

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	06/08/2019
Planning Development Manager authorisation:	AN	19/8/19
Admin checks / despatch completed	ER	27/8/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	KC	27/8/19

Application: 18/00772/FUL **Town / Parish:** Clacton Non Parished

Applicant: R. Burfoot Construction Ltd

Address: Former Travis Perkins Yard 38 - 42 Oxford Road Clacton On Sea

Development: Sub-division of existing commercial premises into two A1 (non-food/trade counter) or B1 units, erection of four further commercial A1 (non-food/trade counter) or B1 units. Erection of 14 x 2 bed flats.

1. Town / Parish Council

Clacton – No Town
Council

2. Consultation Responses

ECC SuDS Consultee Lead Local Flood Authority position

Having reviewed the provided planning application documents for this development, we would note the following:

- The site is brownfield and is largely impermeable.
- The application boundary consists of 0.26Ha

This application is for a development with a site area of 260sqm. Therefore the development is unlikely to impact on surface water drainage and therefore we will not be providing comments on the application.

Therefore, we would recommend that ECC do not object to the granting of planning permission on the basis that the development of the site is unlikely to have noteworthy impact on flood risk in the area.

ECC Highways Dept

1 Prior to the first occupation of the proposed dwelling, 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.

2 All carriageways should be provided at 6.0m where vehicular access is taken but without kerbing.

3 No unbound materials shall be used in the surface treatment of the proposed vehicular access and estate road throughout.

4 Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

5 The existing access or any part of an access (dropped kerbs) 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.

6 Prior to commencement of the proposed development, vehicular turning facilities for service and delivery vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site which shall be retained and maintained free from obstruction thereafter.

7 Prior to first occupation of the proposed development, communal recycling/bin/refuse collection points for both residential and commercial units shall be provided within 15m of the highway boundary or internal carriageways and additionally clear of all visibility splays at accesses and retained thereafter.

8 The development shall not be occupied until such time as the allocated car parking spaces have been signed, hard surfaced, sealed and marked out in parking bays. 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.

9 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 and for the commercial elements of the proposed development, 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.

10 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

11 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport (including bus and rail travel) approved by the Local Planning Authority

12 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of Travel Information Packs for sustainable transport (including bus and rail travel) for the commercial elements of the proposed development, approved by the Local Planning Authority

13 No doors or windows shall open over the highway maintainable at public expense.

14 No balconies or rainwater collection / harvesting equipment shall encroach into or oversail the highway maintainable at public expense.

3. Planning History

04/01201/FUL	Extension to existing timber material store	Approved	10.08.2004
18/00772/FUL	Sub-division of existing commercial premises into two A1 (non-food/trade counter) or B1 units, erection of four further commercial A1 (non-food/trade counter) or B1 units. Erection of 14 x 2 bed flats.	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

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER3 Protection of Employment Land

ER7 Business, Industrial and Warehouse Proposals

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

TR1A Development Affecting Highways

TR5 Provision for Cycling

TR7 Vehicle Parking at New Development

COM6 Provision of Recreational Open Space for New Residential Development

COM19 Contaminated Land

COM22 Noise Pollution

EN11A Protection of International Sites European Sites and RAMSAR Sites

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

SPL1 Managing Growth

SP1 Presumption in Favour of Sustainable Development

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

PP6 Employment Sites

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex Design Guide

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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 Description

The application site is located within the defined settlement boundary of Clacton-on-Sea on the south-eastern side of Oxford Road. The site is rectangular in shape, measuring approximately 79m across and 33m in depth. It occupies a site area of 0.26 hectares. It was up until March 2014 used as a builder's merchants yard with an associated trade retail counter operated by Travis Perkins.

The majority of the site is open. The yard is secured by 2m high galvanised palisade fencing on all boundaries. At the southern end of the yard is a two storey building which was an engine shed in a former time associated with the railway line that extends along the entire rear boundary. It was used as the trade counter in association with the builder's yard. It is constructed of gault brick with a slate roof and features a single storey flat roof addition on its northern flank. At the northern end of the yard is a warehouse type building divided into two secure units. This was previously used for B8 purposes.

The immediate vicinity of the site is in mixed commercial and residential use. To the north of the site is a three storey building containing flats and opposite is a further recently constructed block of flats. The eastern side of Oxford Road contains a mix of commercial and residential uses whereas the western side is predominantly two storey semi-detached/terraced housing.

Proposal

This application seeks planning permission for the sub-division of the existing commercial premises into two A1 (non-food/trade counter) or B1 units, the erection of four further commercial A1 (non-food/trade counter) or B1 units and the erection of 14 x 2 bed flats.

The existing building is to be split into two equal units. Other than repair work no further alterations are proposed to this building aside for the installation of new roller shutter doors.

To the north of the site a three storey building is proposed which will contain four commercial units at ground floor and 14 flats (2 at ground floor and 6 on each floor above). All the flats will accommodate two bedrooms each. The commercial units at ground floor are to be approximately 75sqm in size and will contain a shop front addressing Oxford Road. The proposed use for these units is either A1 (Trade Counter) B1 light industrial.

The development is to be served by a new centrally located access road and a parking/turning area for vehicles associated with the development. Overall the parking area will accommodate 30 spaces split between the commercial and residential uses.

Appraisal

Background/Principle

The site is located within an area shown on the adopted Local Plan 2007 to be retained for employment purposes. Policy ER3 therefore seeks to retain these sites in order to assist with economic regeneration objectives and to maintain a balance between the location of jobs and homes within different parts of the District. However, the plan recognises that proposals for re-using or redeveloping employment sites and premises can come forward for determination.

Supporting documentation shows that the site has been vacant since March 2014 when the site was placed on the market for commercial purposes. A letter from the estate agents for the site has been submitted to demonstrate that there was no interest received. Further evidence then shows that the site was marketed once more in April 2016 and an offer was received and then withdrawn as it was believed the intention of the purchaser was to develop the site for purely residential purposes.

Consequently, it is proven that the site has been marketed for over 4 years without any firm viable offers for the re-development of the site for purely commercial purposes.

While the scheme will represent the development of an existing commercial site, the application clearly demonstrates the non-existent interest in the land for commercial redevelopment purposes. There is also a covenant imposed by the previous owners affecting many of the commercial uses that would otherwise be suitable for the site. The proposal however does feature 6 new commercial/employment units that will result in new employment activity for the site and reflects the saved local plan designation as a protected commercial site.

Therefore the proposed mixed residential/commercial use is considered to be acceptable as it reflects the character of recent developments on the eastern side of Oxford Road and assists in bringing back a brownfield site into a viable use. It must also be noted that the commercial designation for the eastern side of Oxford Road is removed in the emerging local plan.

Visual Impact/Design

At three storeys in height the scale of the building would relate acceptably to the recently constructed flats to the north and those further along Oxford Road at Juniper Court. The dwellings and flats opposite also contain third floor accommodation, which are served by dormer additions to the roof slope.

In terms of the detailed design the building seeks to reflect the industrial nature of the existing building on the site by incorporating a brick built double gable with arched windows, louvres and semi-circular full height features. The building does extend back into the plot at a fair depth but the two projecting wings are inset to reduce the bulk and provide a visual break.

In terms of landscaping, the only trees of merit on the application site are two self-sown Sycamore and a self-sown Cherry. All three trees are situated on the boundary with the adjacent railway track. If practical it may be desirable to retain the trees but the amenity value that they provide could be relatively easily replicated by new planting. The proposed layout shows 5 new trees in the area around the car park and this would increase the number of trees on the land. The trees on the land do not merit protection by means of a tree preservation order.

Overall it is considered that the scale and massing of the proposed building and overall elevation design would harmonise with the character and appearance of the surrounding area.

Layout/Residential Amenity

The development will provide a private communal amenity area to the rear equating to over 25 sqm per flat which accords with the requirements of saved policy HG9. A bin store area and ample cycle storage is also shown on the layout plans to meet resident's functional requirements. These facilities will be secured by condition. Landscaping will be secured via condition to include planting at the rear of the site to assist in providing a buffer to the railway line and associated buildings to the rear. This will also help to enhance future resident's outlook. In terms of the proposed flats they are of a good size and the majority of them would be served by windows on three sides providing future residents with a good degree of natural light and outlook.

In terms of the impact upon existing nearby residents the proposed development retains sufficient spacing to the flats to the north and west and to housing to the south not to cause any adverse impacts upon outlook, privacy or light received.

The Council's Environmental Health comments identify that there could be site contamination given the site's previous uses. As such a land contamination condition will be applied to the approval. Furthermore, the close proximity of the commercial uses and residential flats means that details of sound proofing measures should be approved prior to works commencing to reduce the potential for noise conflicts to occur. Hours of opening for the commercial units will be restricted to further avoid any potential conflicts in this regard.

Highway Impacts

The highway impacts of the development have been reviewed by ECC-Highways and they have confirmed no objections to the proposal subject to a number of conditions including a requirement for no unbound materials within 6m of the highway, details of access road, the setting out of the parking area/turning head/cycle storage/bin store prior to first use occurs, the submission of a CMS and the provision of Travel Information Packs.

In respect of parking provision the development provides for 1 space per flat. In main urban areas such as this with frequent and extensive public transport, cycling and walking links, the parking standards recommend that a reduced parking standard provision may be applied to residential

developments. A reduced parking standard provision level can be applied to this proposal as it is located close to regular public transport services and public car parking facilities. It is also noted that surrounding roads do not contain parking restrictions.

The commercial units within the new building are each served with 2 spaces. The newly formed units in the existing building have 4 spaces each as they are larger. Having regard to the current parking standards the requirement for A1 or B1 units is 1 per 20sqm for A1 and 1 per 30sqm for B1. The size of each of the new units is approximately 75sqm. So the provision provided represents a slight shortfall, however as stated above the highly sustainable location close to existing public transport links means that a slight shortfall can be accepted. Cycle storage facilities will also be secured on site for employees/customers to utilise.

Drainage

ECC-SUDs have reviewed the application and confirm the following;

- The site is brownfield and is largely impermeable. Therefore the development is unlikely to impact on surface water drainage and therefore we will not be providing any additional comments. ECC therefore do not object to the granting of planning permission on the basis that the site is unlikely to have noteworthy impacts upon flood risk in the area.

Legal Obligations/Viability

Given that the application is for 14 residential units it would attract an affordable housing contribution, play space payment and a RAMS contribution.

The applicant has completed a unilateral undertaking for both the play space and RAMS contributions. The play space contribution would be put towards enhancements to the nearby play area at Vista Road.

In respect of RAMS, 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). 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 legal agreement. 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.

In respect of affordable housing provision the Council's Housing Department have confirmed the requirement for off-site contribution of £175,000. In response to this the applicant has submitted a viability assessment which has been independently reviewed by the VOA. The VOA's final report confirms that the scheme cannot provide an off-site contribution for affordable housing and questions the deliverability of the scheme with the current values and costs and the residual deficit shown.

As such no affordable housing contribution is to be sought given that the evidence provided shows that the development would be undeliverable with such a payment.

Other Considerations

No letters of representation have been received.

6. Recommendation

Approval

7. Conditions

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

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.

- 2 No above ground works shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction and external detailing have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials and colours as may be agreed shall be those used in the development unless otherwise agreed, in writing, at a later date with the Local Planning Authority.

Reason - Details of the materials to be used in this development are inadequate to assess them. This is a highly prominent and publicly visible building where appropriate materials are essential in the interests of visual amenity.

- 3 Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction.

Reason - To enhance the visual impact of the proposed works.

- 4 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To enhance the visual impact of the proposed works.

- 5 Notwithstanding the provisions of Article 3, Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), the 4 ground floor commercial units of the new building and the 2 newly created within the existing building shall be used for no other purpose than those within Class A1 (non-food only) or B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument and re-enacting that Order with or without modification).

Reason - To ensure that uses which would be inappropriate to this site due to its mix with new residential dwellings and proximity to existing residential dwellings are not permitted, in the interests of the amenities of the occupiers of those properties.

- 6 Prior to the first occupation of the proposed development the proposed vehicular access shall be constructed to a width of 6.0m, as shown on approved drawing titled 'Proposed Site Plan' 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.

- 7 No unbound materials shall be used in the surface treatment of the proposed vehicular access and estate road throughout.

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

- 8 Prior to the commencement of above ground works details of the access and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.

Reason - To ensure that the access road and associated footways are constructed to an acceptable standard, in the interests of highway safety.

- 9 The existing access or any part of an access (dropped kerbs) rendered redundant or unnecessary by this development shall be suitably and permanently closed incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new access is 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, in the interests of highway safety.

- 10 Prior to first occupation of the proposed development, the communal recycling/bin/refuse collection points for both residential and commercial units shall be provided within 15m of the highway boundary or internal carriageways and additionally clear of all visibility splays at accesses and retained thereafter.

Reason - To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety.

- 11 The development shall not be occupied until such time as the allocated car parking spaces have been signed, hard surfaced, sealed and marked out in parking bays and the type 3 turning head has been constructed. The car parking area and turning head shall be retained in this form at all times and shall not be used for any purpose other than the parking or turning 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.

- 12 Prior to the occupation of the proposed commercial units, details of the provision for the storage of bicycles for future employees/customers shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be secure, convenient, and provided prior to the first occupation of the proposed commercial units 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.

- 13 Prior to the occupation of the proposed residential units the proposed internal bicycle storage racks shall be constructed and made available for use. The bicycle storage racks shall be retained as approved thereafter.

Reason - To promote the use of sustainable means of transport.

- 14 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. hours of construction

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

- 15 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of Travel Information Packs for sustainable transport (including bus and rail travel) for the residential elements of the proposed development, approved by the Local Planning Authority.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 16 No development hereby permitted shall commence until the specific requirements of paragraphs numbered 1 to 3 below have been satisfied. If unexpected contamination is found after development has commenced, no further development shall be carried out on that part of the site affected by the unexpected contamination until the requirements of paragraph 4 have been complied with in relation to such contamination.

1. Site Characterisation - An investigation and risk assessment, in addition to any assessment provided within the planning application, shall be carried out in accordance with a scheme to assess the nature and extent of any contamination of the site. The investigation and risk assessment shall be undertaken by a competent person and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments; and

(iii) an appraisal of options for remediation and a proposal with preferred option(s). This appraisal shall be conducted in accordance with the Environment Agency Model Procedures for the Management of Land Contamination (CLR 11).

2. Submission of Remediation Scheme - A detailed Remediation Scheme to ensure that the site is suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works of remediation to be undertaken, remediation objectives and criteria, timetable of works and related site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the use of the land after remediation.

3. Implementation of Approved Remediation Scheme - The Remediation Scheme required under paragraph 2 above shall be carried out in accordance with its terms prior to the commencement of any works of construction on site unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be notified in writing a minimum of two weeks prior to commencement of the remediation scheme works of the

date that the remediation works will commence. Following completion of the measures identified in such approved Remediation Scheme, a verification report to demonstrate the effectiveness of the remediation carried out shall be submitted to the Local Planning Authority.

4. Reporting of Unexpected Contamination - In the event that contamination is found which was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken in accordance with the requirements of paragraph 1 above and, where remediation is necessary, a new Remediation Scheme shall be prepared in accordance with the requirements of paragraph 2 above and submitted to and approved in writing by the Local Planning Authority. Following completion of all necessary measures identified in such Remediation Scheme as may be approved, a verification report shall be submitted to and approved in writing by the Local Planning Authority in accordance with paragraph 3 above. In such circumstances, no further works of development shall be carried out to that part of the site until such time as the requirements of this paragraph have been satisfied.

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

- 17 Unless otherwise agreed in writing with the Local Planning Authority, the floors between the ground floor commercial units and the first floor flats shall be adequately soundproofed in accordance with a scheme of soundproofing which shall previously have been submitted to the Local Planning Authority for approval in writing. The approved scheme shall be carried out, in its entirety, before the flats are first occupied and shall be retained thereafter.

Reason - To safeguard the residential amenities of future residents of the flats.

- 18 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved, in writing, by the local planning authority prior to the first occupation of the development. The landscape management plan shall be carried out as approved in accordance with the details and timescales in the plan.

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

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

- Proposed Site Plan (04/06/18)
- Proposed Floor Plan - Existing Building (04/06/18)
- Proposed Elevations - Existing Building (31/08/17)
- Proposed Ground Floor Plan - Proposed Building
- Proposed First Floor Plan - Proposed Building
- Proposed Second Floor Plan - Proposed Building
- Proposed Rear & Left Elevations - Proposed Building (02/02/18)
- Proposed Front & Right Elevations - Proposed Building (02/02/18)
- Proposed Left & Right Courtyard Elevation - Proposed Building (02/02/18)
- Proposed Bin Store Floor Plans & Elevations (3/08/17)

Reason - For the avoidance of doubt and in the interests of proper planning.

8. Informatives

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.

Legal Agreement Informative - Open Space/Play Space Contribution

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

Legal Agreement Informative - Recreational Impact Mitigation

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: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Highway Informatives

No doors or windows shall open over the highway maintainable at public expense.

No balconies or rainwater collection / harvesting equipment shall encroach into or oversail the highway maintainable at public expense.

The applicant/developer should be requested to show on a scaled plan the means of pedestrian access from the highway to the residential element of the proposed development. All footways should be shown at 2.0m in width.

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

The Highway Authority cannot accept any liability for costs associated with a developer's 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.

Construction and demolition noise/dust/light:

Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations should be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Friday. 0800-1300 on Saturdays with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing. This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

Emission Control

- 1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- 2) No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- 3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Lighting control

- 1) Any lighting of the site under development shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to adjacent residential properties/ constitute a traffic hazard/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Professionals.

Adherence to the above requirements will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

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