

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	05/08/2020
Planning Development Manager authorisation:	TF	06/08/2020
Admin checks / despatch completed	DB	07/08/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	07/08/2020

**Application:** 20/00376/OUT **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr Pearce - Aspire Homes

**Address:** Part of Former HSN Care Site Plot B, Land off Arthur Ransome Way Walton  
On The Naze

**Development:** Proposed Development of a mixed-use complex comprising two/three shop units including a Pharmacy (approved previously) with four self-contained flats over.

### **1. Town / Parish Council**

Frinton & Walton Town Council      No comments received

### **2. Consultation Responses**

UU Open Spaces  
15.06.2020      There is currently a deficit of 14.12 hectares of equipped play in Frinton, Walton & Kirby.

Any additional development in Walton-on-the-Naze will increase demand on already stretched play areas.

Recommendation

Due to the significant lack of play facilities in the area a contribution towards play is justified and relevant to the planning application. Additional facilities will be added to Bathhouse Meadow, Walton

ECC Highways Dept  
15.07.2020      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 occupation of the development 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.
2. No unbound material shall be used in the surface treatment of the vehicular access or access road throughout.  
Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

3 There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

4. Prior to occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be provided clear of the highway and retained thereafter for that sole purpose.

Reason: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety in accordance with policy DM1

5. The proposed development shall not be occupied until such time as 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 be retained in this form at all times. 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.

6. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

7. 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. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan 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 conditions are to 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: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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](mailto:development.management@essexhighways.org) or by post to:

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

3: In main urban areas with frequent and extensive public transport, cycling and walking links, the EPOA 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 very close to regular public transport services and public car parking facilities.

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.

Environmental Protection  
17.06.2020

20/00376/OUT - Part of former HSN Care Site, Plot B Land off Arthur Ransome Way, Walton on the Naze, Essex, CO14 8FT

Environmental Protection have reviewed this application and EP would require the following:

Prior to the commencement of any construction or demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Pollution and Environmental Control. In addition to the guidance on working hours, plant specification, and emission controls given above, the following additional notes should be considered when drafting this document: -

## Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will 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 Saturday (finishing at 13:00 on Saturday) 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 with the Planning Authority (in consultation with Pollution and Environmental Control). 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.

Environmental Protection would also need to know the planned end use for each proposed commercial unit and operating hours of each unit. This is so that we can determine if there is a likelihood of a noise nuisance associated with the proposed business and if any formal noise risk assessments are required along with any other supporting documents.

Essex County Council  
Archaeology  
12.06.2020

The proposed development has been previously evaluated through archaeological trial trenching. No further investigation was required and a report has been received, therefore there is no recommendation for this application.

ECC SuDS Consultee  
02.06.2020

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

- Drainage plan - A drainage layout for this site needs to be provided to show how water will be conveyed, stored, treated and discharged to the wider site surface water network.
- Water treatment - treatment at source should be provided on site in line with the simple index approach in chapter 26 of the ciria suds manual.

Essex County Council  
Heritage  
03.07.2020

Built Heritage Advice pertaining to an application for: Proposed Development of a mixed-use complex comprising two/three shop units including a Pharmacy (approved previously) with four self-contained flats over.

The proposals concern the following heritage assets:

- Martello tower K and associated battery south west of Walton Mere (List UID: 1016787), a Scheduled Monument.
- Grade II listed Martello Tower K (List UID: 1111504).

The previously approved 14/01320/OUT at the site has now expired as it was approved 2015. This application appears to be a partial resubmittal of this application.

The site has extant permission under 17/02118/OUT for four terrace houses and six detached bungalows is extant as it was approved, this was approved October 2018. It is understood that the proposals in this current application seek to only alter the four terrace houses and retain the detached bungalows to the east.

I am unopposed to the application in outline principle only, and recommend that all other matters are explicitly reserved were the application to be approved, including the number of stories, the massing, the detailing, the finishes, and landscaping.

### 3. Planning History

17/02118/OUT	Outline erection of residential development comprising four terrace houses (three storey) and 6 detached bungalows with associated parking, access and turning.	Approved	08.10.2018
20/00376/OUT	Proposed Development of a mixed-use complex comprising two/three shop units including a Pharmacy (approved previously) with four self-contained flats over.	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
QL3	Minimising and Managing Flood Risk
QL6	Urban Regeneration Areas
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
ER7	Business, Industrial and Warehouse Proposals
ER18	Caravan and Chalet Parks
EN1	Landscape Character
EN11A	Protection of International Sites European Sites and RAMSAR Sites
EN13	Sustainable Drainage Systems
EN23	Development within the Proximity of a Listed Building
EN29	Archaeology
HG1	Housing Provision
HG3	Residential Development within Defined Settlements
COM6	Provision of Recreational Open Space for New Residential Development
HG9	Private Amenity Space
HG14	Side Isolation
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development

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

SPL1	Managing Growth
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
PPL7	Archaeology
PPL9	Listed Buildings
PP6	Employment Sites
PP14	Priority Areas for Regeneration
CP1	Sustainable Transport and Accessibility
HP5	Open Space, Sports & Recreation Facilities

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.

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 (which applies until such time that the figures in the new Local Plan are adopted).

In addition, the actual need for housing (as set out in the emerging Local Plan) 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, as recently endorsed by the Local Plan Inspector. Therefore, in weighing the benefits of residential development against the harm, the Inspector's endorsement of the lower housing requirement figure is a strong material consideration which tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing to address the perceived shortfall – given that, against the Local Plan housing requirement there is, in fact, a surplus of supply as opposed to a shortfall.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The application site fronts an existing private road that serves the new Beaumont House Extra Care Home, which is off Arthur Ransome Way, Walton-on-the-Naze and is within the development boundary of the town. The site is predominantly flat and has an area of approximately 0.098 hectares. To the front is the existing hard surfaced access road serving the Extra Care Home and this site. There is a close boarded fence to the east side boundary and 1.8m high palisade fence to rear boundary which is common with the site of the previously approved Tesco Super Store and former Martello Site Office, now Walton's new Coastguard Station.

The land is not situated within an area at risk of flooding (Flood Zone 1).

### Proposal

The submitted application seeks approval for a new mixed-use development (retail units at ground floor with 4 flats above) and replaces a terrace of four houses (three storey), previously approved under LPA reference 17/02118/OUT. The remainder of the site, which was also approved under that reference for six detached bungalows, is unaffected by this proposal. It should be noted that the elevational detail submitted with the application is for illustrative purposes only and all matters except the layout and means of access are reserved for further approval at detailed stage.

14 parking spaces is proposed to the rear of the building. 2 spaces per flat and 6 dedicated spaces for the retail units.



Each flat is proposed to accommodate two bedrooms. The end users and opening hours of the retail units are unknown at this stage, although supporting documentation advises that a pharmacy, newsagents and hairdressers is being considered to serve the new housing development in the vicinity of the site.

### Principle of Development

The site lies outside of the Settlement Development Boundary of the Saved Local Plan (Tendring District Local Plan 2007) but within the SDB of the draft Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). The site also lies within a protected caravan park designation in the saved plan (Policy ER18) which is not carried forward into the emerging plan due to the granting of residential/care home development on the remainder of the site.

In this instance the site falls within the former Martello Caravan site for redevelopment and is situated adjacent to existing retail development to the south. To the north, land has been allocated within the emerging local plan for residential development. This is the subject of a planning permission (15/01714/FUL) for the demolition of existing buildings, re-profiling of ground levels and erection of 216 residential dwellings together with associated access, car parking, landscaping and related works. This development proposal seeks to provide a mixed use development to replace a previous approved development of 4 dwellings on the site in a central location in amongst other compatible uses.

The basis for any decision on a planning application is required to consider the land use planning policy in the first instance and then alongside any other material considerations. The site is a brownfield site and in a sustainable location (albeit out of town centre) and is accessible by a range of means of transport - including public transport, walking and cycling as well as by car. The Council's assessment of the application takes into account the NPPF presumption in favour of sustainable development and the status of the adopted local plan and the emerging local plan and also has regard to other material considerations. Undue weight has not been given to any one policy but regard has been had to all three arms of the sustainability criteria of the NPPF which cannot be judged in isolation and to the strong material consideration that exists in that the site no longer operates as a caravan park (Policy ER18 is therefore carries little, if any, weight).

Subsequently, it is considered that the principle of a mixed use development here is acceptable.

### Layout

The layout of the development, along with access, is a matter under consideration at this stage. The layout of the properties follows the logical linear form of the existing road and address the Martello Tower and future development to the north. The building replaces the previously approved town houses and is to be sited at the western end of the development forming a gateway enclosure into the remainder of the development and parking areas to the east. This is an acceptable arrangement and the exact details of the appearance of the building will be secured at reserved matters stage, although a more contemporary approach has been provided indicatively to relate to the care home development to the north. The flats are all shown to be provided with 2 no. parking spaces each and are to be served with balcony/terraces facing north to accordance with the requirements of the saved local plan. There will also be the opportunity to provide pockets of vegetation throughout the development to assist in softening views of the built form.

Overall the layout would be sympathetic to the pattern of built form in the vicinity whilst ensuring each property is served by sufficient amenity and parking provision.

## Residential Amenities

The development is situated a sufficient distance from the closest dwellings to the east fronting Mill Lane not too cause any harm to existing residential amenities. The layout also shows sufficient separation to the care home to the north not to cause any loss of privacy, light or outlook to residents.

The layout plan shows a distance of approximately 30m will be retained to the recently approved housing development to the south-east on Mill Lane. This is sufficient to ensure future resident's privacy levels are safeguarded.

The opening hours of the intended retail units will be secured at reserved matters stage to ensure compatibility with the proposed flats above and future residents to the south and east.

## Highways

ECC-Highways have no objections to access and layout subject to securing the following requirements;

- Prior to occupation of the development 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.
- No unbound material shall be used in the surface treatment of the vehicular access or access road throughout.
- There shall be no discharge of surface water onto the Highway.
- Prior to occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be provided clear of the highway and retained thereafter for that sole purpose.
- The proposed development shall not be occupied until such time as 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 be retained in this form at all times.
- Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.  
Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.
- 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.
- No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority.

These requirements will be secured either via condition or at reserved matters stage.

The parking provision is considered acceptable having regard to the car parking standards and the highly sustainable location of the building. No alterations are proposed to the existing access into the site.

## Flood Risk/Drainage

The site is located within Flood Zone 1 with a 'low probability' of flooding, with less than a 1 in 1000 annual probability of river flooding in any year (<0.1%). Therefore, the Sequential and Exception Tests will not need to be undertaken as part of this planning application.

ECC-SUDs Team have been consulted but as the development is classed as a minor development a SUDs scheme is not required. A surface water drainage scheme will be secured via condition.

## Impact on Heritage Assets

ECC-Place Services (Heritage) have provided the following comments;

The proposals concern the following heritage assets:

- Martello tower K and associated battery south west of Walton Mere (List UID: 1016787), a Scheduled Monument.
- Grade II listed Martello Tower K (List UID: 1111504).

The previously approved 14/01320/OUT at the site has now expired as it was approved in 2015. This application appears to be a partial resubmittal of this application. The site has extant permission under 17/02118/OUT for four terrace houses and six detached bungalows, approved October 2018. It is understood that the proposals in this current application seek to only alter the four terrace houses and retain the detached bungalows to the east.

ECC Heritage are unopposed to the application in outline principle only, and recommend that all other matters are explicitly reserved were the application to be approved, including the number of stories, the massing, the detailing, the finishes, and landscaping.

Consequently, given the extant permission on the application site and the amount of development that has taken place in the vicinity there is no harm to the above-mentioned heritage assets.

## Archaeology

The proposed development has been previously evaluated through archaeological trial trenching. No further investigation was required and a report has been received and agreed by ECC-Archaeology Team.

## Financial Contributions

### RAMS

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

The application scheme proposes a residential on a site that lies within the Zone of Influence (Zol) of the Hamford Water SPA, SAC and RAMSAR. New housing development within the Zol would be likely to increase the number of recreational visitors to these designated sites and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation. In this case the mitigation is a contribution of £125.58 per property.

A completed unilateral undertaking has been provided to secure this legal obligation and to ensure 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.

### POS

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built". These sentiments are carried forward within emerging Policy HP5.

In line with the requirements of saved Policy COM6 and emerging Policy HP5 the Council's Open Space Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution toward public open or play space.

They have confirmed that due to the significant lack of play facilities in the area a contribution, towards play is justified and relevant to the planning application and the biggest impact will most likely be to the nearest play area at Bathhouse Meadow, Walton. This play area will need to be increased to cope with any additional development.

A completed unilateral undertaking has been provided which secures a contribution towards enhancements at the Bathhouse Meadow play area in line with policy requirements.

### Representations

Frinton and Walton Town Council has not commented upon the application.

No other letters of representation have been received.

### Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval.

## **6. Recommendation**

Approval

## **7. Conditions**

- 1 The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

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

- 2 Application for the approval of Reserved Matters must be submitted before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 3 No development shall be commenced until plans and particulars of "the Reserved Matters" referred to in the following conditions relating to the Appearance, Landscaping and Scale have been submitted to and agreed in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 4 Prior to occupation of the development the vehicular turning facilities, as shown on the submitted plan 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.

5 There shall be no discharge of surface water onto the highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

6 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme should include but not be limited to:

- Limiting discharge rates from the site to a maximum of 2.2l/s for the 1 in 100 year plus climate change rainfall event.
- Provide sufficient surface water storage so that the runoff volume is discharged at a rate that does not adversely affect flood risk and that unless designated to flood that no part of the site floods for a 1 in 100 year plus climate change rainfall event.
- Final modelling and (or) calculations for all areas of the drainage system.
- Demonstration of an appropriate level of treatment for all runoff leaving the site, in adherence with the quantification methods outlined by CIRIA SuDS Manual C753.
- Demonstration through relevant test methods to be agreed with the LLFA the availability for infiltration, with infiltration to be considered as part of the detailed design process where demonstrated to be available.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason -

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

7 The proposed development shall not be occupied until such time as 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 be retained in this form at all times. 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.

- 8 Prior to the occupation of the development cycle and 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 and powered two-wheeler parking is provided in the interest of highway safety and amenity.

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

The Plan 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.

- 10 Concurrently with the reserved matters application details of the sub-division of the retail units shall be provided along with details of the intended public opening hours of the approved units.

Reason - In the interests of residential amenity.

- 11 In respect of the access and layout matters only, the development hereby permitted shall be carried out in accordance with the following approved plans; drawing no. 20/001

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.

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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](mailto: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.

#### 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.

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