



TENDRING DISTRICT COUNCIL

Planning Services

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APPLICANT: Lidl UK GmbH
C/o Mr Joseph Romero
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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 18/01616/OUT

DATE REGISTERED: 26th September 2018

Proposed Development and Location of Land:

Application for a minor material amendment to Condition 14, 15, 21 & 23 under Section 73 of the 1990 Town & Country Planning Permission Ref. 17/02038/OUT.

Land West of The A133 Brook Park West Roundabout Clacton On Sea

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **DO HEREBY GRANT PLANNING PERMISSION AND OUTLINE PLANNING PERMISSION (as described in the description above)** in accordance with the application form, supporting documents and plans submitted, subject to the following conditions **in connection with both applications:**

- 1 The development hereby permitted shall be carried out in accordance with the Site Location Plan 1525/PA01 and the Parameters Plan 1525/PA03 and in general conformity with the Proposed Indicative Masterplan 1525/PA04.

Reason - For the avoidance of doubt and in the interests of proper planning.
- 2 The development hereby permitted shall be carried out in accordance with details shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON.

Reason - To ensure that the scheme is brought forward in a timely and comprehensive manner in the interests of proper planning, highway safety and amenity. Given the scale and mixed-use nature of the development, the definition of phases will also enable more specific planning conditions to be discharged, as appropriate, on a phase-by-phase basis to assist in the timely delivery of the whole scheme.
- 3 No development or preliminary groundworks shall commence within Phase 7 as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON, until a programme of archaeological evaluation work, involving geophysical survey followed, as necessary, by trenching for the relevant phase or phases, has been secured and implemented in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. Should the results of evaluation warrant additional excavation, mitigation or recording, this shall be conducted in accordance with a further Written Scheme of Investigation submitted to and approved in writing by the Local Planning Authority.

Reason - The proposed development is located within an area with potential for below ground archaeological deposits and the development could result in harm to non-designated heritage assets with archaeological interest.

- 4 The development of Phases 1, 1a and 3 as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the plans and documents approved under application 17/01187/DISCON.

The development of Phase 2b as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the plans approved under application 18/01250/DISCON.

No development shall commence within Phases 2a, 4, 5, 6 and 7 as shown on Drawing No. BES/BPW/01C (Phasing Plan) until a detailed surface water drainage scheme for the relevant phase or phases of the development, based on sustainable drainage principles and the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall subsequently be implemented prior to the occupation of development within the relevant phase(s).

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, ensuring the effective operation of SuDS features for the lifetime of the development, provide mitigation of any environmental harm to the local water environment and to avoid increased flood risk and pollution hazard from the site.

- 5 The development of Phases 1, 1a, 2a, 2b, 3, 4 and 5 as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the plans and documents approved under application 17/01187/DISCON.

No development shall commence within Phases 6 and 7 as shown on Drawing No. BES/BPW/01C (Phasing Plan) until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during the construction works and prevent pollution, for the relevant phase or phases of the development, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason - To minimise flood risk during construction works.

- 6 The development of Phases 1, 1a and 3 as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the plans and documents approved under application 17/01187/DISCON.

The development of Phase 2b as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the Drainage Maintenance and Management Plan approved under application 18/01250/DISCON.

No development shall commence on Phases 2a, 4, 5, 6 and 7 as shown on Drawing No. BES/BPW/01C (Phasing Plan) until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, for the relevant phase or phases of the development, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

Reason - To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

- 7 The applicant/developer or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan for the surface water drainage system. These must be available for inspection upon a request by the Local Planning Authority.

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

- 8 The development shall be carried out in accordance with the plans and documents approved under application 17/01187/DISCON. None of the development shall be occupied or come into use until the works have been carried out in accordance with the foul water strategy so approved, unless otherwise approved in writing by the Local Planning Authority.

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

- 9 The construction of Phases 1, 1a, 3, 4 and 5 as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the Construction Method Statement Revision A, produced by Britton Group and Drawing No. BES/BWP/03A, approved under application 17/01411/DISCON.

The construction of Phase 2a as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the Construction Management Statement, approved under application 17/02037/DISCON.

The construction of Phase 2b as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the Construction Environment Management Plan, approved under application 18/01645/DISCON.

No development shall commence on Phases 6 and 7 as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON until a Construction Method Statement for the relevant phase or phases of development has been submitted to and approved, in writing, by the Local Planning Authority. The statement shall include details of:

- a) The parking of vehicles of site operatives and visitors;
- b) Loading and unloading of plant and materials;
- c) Storage of plant and materials used in constructing the development;
- d) The erection and maintenance of security hoardings;
- e) Wheel washing facilities;
- f) HGV route plan;
- g) Measures to control the emission of dust and dirt during construction;
- h) Noise monitoring;
- i) Construction site lighting;
- j) A scheme for storing; recycling and disposing of waste resulting from demolition and construction works; and
- k) Construction work hours.

Reason - To control the construction phase in the interests of highway safety and to protect amenities of the occupiers of nearby residential properties.

- 10 The following works shall be completed prior to the respective phase identified below (according to Drawing No. BES/BPW/01C as approved by 17/01187/DISCON) being occupied or coming into use:

- a) Prior to the occupation or coming into use of any phase a fourth arm off the A133/ Britton Way Roundabout is to be completed in order to access the proposal site, in accordance

with details approved under 18/01308/DISCON;

b) Prior to the occupation of phase 4 or the coming into use of any part thereof, the upgrading of the pelican crossing in St. John's Road (in the vicinity of the link to Pathfields Road) to a toucan crossing; or other improvement to that crossing together with the; upgrading of the pedestrian link located immediately west of the pelican crossing to enable its use by cyclists between St. John's Road and Crome Road are to be completed, the details of which will have first been agreed with the Local Planning Authority;

c) Prior to the occupation of each of Phases' 2b and Phase 4 or any part thereof a minimum 1no. electric car charging points/parking spaces shall be provided in each phase with infrastructure that would not prejudice the installation of further charging points in the future.

Reason - To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

- 11 The development hereby permitted shall be carried out in accordance with Drawing No. BES/BPW/04A (Bus Stops and Bus Turn Around Facilities), approved under application 17/01187/DISCON. The bus stops and associated facilities shall be delivered in accordance with the approved details before the occupation of the relevant phase or phases of the development.

Reason - To ensure the development is accessible by more sustainable modes of transport including public transport.

- 12 All pedestrian routes within the development shall be provided as pedestrian and cycle routes.

Reason - To ensure the development is accessible by more sustainable modes of transport including walking and cycling.

- 13 The development hereby permitted shall be shall be carried out in accordance with details set out in the Ecological Appraisal by Aspect Ecology dated July 2016 (Ref: ECO2312.EcoAp2016.vf1) approved under application 17/01411/DISCON, unless otherwise agreed in writing by the Local Planning Authority.

Reason - In order to safeguard protected wildlife species and their habitats and in the interests of biodiversity and to ensure best practice measures are used on the site during both the construction and occupation phases of the development to minimise the impact on birds and wildlife and to promote biodiversity.

- 14 The development of Phases 1, 1a and 5 as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the landscaping details approved under application 18/00174/DISCON.

The development of Phase 2a as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the 5 year Landscape Management Plan and Drawing No. 16-002-01 Rev. J approved by this application.

The development of Phase 2b as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the Landscape Maintenance and Management Plan approved under application 18/01735/DISCON.

The development of Phase 3 as shown on Drawing No. BES/BPW/01C (Phasing Plan),

approved under application 17/01187/DISCON shall be carried out in accordance with the Landscape Management Plan and Drawing No. 866/L16C approved under application 18/00921/DISCON.

No development shall commence on Phases 4, 6 and 7 as shown on Drawing No. BES/BPW/01C (Phasing Plan) until a Landscape Management Plan for the relevant phase or phases of the development has been submitted to, and approved in writing by, the Local Planning Authority. The Landscape Management Plan(s) shall include design objectives, management responsibilities and maintenance schedules for the landscaped elements of the development. The development shall be implemented and thereafter maintained in line with the details and timescales in the approved plan.

Reason - To ensure proper planning, management and maintenance of the approved landscaping; landscaped areas; Sustainable Urban Drainage Features; public open space; amenity space and play areas and equipment in the interests of amenity; sustainability and the character and appearance of the area.

- 15 The development of Phases 1, 1a and 5 as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the landscaping details approved under application 18/00174/DISCON.

The development of Phase 2a as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the landscape details, shown on Drawing No. 16-002-01 Rev. J, approved by this application.

The development of Phase 2b as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON, shall be carried out in accordance with landscaping details shown on Drawing No. H8702-58 Rev. B as approved by application 17/02038/OUT.

The development of Phase 3 as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the landscaping details shown on Drawing No. 866/L16C, approved under application 17/01589/DISCON.

No development shall commence on Phases 4, 6 and 7 as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON until a scheme of hard and soft landscaping for the relevant phase or phases has been submitted to, and approved in writing by, the Local Planning Authority. This will include a timetable for implementation and completion; and proposed changes in ground levels. The scheme(s) will also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate measures for their protection (during construction phase and thereafter) which shall comply with the recommendations set out in the British Standards institute publication "BS 5837: 2012" Trees in relation to design demolition and construction. The hard and soft landscaping will be implemented in accordance with the approved scheme(s).

Reason - To ensure the proper implementation of the approved landscaping scheme in the interests of amenity and the character and appearance of the area.

- 16 The approved landscaping works (referred to in Condition 15) shall be carried out during the first planting and seeding season (October to March inclusive). Any trees or shrubs which, within a period of five years of being planted die, are removed, or are seriously damaged shall be replaced by the owner of the land on which the specific trees or shrubs are located. This will occur in the next planting season with other trees or shrubs of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved

details.

Reason - To ensure the proper implementation of the approved landscaping scheme in the interests of amenity and the character and appearance of the area.

- 17 The improvements to the A133 underpass as shown on Drawing No. 10865/602 Rev. B approved by application 18/01368/DISCON shall be carried out prior to the first occupation of any phase of the development.

Reason - In order to prevent crime and create a safer and more attractive route for the continuation of the Picker's Ditch Walkway, and improve pedestrian accessibility to the scheme.

- 18 The development of Phases 1, 1a and 5 as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the plans and documents approved under application 18/00174/DISCON.

The development of Phase 2a as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the plans and documents approved under application 17/02037/DISCON.

The development of Phase 2b as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the plans and documents approved under applications 18/01830/DISCON and 18/01735/DISCON.

The development of Phase 3 as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the plans and documents approved under application 18/00250/DISCON.

No development shall commence on Phases 4 and 6 as shown on Drawing No. BES/BPW/01C (Phasing Plan) until the following details for that phase or phases, including a timetable for installation where necessary, have been submitted to and agreed in writing by the Local Planning Authority:

- a) CCTV;
- b) All external lighting, including details or measures to minimise potential light pollution to adjoining residential properties in the future;
- c) All external plant and machinery;
- d) Boundary treatments, including the siting, height, design, and materials of all boundary walls and fences which face onto public spaces/roads including engineering and facing material details of all retaining walls;
- e) Outside storage of goods, materials or containers shall be stored, stacked or deposited, on the site outside the buildings hereby permitted;
- f) A recycling collection point; and,
- g) A service management plan (specifying delivery times and the means of securing and managing the car parking areas).

The development shall be implemented in accordance with the approved details.

Reason - In order to prevent crime and create safer, sustainable communities and in order to ensure the location of CCTV protects the general privacy of future neighbouring residential properties.

- 19 Phases 1, 2a, 2b and 3 as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the Local Recruitment Strategy dated July 2017, approved under application 17/01187/DISCON.

No development shall commence on Phases 4, 6 and 7 as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON until a Local Recruitment Strategy for the relevant phase or phases shall be submitted to and approved in writing by the Local Planning Authority. The Local Recruitment Strategy will include details of how the applicant and operators shall use their reasonable endeavours to promote and encourage the recruitment of employees, contractors and other staff in the locality of the application site during the site's construction and occupation.

Reason - To promote and encourage the recruitment of employees, contractors and other staff in the locality of the application site.

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

- 20 The development hereby permitted in full, consisting of the foodstore (A1), hotel (C1), family public house(A3/A4), restaurants (A1/A3/A5), retail warehouse units (A1), picker's ditch major open space and associated access, landscaping, car parking and associated works shall be begun before 2nd July 2021.

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 2004.

- 21 The development hereby permitted shall be carried out in accordance with the following approved plans:

Foodstore (A1)

Proposed Ground Floor - 15-1517/009d, 1:100@A1

Proposed Elevations - 15-1517/011d, 1:100@A1

Proposed Roof Plan - 15-1517/012A, 1:100@A1

Retaining Wall Plan 7640M-134

The Typographical Site Plan - General Arrangement 7640M-132

Restaurant (A1/A3)

Plans and Elevations - 10819/CO/100 Rev A - 1:100@A1 Restaurant (A3/A5)

Block Plan - 7138-SA-8470- P002C, 1:500@A3

Proposed Site Layout Plan - 7138-SA-8470-P004C, 1:200@A1

Proposed Elevations & Sections - 7138-SA-8470-P005A, 1:100@A1

Proposed Ground Floor and Roof Plans - 7138-SA-8470-P006A, 1:100@A1

Proposed Site Layout Plan - Site Signage - 7138-SA-8470-P008B, 1:200@A1

Signage Elevations - 7138-SA-8470-P009A, 1:100@A1

Proposed Site Layout Plan - Drive Totem - 7138-SA-8470-P022B, 1:200@A1

COD and Canopy Photo

COD DT Canopy Plan, 1:20@A4

Outdoor Climb Plan - E0004

Timber Knee Rail Detail

Play Frame Elevations - 7138-SA-8470-P012A, 1:50@A3

Family Public House (A3/A4)

Proposed Ground Floor Layout - H8702/51A, 1:100@A3

Proposed First Floor Layout - H8702/52A, 1:100@A3

Proposed Roof Plan - H8702/53A, 1:100@A3

Proposed Elevations - H8702/54A, 1:100@A1

Site Plan - H8702/55 Rev E, 1:500@A3

Proposed Section - H8702/57, 1:50@A1
 Auto Tracking - H8702/59 Rev B, 1:500@A3
 Soft Landscaping Scheme - H8702/58 Rev B, 1:500@A3
 Proposed Soft Landscaping Plan - H8702/56A, 1:200@A3

Hotel (C1)

Proposed Ground and First Floor Plan - H8702/61 Rev C, 1:100@A3
 Proposed Roof Plan - H8702/63 Rev C, 1:100@A1
 Proposed Elevations - H8702/64 Rev C, 1:100@A3
 Soft Landscaping Plan - H8702/66 Rev C, 1:200@A3

Retail Warehouse Units

Proposed Retail Floor Plan, Mezzanine Plan and Roof Plan - 1525/PA06, 1:200@A1
 Proposed Retail Site Plan - 1525/PA08, 1:500@A1
 Proposed Retail Elevations - 1525/PA07 Rev A, 1:200@A1

Reason - For the avoidance of doubt, in order to ensure the development is carried out in accordance with the approved details in the interests of proper planning.

- 22 The proposed landscaping associated with Picker's Ditch New Public Open Space (Area E) shall be carried out in accordance with the landscape strategy drawing 866/L20B prepared by Catherine Shelton Associates unless agreed otherwise, in writing, by the Local Planning Authority.

Reason - To ensure the Pickers Ditch Walkway New Public Open Space is laid out in line with the proposal that has been considered by the Council.

- 23 Notwithstanding the provisions of the Use Classes Order 1987 (as amended or re-enacted) the retail unit (discount foodstore) shown on drawing reference 7640M-132 hereby permitted shall not exceed 1,424 sq.m net sales area, with no more than 1,210 sq.m to be used for the sale of convenience goods and no more than 214 sq.m for the sale of comparison goods. Notwithstanding the provisions of the General Permitted Development Order 1995 (as amended or re-enacted); no mezzanine floorspace shall be introduced and the unit shall not be subdivided unless planning permission for such works has been granted on application to the Local Planning Authority.

Reason - To minimise unnecessary direct competition with the retail and leisure offer in Clacton on Sea town centre to safeguard its continued vitality and viability whilst promoting economic growth in the town as a whole.

- 24 Notwithstanding the provisions of the Town and Country (Use Classes) Order 1987, as amended by the Town and Country (Use Class) (Amendment) Order 2005 (or any order revoking and re-enacting that Order with or without modification) the retail unit (discount foodstore) shown on drawing reference 15-1517/008N hereby permitted shall only be used for 'discount food retail' and shall not be used for the retail sale of any of the following goods and services:

- a. Tobacco and smoking products
- b. Staffed fresh meat and fresh fish counter (excluding pre-packed meat and fish)
- c. Staffed delicatessen counter
- d. Dispensing pharmacy
- e. Dry cleaning service
- f. Staffed Photo-shop
- g. Post office services
- h. In store café

Reason - To minimise unnecessary direct competition with the retail and leisure offer in Clacton on Sea town centre to safeguard its continued vitality and viability whilst promoting economic growth in the town as a whole.

- 25 The terrace of Class A1 retail units as shown on Plan 1525/PA-06 hereby permitted shall not cumulatively exceed 4,775 sq.m Net Sales Area, with Gross Internal Area also restricted to this maximum quantum, inclusive of any mezzanine floorspace. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no additional mezzanine or other form of internal floor to create a first floor level shall be constructed in the terrace of retail units as shown on Plan 1525/PA-06, other than that already shown.

Reason - To minimise unnecessary direct competition with the retail and leisure offer in Clacton on Sea town centre to safeguard its continued vitality and viability whilst promoting economic growth in the town as a whole.

- 26 Notwithstanding the provisions of the Use Classes Order 1987 (as amended or re-enacted) no goods shall be sold from the terrace of Class A1 retail units as shown on Plan 1525/PA-06 other than: materials for maintaining and repairing the dwelling; furniture and furnishings; tiles, carpets and other floor coverings; household textiles; major household appliances; small electrical household appliances; small tools and miscellaneous accessories; major tools and equipment; garden plants and flowers; audio visual, photographic and information processing equipment; motor and cycle goods; and pets, pet food and pet related products and services (including the provision of ancillary pet care and treatment services). The terrace of retail units shall be used for no other purpose, including any other use in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended or re-enacted).

Reason - To minimise unnecessary direct competition with the retail and leisure offer in Clacton on Sea town centre to safeguard its continued vitality and viability whilst promoting economic growth in the town as a whole.

- 27 An outdoor sales area ("External Project Centre") extending to a maximum of 500 sq.m shall be permanently retained as part of Retail Unit 3, as shown on Plan 1525 PA-06.

Reason - To enable the Local Planning Authority to retain control over the uses on the site in the interest of safeguarding the vitality and viability of Clacton on Sea town centre.

- 28 None of the three units shown within the retail terrace identified on Plan 1525 PA-06 shall be amalgamated with other units or subdivided to form separate units.

Reason - To enable the Local Planning Authority to retain control over the uses on the site in the interest of safeguarding the vitality and viability of Clacton on Sea town centre.

- 29 The maximum gross floor areas of the following 'main town centre' uses proposed as part of the development shall not exceed:

- Family Pub / Restaurant (Class A3/A4) - 741 sq.m
- Restaurant / Drive Thru (Class A3/A5) - 632 sq.m
- Hotel (Class C1) - 1,118 sq.m

Reason - To enable the Local Planning Authority to retain control over the uses on the site in the interest of safeguarding the vitality and viability of Clacton on Sea town centre.

- 30 None of the 'residential development' or 'employment development', as identified within the 'Outline Planning application site' on the approved Parameters Plan 1525/PA03 shall

commence until plans and particulars of "the reserved matters" relating to appearance, landscaping, layout and scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

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

- 31 Application for approval of the reserved matters for the 'residential development' or 'employment development', as identified within the 'Outline Planning application site' on the approved Parameters Plan 1525/PA03 shall be made to the Local Planning Authority before the 2nd July 2021.

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

- 32 The 'residential development' or 'employment development' shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

- 33 The maximum number of dwellings to be contained in the residential phase of the development shall be 200 and the reserved matters will only show dwellings within the area of the site shown for residential development on the approved Parameters Plan 1525/PA03.

Reason - To ensure the dwelling numbers and location of residential development reflect what has been assessed through the determination of the outline planning application.

- 34 No residential development shall commence until a Residential Travel Plan has been submitted to and agreed in writing with the Local Planning Authority. The plan shall follow Essex County Council's latest guidance and will identify measures to encourage sustainable travel to and from the site alongside disincentives to driving alone. The development shall be implemented in accordance with the approved travel plan.

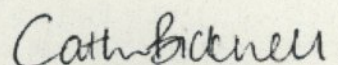
Reason - To encourage sustainable modes of transport as an alternative to reliance on the private car.

- 35 The 'employment development' shall be in Use Class B1 (a, b and/or c) and the reserved matters shall provide for a minimum 1.3 hectares of the land within the area identified on the 'Outline Planning application site' on the approved Parameters Plan 1525/PA03.

Reason - To ensure the potential employment benefits of the development can be fully realised in accordance with the proposed mix of uses on the site.

DATED: 25th June 2019

SIGNED:



Catherine Bicknell
Head of Planning

IMPORTANT INFORMATION :-

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

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL8 Mixed-Uses

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

ER7 Business, Industrial and Warehouse Proposals

ER25 New Hotels and Guest Houses

ER31 Town Centre Hierarchy and Uses

ER32a Primary Shopping Area

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

COM1 Access for All

COM2 Community Safety

COM6 Provision of Recreational Open Space for New Residential Development

COM8A Proposed New Recreational Open Space

COM21 Light Pollution

COM31A Sewerage and Sewage Disposal

COM23 General Pollution

COM26 Contributions to Education Provision

COM29 Utilities

EN1 Landscape Character

EN2 Local Green Gaps

EN4 Protection of the Best and Most Versatile Agricultural Land

EN6A Protected Species

EN6B Habitat Creation

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN12 Design and Access Statements

EN13 Sustainable Drainage Systems

EN29 Archaeology

TR1A Development Affecting Highways

TR1 Transport Assessment

TR2 Travel Plans

TR3A Provision for Walking

TR4 Safeguarding and Improving Public Rights of Way

TR5 Provision for Cycling

TR6 Provision for Public Transport Use

CL7 New Town Centre Retail and Mixed-Use Development

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

SP1 Presumption in Favour of Sustainable Development

SP4 Providing for Employment & Retail

LP5 Affordable and Council Housing

- PP1 New Retail Development
- PP2 Retail Hierarchy
- PP4 Local Impact Threshold
- PP7 Employment Allocations
- PP9 Hotels and Guesthouses
- PP12 Improving Education and Skills
- PPL1 Development and Flood Risk
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL7 Archaeology
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network
- CP3 Improving the Telecommunications Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Building Control Informative

Agent should demonstrate that there is sufficient fire fighting access to comply with B5 of Approved Document B, Volume 2.

Highway Informatives

- o The A133 underpass is a highway structure and therefore any works at or in the vicinity of the underpass should be agreed with the Highway Authority prior to commencement of the works.
- o In making this recommendation the Highway Authority has assumed the proposal site internal layout would not be laid out and constructed to adoptable standards and that the applicant would not offer it to the Highway Authority for adoption.

- o Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.
- o All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible).
- o All highway related details should be agreed with the Highway Authority.
- o The proposal should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009.
- o Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If the applicant believes they need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively they can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk. Planning permission does not negate the requirement for consent and full details of the proposed works will be required at least two months before the intended start date.

The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no.8 (Clacton) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with the Highway Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

Site Workers - Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

No vehicles associated with the development shall affect the ease of passage along the PROW.

Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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: Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, C04 9YQ.

Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developers improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Anglian Water Informative - Trade Effluent

An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/ repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

Anglian Water also recommends the installation of properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

S106 Informative

The applicant is reminded that this permission is linked to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

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

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

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

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
 - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.