

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CT/SCE	18.04.19
Planning Development Manager authorisation:	CB	24.04.19
Admin checks / despatch completed	AP	24/4/19

AP

Application: 18/01244/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr John Chappell

Address: 27 - 31 High Street Walton On The Naze Essex

Development: Proposed demolition of existing commercial building and replacement with 10 apartments with associated parking & landscaping.

1. Town / Parish Council

Frinton and Walton Town Council Approval.

2. Consultation Responses

ECC Highways Dept From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1 Prior to the first occupation of the proposed dwellings, the proposed vehicular access shall be constructed to a width of 6.0m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.
Reason: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2 No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.
Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3 The existing access or any part of an access (dropped kerb) (on The High Street and Churchfield Road) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.
Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

4 The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing Numbered WN 12. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

5 Prior to the occupation of the proposed development, details of the provision for the storage of bicycles for each dwelling sufficient for all occupants of that dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

6 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities
- v. the means or method of protecting the travelling public within the highway whilst working from height above and adjacent to the highway

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:
SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

UU Open Spaces

Due to the significant lack of play facilities in the area a contribution towards play is justified and relevant to the planning application, in accordance with the schedules set out in PEO22. Such funds would be spend at Bath House Meadow.

Building Control and Access Officer	No comments at this stage.
Waste Management	Designated area required for bin store to be located. Bin store to be of secure construction so access to residents only and of appropriate size to accommodate bulk bins for both residual waste and recycling.
Anglian Water Services Ltd	<p>Records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.</p> <p>The foul drainage from this development is in the catchment of Walton On The Naze Water Recycling Centre that will have available capacity for these flows.</p> <p>The sewerage system at present has available capacity for these flows via a gravity discharge regime without further consultation with Anglian Water. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.</p> <p>The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, we require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency. We request that the agreed strategy is reflected in the planning approval.</p> <p>Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.</p>
Natural England	<p>No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Do not need to be consulted on the Appropriate Assessment for developments of houses under 100 units provided a financial contribution has been secured in line with the Essex Coast RAMS requirements and that the Council records evidence that this mitigation measure has been secured in the summary section of the Habitat Regulations Assessment (HRA).</p>

Tree & Landscape Officer There are no trees or other vegetation on the application site.

The site layout plan provides little, if any, opportunity for new soft landscaping.

3. Planning History

01/00837/ADV	1 x double sided free standing advertising display unit	Refused	06.08.2001
17/01038/FUL	Demolition of existing commercial building and erection of new building containing 8 No. flats and 1 No. retail unit (Use Classes A1, A2 and A3), with associated parking, cycle and bin- stores	Approved	16.08.2017
18/01244/FUL	Proposed demolition of existing commercial building and replacement with 10 apartments with associated parking & landscaping.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1	Spatial Strategy
QL2	Promoting Transport Choice
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
QL12	Planning Obligations
ER3	Protection of Employment Land
ER31	Town Centre Hierarchy and Uses
HG1	Housing Provision
HG3	Residential Development Within Defined Settlements
HG3A	Mixed Communities
HG4	Affordable Housing in New Developments
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space

HG14	Side Isolation
COM2	Community Safety
COM6	Provision of Recreational Open Space for New Residential Development
COM19	Contaminated Land
COM20	Air Pollution/ Air Quality
COM23	General Pollution
EN6	Biodiversity
EN11A	Protection of International Sites: European Sites and Ramsar Sites
EN17	Conservation Areas
EN20	Demolition within Conservation Areas
EN23	Development Within the Proximity of a Listed Building

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

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP5	Open Space, Sports & Recreation Facilities
LP1	Housing Supply
LP2	Housing Choice
LP3	Housing Density and Standards
LP4	Housing Layout
PPL4	Biodiversity and Geodiversity
PPL8	Conservation Areas
PPL9	Listed Buildings
CP1	Sustainable Transport and Accessibility

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal (including Site Description and Proposal)

Site Context

The site comprises a former motor trade workshop that has previously been found to be unviable for a number of former operators. It is located on the north side of the High Street, immediately to the west of its junction with Churchfield Road and is within the Town Centre Conservation Area.

There are a mix of residential and commercial uses within the locality, with the former being immediately to the north and west of the site. There is a mixture of 2 and 3 storey property within the immediate vicinity of the site. Diagonally, although some distance away, is the listed All Saints Church (grade II) and its churchyard, opposite Kirby Road.

The subject building is of relatively modern construction, is functional in its design and notwithstanding the mixed architectural quality in the street scene, currently detracts from its character and appearance. Further, its demolition has already been found to be acceptable, pursuant to the grant of planning permission 17/01038/FUL (see above).

Proposal

Planning permission is therefore sought to demolish the existing commercial building and replace it with 10 no apartments with associated parking & landscaping: it involves increasing the number of apartments from that previously approved, from 8no, and removing the retail unit which marketing advice sought by the applicant has confirmed would not be viable.

The scheme has been amended since the original submission of the planning application, in order to satisfy Officer's concerns with regard to the living conditions of future occupiers of the development in respect of outlook, privacy, amenity space and parking.

The layout has therefore changed and it is now more broadly attuned to the extant permission, with an 'L shaped' building plan, creating an enclosed courtyard area.

The main building fronting the High Street would be over 2.5/3 storeys with 4 no gables to its principal elevation, with the outer two being subservient to the central pair: these both have French doors with balconies located at first and second floor level, over a ground floor bay window feature. The proposed windows in the two outer gables are more modest in their proportions. The main range would contain 6no two bedroom flats.

A 1.5/2 storey return is proposed to front Churchfield Road, this would lead up to a gated vehicular access into the site, the other side of which is proposed to erect a standalone detached building of similar proportions; both of these would contain 2no two bedroom flats and would have recessed balcony areas serving them on the Churchfield Road frontage.

The buildings would be finished in brick and render to the elevations, with slate to the roof.

10 no. car parking spaces would be provided within the courtyard, in addition to bin and bike stores, and areas of amenity space.

Principle of Development

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a significant material consideration in this regard.

It is noted that the commercial aspect of the previous proposal is no longer included within the scheme. However, there is no policy basis to protect the existing sui generis or permitted A1/A2/A3 uses as relevant development plan policy, Policy ER3 of the Tendring District Local Plan 2007, only seeks to protect employment land which as defined by LP paragraph 3.5 as "all types of employment use within Classes B1 [(b) and (c)], B2 and B8 of the Use Classes Order 1987 (as amended)."

The site is located within the settlement boundary of Walton and it benefits from an extant planning permission, therefore it is considered that the principle of development on this site is acceptable. Officers have therefore sought to work with the developer to address any planning issues and to work positively towards a recommendation of approval.

Design and Layout

As highlighted above, changes have been made to the design and layout of the proposal since originally submitted. The design of the principal High Street elevation hasn't materially changed,

however the Churchfield Road elevation is now proposed to be a more or less continuous frontage with the exception of the intervening vehicular access.

The scheme takes cues from the permitted design on the site, and is generally considered to be a good quality, that is sympathetic to the Conservation Area. The overall scale of the proposed built form is also appropriate to the location and would not give rise to harm to the setting of the listed building (All Saints Church).

It is considered that subject to the imposition of conditions controlling finishing materials that the proposal would enhance the character and appearance of the Conservation Area.

Finally with regard to the layout, the dimensions of the covered parking spaces did not originally scale off the Block Plan in a manner to meet the Council's adopted standards. This has now been rectified and a minimum of 1no space per flat is proposed to be provided, whilst this doesn't meet the basic requirement of the parking standards of 2no spaces, being in the town centre and served by reasonably frequent public transport it is considered to be in an accessible location. Therefore notwithstanding this, and the absence of visitor parking (demand for which could be met by local public car parks and controlled street parking), it is considered that the proposal would provide an acceptable layout.

Living Conditions - Future Occupants

Officers concerns in respect of the original plans were highlighted to the applicant thus:

The Flats over the garages (FoGs) - original units 9 and 10, would have had a poor outlook from their respective living rooms as a result of the proposed use of obscured glazing. This lack of outlook and subsequent low level of amenity would have been compounded by the fact that with the exception of bedroom no1 of Flat 9, all other habitable spaces would have been served by high level roof lights, and the rear balconies would also have been fitted with privacy screens;

With regard to amenity space, it was considered that the front gardens to flats 1 & 2 would not provide an acceptable level of amenity due to the fact that they would be adjacent, and level with the High Street's footway. Further, whilst the amenity space to the rear could in theory be utilised as a shared space, a key issue was that in such close proximity to the window serving bedroom no2 of flat 1 that the occupants of that unit could suffer a lack of privacy and noise/disturbance from its use.

In response to this, the applicants removed the FoGS and replaced them with the detached two storey block containing flats 9 & 10. This has had the advantage of opening up the core of the site, reducing the impact upon the rear gardens of the Churchfield Road houses and vastly improving outlook from within the scheme. In terms of amenity space, the fenestration to flat 1 was reconfigured, with the window serving its bedroom no2 being moved to the flank elevation of the building.

This has the benefit of providing an area of communal amenity space that could be used by all future residents without materially impacting upon the amenities of the occupiers of flat 1, in addition to an area provided to the rear of the site. With the exception of flat 2, all other units also have a balcony feature, thereby ensuring that some form of amenity space is provided. Furthermore, the site is in close proximity to the seafront and associated parks/public amenity areas and therefore the development is considered to be acceptable in this respect.

Living Conditions - Existing Residents

The relationship between the proposed building and existing dwellings is very similar to that previously approved.

The proposed flats and their windows and balconies have been designed so that there would be no material loss of privacy to the occupants of adjacent residential properties.

As previously, the building is higher than the one that it would replace, but due to its proposed siting and orientation would not give rise to an appreciable loss of sunlight, daylight or outlook to existing residents.

Consequently, the proposal would not give rise to material harm to the living conditions of existing residents.

Open Space

Policy COM6 of the Adopted Tendring District Local Plan (2007) states that residential development below 1.5 hectares in size, where existing public open space facilities are inadequate, shall provide a financial contribution towards the provision of new or improved off-site facilities to meet the projected needs of the future occupiers of the development. Policy HP5 of the Draft Local Plan states that all new residential developments of 11 or more dwellings will be required to contribute to open space by either providing new areas or improving the quality or accessibility of existing open space.

There is currently a deficit of Play Space in Walton on the Naze, any additional development in the area will increase demand on already stretched facilities. Due to this deficit it is considered a contribution towards play space is justified and relevant to this planning application. A Unilateral Undertaking has been agreed to secure the relevant contribution and is therefore in accordance with Policy COM6 of the Adopted Plan.

Recreation and Avoidance Mitigation Strategy RAMS

During the course of considering this application there has been a change to Natural England's advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the above site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and that this also applies to reserved matters applications where this was not considered at outline permission stage. A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be the RAMS level contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Sites. The contribution is secured by unilateral undertaking. There is therefore certainty that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Other Matters

Whilst not identified by Environmental Protection as part of this planning application, previously it was reported by Officers that due to the previous motor trade related uses of the site, that there is potential for contamination. Unlike previously, a Desk Study Appraisal hasn't been included in the application; however the report submitted with the previous scheme concluded that due to access limitations it is recommended that additional investigation be undertaken following site clearance. It is recommended that trial pitting be used and the additional work would permit better delineation of impacted soils and provide more data on concentrations of petroleum hydrocarbon compounds. Therefore an appropriately worded can be imposed to this effect.

Further, Anglian Water state that no evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H and therefore recommend the imposition of a planning condition requiring details of a surface water management strategy to

be submitted to and approved in writing by the Local Planning Authority. Officers consider that it would be both necessary and reasonable to impose such a condition.

The proposal is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan, WN1, WN2, WN3, WN4, WN6, WN7, WN11B , WN12A, WN13A & WN14.

Reason - For the avoidance of doubt as to the scope of this permission.

- 3 Notwithstanding the submitted plans and details, the windows and doors shall be of painted timber construction, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out in accordance with the agreed details.

Reason - To ensure the use of appropriate materials within the Conservation Area and the setting of a listed building, both Designated Heritage Assets.

- 4 Details of all of the balconies shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out in accordance with the agreed details.

Reason - The plans show insufficient information in respect of their form of construction and it is vital to ensure appropriate detailing within the Conservation Area and the setting of a listed building, both Designated Heritage Assets.

- 5 Prior to first occupation of the development hereby approved details of all gates/fences/walls or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation of the development hereby approved and shall be permanently maintained as such.

Reason - In order to secure the satisfactory development of the site and in the interests of visual amenity.

- 6 Prior to the occupation of the development hereby approved a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment where appropriate.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the Local Planning Authority.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason - To enhance the appearance of the development and in the interests of amenity and privacy.

- 7 Prior to the first occupation of the proposed dwellings, the proposed vehicular access shall be constructed to a width of 6.0m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason - To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety.

- 8 No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 9 The existing access or any part of an access with a dropped kerb on High Street and Churchfield Road rendered redundant or unnecessary by this development shall be suitably and permanently stopped up through the re-instatement to full height of the footway and kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.

Reason - To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway.

- 10 The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing Numbered WN 12A. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 11 Prior to the occupation of the proposed development, drawings of the elevations and internal floor area of the bin and bicycle storage facility shall be submitted to and approved in writing by the Local Planning Authority. The store shall be of secure construction so access is limited to residents and waste operatives only and shall be of an appropriate size to accommodate bulk bins for both residual waste and recycling, as well as meeting the Council's adopted cycle parking standards. The approved facility shall be provided prior to the first occupation of the proposed development and shall be maintained free from obstruction and retained thereafter.

Reason - In the interests of sustainable development.

- 12 No development shall take place before a method statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement.

Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel cleaning facilities during the excavation, site preparation and construction stages

of the development. The method statement shall also include details of the loading and unloading of plant and materials, hours of construction, dust suppression strategy, means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

Reason - To ensure that development is carried out in a controlled manner while minimising impacts on the surrounding residential properties and also in the interests of highway safety.

- 13 No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas shall be constructed until the works have been carried out in accordance with the agreed strategy.

Reason - To prevent environmental and amenity problems arising from flooding.

- 14 Prior to the commencement of groundworks following demolition of the existing buildings, a comprehensive survey shall be undertaken to assess the nature and extent of any contamination on the site, a copy of the survey findings together with a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.

Notwithstanding the above, should contamination be found that was not previously identified or not considered in the remediation scheme agreed in writing with the Local Planning Authority that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with the above and a separate remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

The developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works. Within four weeks of completion of the remediation works a validation report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site (or beneficial occupation of the office building hereby permitted) until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed and dated certificate to confirm that the remediation works have been completed in strict accordance with the documents and plans comprising the remediation scheme agreed in writing with the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission, in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.

Highways Informative

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at:

development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with them a feasible drainage strategy. If you have not done so already, we recommend that you submit a Pre-planning enquiry to their Pre-Development team. This can be completed online at their website: <http://www.anglianwater.co.uk/developers/pre-development.aspx>

Unilateral Undertaking

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues:

Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) financial contribution in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Open Space financial contribution in accordance with Policy COM6 of the Tendring District Local Plan 2007 and Policy HP5 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

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