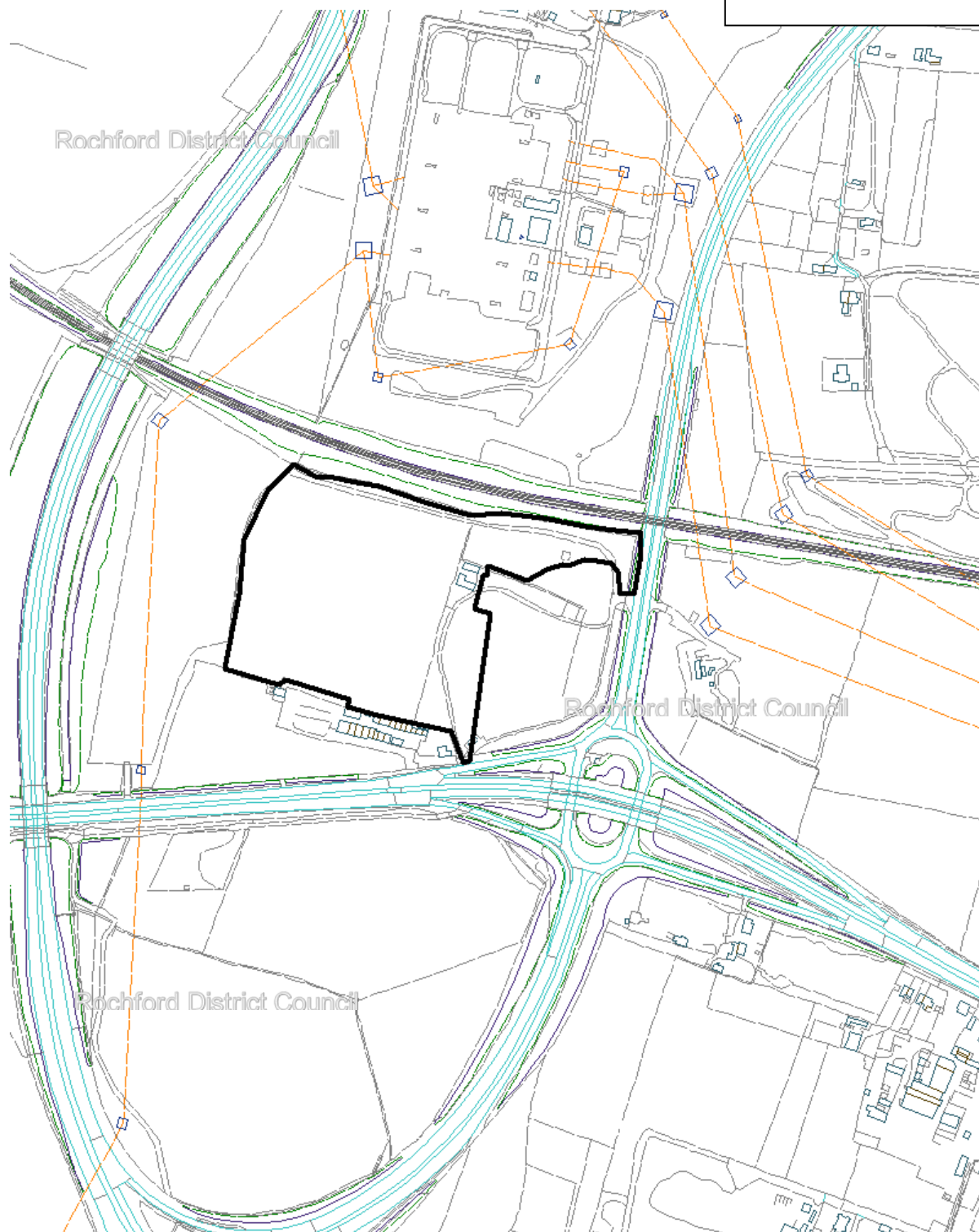
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20/01196/FUL



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NTS