

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AN	07/07/2020
Planning Development Manager authorisation:	SCE	08/07/2020
Admin checks / despatch completed	CC	09/07/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	09/07/2020

Application: 20/00295/FUL **Town / Parish:** Clacton Non Parished

Applicant: Britton Developments Ltd

Address: Land South West of Roundabout at Brook Retail Park Little Clacton Bypass
Clacton On Sea

Development: Proposed erection of retail unit (a1) and employment units
(b1(a)/b1(b)/b1(c)/b8), connecting road and associated car parking and landscaping.

1. Town / Parish Council

N/A

2. Consultation Responses

ECC SuDS Consultee
29.05.2020

Lead Local Flood Authority position
Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

Condition 1

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. 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.

ECC Highways Dept
26.05.2020

Essex County Council in their capacity as Highway Authority has thoroughly assessed the highways and transportation information submitted in support of the above planning application. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework in particular, the following aspects were considered: access and safety; capacity; the opportunities for sustainable transport; and highway mitigation measures. In addition, the site history has also been considered; the previous planning applications 16/01250/OUT were recommended for approval therefore the conclusions of the Highway Authority are as follows:

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 occupation of any of the proposed development the internal road and footway layout shall be provided in principle with Drawing Number:

- 10892-200f - Block Plan (dated: 24 February 2020).

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

2. 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.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 & 6.

3. The provision of a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

4. Prior to the first use of the vehicular accesses to the development, a 2.4 m x 17 m cycle visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall thereafter be retained free of any obstruction at all times and must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and cyclists in the adjoining highway in the interest of highway safety. In accordance with policy DM1.

5. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

6. The vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall always be retained in this form. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

7. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two-wheeler parking

is provided in the interest of highway safety and amenity in accordance with Policy DM8.

8. The submission of a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years. It shall be accompanied by a monitoring fee of £6,000 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5-year period.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

The above requirements should be imposed by way of negative planning conditions or a planning obligation and ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: Prior to occupation, the development shall be served by a system of operational street lighting of design approved from the Highway Authority for the new roundabout, which shall thereafter be maintained in good repair.

2: Internal Layout - Full details of the internal roads and footways (including layout, levels, gradients, surfacing, and means of surface water drainage, construction details and any lighting requirements) will be agreed during the Detail application.

3: 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

4: 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.

Anglian Water Services
Ltd
23.03.2020

Section 1 - Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Clacton-Holland Haven Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Section 3 - Used Water Network

The proposed discharge point is to a privately owned sewer, we are unable to agree a connection here, however we have assessed capacity in the downstream public foul sewer and this sewer at present has available capacity for these flows. 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. (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as

supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

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.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Tree & Landscape Officer
08.04.2020

There are no trees or other significant vegetation in the main body of the application site. The boundary adjacent to the Little Clacton Bypass is demarcated by an established hedgerow that was planted at the time of construction of the bypass. This hedgerow provides a good level of screening and is shown as retained. Therefore no trees or other vegetation will be affected by the development proposal.

In terms of the impact of the development proposal on the local landscape character the applicant has submitted a Landscape Report which describes the changes likely to arise from the implementation of the proposed scheme compared with those of the extant planning permission. The Landscape Report deals with the allocation of surrounding land, in a landscape context.

The block plan shows indicative soft landscaping on the site boundaries primarily the planting of a 3m wide planting strip. In principle this would provide a satisfactory level of screening. The scheme would be improved by additional tree planting within the proposed planting strip.

An important element of the soft landscaping of the site will be the incorporation of trees and low level planting in the main body of the site. Indicative planting is shown around the car parking areas and between new buildings and planting in these areas will be important to soften areas that could otherwise appear 'cold and sterile'. Opportunities for planting of this nature should be maximised.

In general terms the site layout and supporting information shows that the development proposal will not have a significant adverse impact on the local landscape character and that new planting will help to soften and screen the appearance of the development.

Should planning permission be likely to be granted then details of soft landscaping should be secured by way of a condition.

Building Control and

No comments at this stage.

3. Planning History

14/00730/FUL	Full planning application for cinema complex (including restaurants), superstore, petrol filling station, extension to the Picker's Ditch walkway and associated parkland together with an extension to the existing Brook Country Park (duplicate application).	Withdrawn	30.08.2016
16/01250/OUT	Hybrid planning application comprising: - Detailed application for 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. - Outline application for residential (C3) and employment development (B1 (a), (b), (c)) and associated access, landscaping, car parking and associated works (all matters reserved except access).	Approved	08.06.2017
17/00722/ADV	Proposed totem sign at entrance to Brook Park West.	Approved	23.06.2017
17/01187/DISCON	Discharge of conditions 2 (Phasing Plan), 3 (Programme of Archaeological Evaluation Work), 4 (Surface Water Drainage Scheme), 5 (Minimise the Risk of Offsite Flooding Scheme), 6 (Maintenance Plan), 8 (Foul Water Strategy), 11 (Details of bus stop/s and bus turn around facilities) and 19 (Local Recruitment Strategy) of approved planning application 16/01250/OUT.	Approved	14.05.2018
17/01223/ADV	Installation of freestanding 8 metre totem sign.	Approved	31.08.2017
17/01225/ADV	Installation of 6no. fascia signs.	Approved	31.08.2017
17/01226/ADV	Installation of site signage to include, 1no. gateway, 9no. freestanding, 1no. side by side directional, 1no. banner unit, and 16no. dot signs.	Approved	31.08.2017
17/01241/OUT	Variation of condition 21 of planning permission 16/01250/OUT - To amend the store design.	Approved	26.10.2017

17/01411/DISCON	Discharge of condition 09 (Construction Method Statement) and 13 (Ecological Management Plan) of planning permission 16/01250/OUT.	Approved	26.10.2017
17/01579/TELLIC	The installation of 1no. AC Electricity Generator enclosed within a weatherproof acoustic equipment housing enclosure with dimensions 1.75m long x 0.94m wide x 1.15m high. Concrete plinth, duct/s, cabling and ancillary development thereto.	Determination	02.10.2017
17/01589/DISCON	Discharge of Condition 15 (Hard and Soft Landscaping) of Planning Permission 16/01250/OUT.	Approved	23.10.2017
17/01612/DISCON	Discharge of condition 3 (Programme of Archaeological Evaluation Work) of approved planning application 16/01250/OUT.	Approved	26.10.2017
17/01879/ADV	Proposed advertisements are:- 1 no. wall mounted fascia sign, 3 no. building mounted hoardings, 2 no. free standing totem signs, 1 no. poster display unit, 1 no. free standing arrow sign, 4 no. free standing hoardings and 1 no. goalpost fascia sign.	Approved	04.01.2018
17/02037/DISCON	Discharge of conditions 9 (Construction Method Statement Revision A), 14 (Landscape Management Plan), 15 (Landscaping), 18 (Crime Prevention) of planning permission 17/01241/OUT.	Approved	28.02.2018
17/02038/OUT	Variation of conditions 15, 21 and 29 of Planning permission 17/01241/OUT to i) Substitute the landscape and planting scheme; ii) Modify the floor area and external elevations of the pub/restaurant; and iii) Change the internal arrangement and external elevations of the hotel/lodge.	Approved	02.07.2018
18/00174/DISCON	Discharge of conditions 14 (Landscape Management Plan), 15 (Landscaping) and 18 (Various Details) of approved application 17/01241/OUT for Phases 1, 1a,	Approved	27.06.2018

and 5.

18/00250/DISCON	Discharge of conditions 18 (Various Details) of Phase 3 of approved application 17/01241/OUT.	Approved	20.04.2018
18/00921/DISCON	Discharge of condition 14 (Landscape Management Plan) for Phase 3 only of 17/01241/OUT.	Approved	15.06.2018
18/01250/DISCON	Discharge of conditions 4 (Surface Water) & 6 (Maintenance Plan) to Approved Planning Application 17/02038/OUT in relation to Phase 2b only.	Approved	25.10.2018
18/01308/DISCON	Discharge of condition 10(a) of 17/02038/OUT to provide a fourth arm of the A133/Britton Way roundabout for site access.	Approved	22.10.2018
18/01368/DISCON	Discharge of condition 17) Underpass, to approved planning application 17/02038/OUT.	Approved	22.10.2018
18/01415/NMA	Non-material amendment to approved planning application 17/02038/OUT - to slightly reword Condition 10 to allow for the provision and or completion of some of these works at a slightly later phase in the developments implementation.	Approved	16.10.2018
18/01568/ADV	Relocation of the freestanding 8m totem sign, approved under 17/01223/ADV.	Approved	13.11.2018
18/01616/OUT	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.	Approved	25.06.2019
18/01645/DISCON	Discharge of condition 9 (Construction Management Plan) to approved Planning Application 17/02038/OUT in relation to Phase 2B only.	Approved	14.11.2018
18/01735/DISCON	Discharge of Conditions 14 (Landscape Management Plan) and Discharge of Condition 18 excluding Part A (External Details) of 17/02038/OUT.	Approved	21.01.2019
18/01830/DISCON	Discharge of condition 18A (CCTV) of application 17/02038/OUT in	Approved	15.11.2018

relation to Phase 2B only.

19/00068/ADV	3 No. internally illuminated wall mounted signs with sequential LED lighting 'A' 'B' 'C' and 1 No. internally illuminated freestanding totem with sequential lighting 'D'.	Approved	22.02.2019
19/00069/ADV	4 No. internally illuminated 400mm cap individual LED letters with halo illumination fitted direct to wall 20mm standoff fixings signs 'A' 'C' 'E' 'G', 3 No. internally illuminated single sided circular pictorial panels 'B' 'D' 'F', 2 No. externally illuminated double sided twin posts sign 'H' 'I' and 1 No. internally illuminated single post sign 'J'.	Approved	22.02.2019
19/01235/DISCON	Discharge of condition 3 (Archaeology - Phase 7) of approved application 18/01616/OUT.	Current	
19/01397/ADV	Proposed 1no. double sided freestanding illuminated billboard panel.	Approved	19.11.2019
19/01890/FUL	Proposed road connecting the northern access of the residential site with T Grove to the east at Brook Park West.	Approved	20.03.2020
19/01920/ADV	Proposed installation of 4 No. new digital freestanding signs and 1 No. 15" digital booth screen.	Approved	12.02.2020
19/01931/DISCON	Discharge of conditions 4 (surface water drainage), 5 (offsite flooding), 6 (Maintenance Plan), 9 (CMS), 14 (Land Management Plan), 15 (Landscaping), 19 (Local Recruitment strategy) and 34 (Travel Plan) of approved application 18/01616/OUT.	Current	
19/01945/DETAIL	Approval of reserved matters (relating to appearance, landscaping, layout and scale) for 200 dwellings pursuant to the residential development referred to within condition 31 of planning permission 18/01616/OUT at Brook Park West.	Approved	18.06.2020

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

QL12 Planning Obligations

ER7 Business, Industrial and Warehouse Proposals

ER31 Town Centre Hierarchy and Uses

COM1 Access for All

COM2 Community Safety

COM21 Light Pollution

COM31 Water Supply

COM31A Sewerage and Sewage Disposal

COM29 Utilities

EN1 Landscape Character

EN2 Local Green Gaps

EN4 Protection of the Best and Most Versatile Agricultural Land

EN6 Biodiversity

EN6A Protected Species

EN6B Habitat Creation

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN13 Sustainable Drainage Systems

TR1A Development Affecting Highways

TR5 Provision for Cycling

TR7 Vehicle Parking at New 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

SP6 Place Shaping Principles

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PP1 New Retail Development

PP2 Retail Hierarchy

PP4 Local Impact Threshold

PP7 Employment Allocations

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

- The site is located within Brook Park West, a mixed-use development located at the edge of Clacton. Beyond that there are agricultural fields which partly form the Hartley Gardens site allocation within the Draft Local Plan. To the west of the site is the A133 and beyond that is Brook Retail Park.
- This application site forms part of the site that was granted planning permission for a hotel, family public house, restaurants, retail warehouse units, open space and outline planning permission for residential and employment development (18/01616/OUT). As part of this scheme a fast food restaurant, a supermarket and a family public house have been constructed. The supermarket is located immediately to the south east of the site. The A133 lies to the east and the north is arable land which in the Draft Plan forms part of the Hartley Gardens Allocation. To the north-west west of the site is an area of proposed housing for which a reserved matters application has recently been approved (19/01945/DETAIL).

Proposal

- This application seeks planning permission for the erection of a retail unit (A1) and employment units (B1(a), B1(b), B1(c) and B8), a connecting road and associated car parking and landscaping at Brook Park Retail Park.
- The site has been subject to a number of previous applications which have been granted, the original was 16/01250/OUT which has been subject to a number of amendments; the one being implemented is 18/01616/OUT. These consents granted outline planning permission for residential and employment development (B1(a), (b) and (c)) and associated access, landscaping and car parking and detailed planning permission for foodstore, hotel, family public house, restaurants, retail warehouse units (A1), pickers detach major open space and associated access, landscaping and car parking.
- In the area proposed by this current application, the previous applications have granted outline planning permission for employment units (B1(a), (b) and (c)). Retail warehouses have also been granted but are yet to come forward and the re-routing of the road approved under 19/01890/FUL means that it will no longer be possible to implement the retail warehouses as approved.
- This current application seeks permission for an A1 retail unit, with a floorspace of 1034 sq.m adjacent to the existing Lidl Supermarket; 2 no. 2 storey business units with floor spaces of 990sq.m each and 2 no. 2 storey commercial units with a total floor space of 1080 sq.m.

Representations

- Clacton is non parished so there are no Town Council comments.
- No other representations have been received.

Principle of Development

- The principle of employment and retail uses in this area has been established by the granting of the previous permissions. These permissions secured 3000m² of employment floorspace and 5,167m² of retail floorspace.
- The re-routing of the road approved under 19/01890/FUL to facilitate the secondary access to the residential element means that it will no longer be possible to implement the retail warehouses as approved. An occupier has been secured for the A1 retail unit but the market for retail has decreased significantly since the time of the original permission. The immediate context of Brook Park (East) comprises solely retail (A1) and food (A3/A5) uses. The reduction of retail provision in this out of town location will also lessen the impact upon retail provision in Clacton Town Centre. The applicant has undertaken the retail sequential test confirming there are no other sequentially preferable sites of suitable size. The relatively recently approved units in the Waterglade Retail Park are also too small issues with pre-commencement conditions not expected to come forward within a reasonable timeframe. The dominance of employment floorspace therefore represents an

acceptable use and represents a comparable amount of employment as previously approved but adds B8 storage and distribution use into the mix of B uses. The applicant estimates 171 FTE jobs will be created by the proposal.

- The applicant requests flexibility in the potential use of the units to maximise their marketability. This is an approach adopted on other sites in the district e.g. Lanswood Park, Elmstead and doesn't raise any concerns in principle. Plot 1 will remain as A1 retail. Plots 2 and 3 would have a flexible use within B1(c) or B8. Plots 4 and 5 would have a flexible use within B1a or B1b office. This represents a good variety of uses and an acceptable relationship to provision within Clacton Town Centre and is therefore acceptable.

- As with the previous permission a condition will be imposed upon the consent to provide a restriction on the type of retail goods that can be sold to limit the impact upon Clacton Town Centre.

- The principle of development is therefore accepted subject to the detailed considerations below:

Design and Appearance

- All units are all two storey in height with shallow mono pitch roofs reflecting the scale of existing buildings. The materials palette comprises red brick Wienerberger Warnham red, and slate grey and anthracite grey cladding. Details of the cladding and roofing material will be secured by condition.

- The buildings are sited end on to the agricultural fields to the north of the site and behind a proposed 3 metre landscaping strip to reduce their visual impact. The Hartley Gardens allocation on these fields to the north, will transform the arable landscape surrounding Brook Park West into an extensive mixed-use site. The siting and fenestration will also encourage natural surveillance of the car parks. Amended plans have been received to address concerns with the design of plots 4 and 5. Details of boundary fencing have also been submitted, and amended, to provide an acceptable level of security whilst preserving the character of the surrounding area. The fencing now comprises 1.73m high green wire mesh fencing to rear boundaries and 1.25m high black bow top steel fencing to the road boundary.

- Plot 1 (retail unit): The design comprises a deep red brick plinth to around 3 metres high with grey cladding above with a large glazed entrance. It is a standard design seen on many retail parks and would not appear out of character in this setting. The elevations also comprise advertisements and an informative will be added about advertisement consent. The floor plans originally showed ground floor only but included the outline of a future potential mezzanine floor. Amended plans have been received which show this mezzanine floor as forming part of the proposal. This mezzanine floorspace was included from the outset in the retail floorspace and is therefore acceptable.

- Plot 2 (B1(c)/B8 unit): The design comprises a red brick plinth to around 2 metres high with contrasting grey cladding above and a heavily fenestrated south (front) elevation including personnel door with roller shutter to the side. The building comprises 2 storeys with around a third of each floor comprising office space.

- Plot 3 (B1(c)/B8 unit): The design comprises a red brick plinth to around 2 metres high with contrasting grey cladding above and a fenestrated south (front) elevation including a personnel door and roller shutter. The building comprises 2 storeys with around a third of each floor comprising office space.

- Plots 4 and 5 (B1a/B1b office): The submitted elevations for plots 4 and 5 were confirmed to be a little bland and these were amended with CGIs provided to show an acceptable detailed design with a higher ratio of red brick. They have flat roof porch canopies and comprise a mixture of red brick and grey cladding to provide a vertical emphasis to the design to help break up the long elevations. Both buildings comprise 2 storeys of office space.

Highway Issues and Parking

- The Transport Statement makes a comparison between trips generated by the approved employment and retail warehouse units with the current proposal. The Statement concludes that the current proposal equates to a "significant reduction in trip generations from the Brook Park West site". The analysis attributes this reduction to the lower level of retail floorspace, resulting in fewer trips during PM times and Saturday peak periods.

- The proposal includes a total of 128 car parking spaces and 40 cycle parking spaces. This includes 43 spaces (3 disabled), 4 cycle spaces and 3 Powered Two Wheeler parking spaces for Plot 1 (retail). 70 car parking spaces (4 disabled) for Plots 4 and 5 (B1a/B1b units), plus 30 cycle

parking spaces and 5 PTW spaces. Units 2 and 3 (B1c/B8 use) will have 24 parking spaces (2 disabled) and 2 PTW spaces.

- The Highway Authority have no objection to the proposal subject to nine conditions which are included within the recommendation.
- A legal agreement has been completed to secure the workplace travel plan monitoring fee.
- The previous permission also included a requirement for the provision of one electric charging point which will be included within the recommendation in the interests of sustainability.

Flood Risk/Drainage

- A Flood Risk Assessment/Foul and Surface Water Drainage Strategy has been submitted. The site is located within Flood Zone 1 at low risk from flooding.
- Following a holding objection from ECC SUDS as Lead Local Flood Authority additional information has been provided and the objection has been overcome subject to a condition securing maintenance.
- Anglian Water recommend informatives in relation to the used water network which are included within the recommendation.

Ecology

- An ecology statement has been submitted with the application. The site comprises an arable field of negligible ecological value. The eastern site boundary comprises a native hedgerow adjacent to the A133. The hedgerow would qualify as a Priority Habitat and therefore is an important ecological feature.
- The eastern boundary hedgerow is retained under the proposals and new hedgerows will connect to this and continue along the northern site boundary, and along the southern edge of the proposed road. The hedgerows will provide foraging resources for a range of fauna and over time enhanced nesting opportunities for a range of bird species.
- Paragraph 4.1 confirms: The retained boundary hedgerow should be protected during construction in line with standard arboriculturalist best practice (BS5837:2012) or as otherwise directed by a suitably competent arboriculturalist. This will involve the use of protective fencing or other methods appropriate to safeguard the root protection areas of retained trees / hedgerows. In addition, it is recommended that a pre-commencement walkover survey is carried out by a suitably qualified ecologist to confirm the continued absence of protected or notable fauna.
- Paragraph 5.2 states: To maximise biodiversity benefits it is recommended that the new hedgerows be species-rich (more than 5 species per 30m) and comprise a range of fruit and nut bearing species, therefore providing a varied food source for fauna. The two new hedgerows should be allowed to grow to at least 3m wide and 2m tall and once established it is recommended that the hedgerows only be cut once every two to three years to maximise fruit production of shrub species.
- These ecological enhancements are secured by conditions in the recommendation.

Landscape

- The main part of the site contains no trees or vegetation; there is an established hedgerow along the boundary with the A133 which provides a good level of screening and is to be retained.
- The block plan shows indicative soft landscaping on the site boundaries primarily the planting of a 3m wide planting strip. It is the Landscape Officers view that in principle this would provide a satisfactory level of screening, but could be improved by additional tree planting within the proposed planting strip. Indicative planting is also shown around the car parking areas and between new buildings. This planting will be important to soften areas that could otherwise appear cold and sterile. No exact details of the proposed planting scheme have been submitted, however, this is an issue which can be covered by condition.
- In general terms the site layout and supporting information shows that the development proposal will not have a significant adverse impact on the local landscape character and that new planting (details of which will be secured by condition) will help to soften and screen the appearance of the development.

Archaeology

- The original application (16/01250/OUT) was submitted with a Desk-Based Assessment which highlighted the potential for some archaeological remains of historical significance within the development area. An archaeology condition was therefore imposed on the consent requiring additional work to be undertaken. A WSI was approved under 17/01187/DISCON and details of

trial trenching approved under 17/01612/DISCON thereby completing the archaeological work across this site.

Other considerations

- Permitted development rights for retail uses are set out under Part 7 of the General Permitted Development Order. Part 7 Class A would enable the retail unit to be extended at ground floor level by 50% or 100 square metres (whichever is the lesser) provided this isn't from the shop front, it doesn't exceed 4 metres high, and isn't within 2 metres of the boundary. Given the siting of the retail unit this would only allow an extension to the north side elevation. However, conditions ensuring that the parking and turning areas are retained will prevent an extension except a very narrow extension towards the far boundary with the A133 which even if viable would not be prominent due to its set back from the highway and screening from the A133. It is therefore unnecessary to remove these permitted development rights.
- The retail unit is much too large to benefit from any permitted change of use/prior approval to alternative uses.
- Units 2 and 3 (B1c and B8) and units 4 and 5 (B1a/B1b) also exceed the threshold for permitted changes. Other changes could be undertaken but the Council would need to consider these under the prior approval process so they would be subject to satisfactory controls to ensure appropriate uses.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

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

Site Location Plan - 10892/100D

Site Layout - 10892/200F

Plot 1 Elevations - 10892/401A

Plot 2 Elevations - 10892/402C

Plot 3 Elevations - 10892/403C

Plot 4 Elevations - 10892/404C

Plot 5 Elevations - 10892/405C

Plot 1 Floor Plan - 10892/406A

Plot 2 Floor Plans - 10892/407

Plot 3 Floor Plans - 10892/408

Plot 4 Floor Plans - 10892/409

Plot 5 Floor Plans - 10892/410

Fencing and lighting details - 10892/500B

Zaun Bow Top Urban fencing details

Flood Risk Assessment / Foul and Surface Water Drainage Strategy, K Welham Limited, January 2020

Storm Sewer design information dated 01/05/2020

Drainage details provided on drawing number 10892/600A and 10892/601; email sent 26 May 2020 12:16; and Premier Tech Aqua Fuel and Oil Separator details.

Ecology Statement, Aspect, February 2020

Landscape & Visual Briefing Note, Aspect, February 2020

Transport Statement, Vectos, February 2020

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

- 3 Prior to commencement of any above ground works full details of the proposed facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason - In the interests of visual amenity.

- 4 Prior to commencement of development a pre-commencement walkover survey shall be carried out by a suitably qualified ecologist to confirm the continued absence of protected or notable fauna. Full details of the walkover survey shall be submitted to the Local Planning Authority for approval prior to commencement of development. This shall include details of any necessary mitigation should protected or notable fauna be found. Development shall be carried out in full accordance with the approved details.

Reason - In the interests of biodiversity and protected species.

- 5 Notwithstanding the submitted details, no above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include hardsurfacing materials, 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 - This is a publicly visible building where an appropriate landscaping scheme is a visually essential requirement. In accordance with Paragraph 5.2 of the Ecology Statement the new hedgerows shall be species-rich (more than 5 species per 30m) and comprise a range of fruit and nut bearing species to maximise biodiversity benefits.

- 6 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 ensure the adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character of the surrounding area.

- 7 Notwithstanding the provisions of the Use Classes Order 2015 (as amended or re-enacted) no goods shall be sold from the Class A1 retail unit as shown on Plan 10982-200F 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).

Reason - In the interests of protecting the vitality and viability of Clacton Town Centre.

- 8 A minimum of 1no. electric car charging points/parking spaces shall be provided in the parking area of the Class A1 retail unit as shown on Plan 10982-200F with infrastructure that would not prejudice the installation of further charging points in the future.

Reason - In the interests of encouraging more sustainable modes of travel.

- 9 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls or other enclosures except those shown on drawing number 10892/500B shall be erected except in accordance with drawings showing the design and siting of such enclosures which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of visual amenity and to preserve the character of the surrounding area.

- 10 Prior to occupation of any of the hereby approved development a workplace travel plan shall have been submitted to and approved in writing by the Local Planning Authority. Such approved travel plan shall be actively implemented for a minimum period of 5 years.

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

- 11 Prior to occupation of any of the hereby approved development the internal road and footway layout shall be provided in accordance with Drawing Number 10892-200F.

Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 12 Prior to commencement of any above ground works, 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. Development shall be carried out in accordance with the approved details prior to occupation of the development.

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

- 13 Prior to occupation of the hereby approved development a vehicular turning facility, of a design to have been previously approved in writing by the Local Planning Authority, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

- 14 Prior to the first use of the vehicular accesses to the development, a 2.4 m x 17 m cycle visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall thereafter be retained free of any obstruction at all times and must not form part of the vehicular surface of the access.

Reason - To provide adequate inter-visibility between the users of the access and cyclists in the adjoining highway in the interest of highway safety.

- 15 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason - To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

- 16 The vehicle parking areas as shown on the approved plans shall have been hard surfaced, sealed and marked out in parking bays prior to occupation of the development. The vehicle parking areas and associated turning areas shall always be retained in this form. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

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

- 17 Prior to occupation of the development details of the appearance of the cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient, and covered. The Cycle / Powered Two-wheeler parking as shown in locations on drawing number 10892/200F shall be provided prior to occupation and retained thereafter at all times.

Reason - To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity.

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

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety; and in the interests of amenity.

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

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

- 20 No goods, materials or containers shall be stored, stacked or deposited on the site outside the buildings, nor shall any commercial/manufacturing activities or processes (except for the loading and unloading of vehicles) be carried on outside the buildings, unless otherwise agreed in writing with the Local Planning Authority.

Reason - To protect the character and appearance of the area in the interests of visual amenity and the amenity of residents in the locality.

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.

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: Workplace Travel Plan monitoring fee.

Please note this planning permission does not include advertisement consent and a separate application for advertisement consent will be required.

Highways informatives

1: Prior to occupation, the development shall be served by a system of operational street lighting of design approved from the Highway Authority for the new roundabout, which shall thereafter be maintained in good repair.

2: 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

4: 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.

SUDS informative

Filtration trenches and petrol interceptor should be added to the site wide maintenance plan.

Anglian Water informatives

-Used Water Network

The proposed discharge point is to a privately owned sewer, we are unable to agree a connection here, however we have assessed capacity in the downstream public foul sewer and this sewer at present has available capacity for these flows. 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. (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) - - Protection of existing assets

A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

- Building near to a public sewer

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:		NO

Are there any third parties to be informed of the decision? If so, please specify:		NO
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