

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AN/SCE	05.03.2021
Planning Development Manager authorisation:	TF	05.03.2021
Admin checks / despatch completed	CC	08.03.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	08.03.2021

Application: 20/01715/FUL **Town / Parish:** Clacton Non Parished

Applicant: Britton Developments Ltd

Address: Land to The West of T Grove and North of The Smugglers Cove Inn Brook Park West Clacton On Sea

Development: Proposed coffee shop with drive-thru facility, associated access road and car parking.

1. Town / Parish Council

N/A

2. Consultation Responses

TDC Environmental
Protection
06.01.2020

EP have reviewed the above application and the proposal is in keeping with this development and referred to in the original application. We would ask that the lighting scheme for the new car park is consistent with the original application for this site. This may have already have been submitted by way of discharge of condition on a previous application but would recommend it is added to this application. Please find extract below:

'Any car park or external lighting shall not trespass beyond the property boundary and into neighbouring residential property. The applicant shall demonstrate compliance with the Institute of Lighting Engineers code of practise. No development shall take place until a scheme for the control of light pollution has been submitted to and approved in writing by the local planning authority. The scheme shall be devised by a competent person and fully comply with the Code of Practice for the Reduction of Light Pollution issued by the Institution of Lighting Engineers'

This is to minimise the likelihood of artificial light nuisance complaints by existing and planned residential properties near this site.

In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Pollution and Environmental Control ask that the following is conditioned

Prior to the commencement of any demolition and/or construction works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Pollution and Environmental Control.

- Noise Control

1) 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.

2) 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.

3) 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. 4) 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.

3) 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/or demolition are in progress.

4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

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

ECC Highways Dept
11.02.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. Typically a roadside service facility does not generate many new trips to the network; the occasional customer will make a special trip, but generally people stop when already on-route (so called pass-by trips), so it is anticipated only some of these will be new to the network. Given these considerations:

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

1. 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.

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. Prior to the occupation of any of the proposed development the internal road layout shall be provided in principle with Drawing number:

- o 10892/801 Rev. D - Block Plan.

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.

4. All new shared footway/cycleways shall measure no less than 3 metres in width either side of the access road/ junction and encompassing each kerb radii and to tie into the existing network with associated tactile paving for any crossing points.

Reason: To make adequate provision within the highway for the movement and safety of the additional pedestrian traffic generated as a result of the proposed development in accordance with policy DM1 and DM9.

5. Prior to the first use of the vehicular access to the development, a 2.4m x 17m 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.

6. 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 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.

7. 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.

8. The boundary between the site and the highway to be clearly marked on the ground, in a material to be agreed with the Highway Authority.

Reason: To clearly show the extent of highway along the site frontage.

9. Prior to the development becoming operational a Delivery and Servicing Plan, and a Car Park Management Plan shall be submitted to, and agreed in writing with, the Local Planning Authority. The Plans to include the following, and be adhered to at all times:

i. Service vehicles servicing the site of maximum length 11.52 metres shall be used to service the coffee shop.

ii. Deliveries and refuse collection to the development to be managed in advance and limited to outside of operational hours only.

iii. An area to be kept clear outside operational hours to facilitate servicing and refuse collection for the coffee shop.

iv. A parking management strategy to be in place limiting customers to a maximum 90-minute stay only.

v. All parking spaces to be provided for customers only. No staff parking to be permitted to park on site.

Reason: In the interests of highway safety to ensure accordance with Policy DM1 and DM19.

10. Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety in accordance with Policy DM1.

11. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

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.

Informative 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 - Development Management Team
 Ardleigh Depot,
 Harwich Road,
 Ardleigh,
 Colchester,
 CO7 7LT

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.

3. Planning History

14/00107/FUL	Full planning permission for a cinema complex (including restaurants), superstore, petrol filling station, extension to Picker's Ditch walkway and associated parkland together with an extension to the existing Brook Country Park.		22.05.2014
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	Approved	04.01.2018

	standing arrow sign, 4 no. free standing hoardings and 1 no. goalpost fascia sign.		
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, and 5.	Approved	27.06.2018
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	Approved	16.10.2018

	some of these works at a slightly later phase in the developments implementation.		
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 relation to Phase 2B only.	Approved	15.11.2018
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 standof 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	Approved	20.03.2020

	Brook Park West.		
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.	Approved	28.09.2020
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
20/00295/FUL	Proposed erection of retail unit (a1) and employment units (b1(a)/b1(b)/b1(c)/b8), connecting road and associated car parking and landscaping.	Approved	09.07.2020
20/01042/DISCON	Discharge of conditions 4 (walkover survey) and 18 (CMS) of approved application 20/00295/FUL.	Approved	25.09.2020
20/01506/ADV	4no. Internally illuminated flex face sign c/w printed skin; 2no. Internally illuminated roundel signs c/w decorated acrylic panel; 6no. Non illuminated poster frames c/w poster print; 4no. 10sqm Printed Roundels and 1no. Non illuminated flat printed deliveries disclaimer.	Current	
20/01715/FUL	Proposed coffee shop with drive-thru facility, associated access road and car parking.	Current	
20/01825/DISCON	Discharge of conditions 3 (Materials) and 5 (Landscaping) of approved planning application 20/00295/FUL.	Approved	12.02.2021
21/30007/PREAPP	Proposed erection of a Primary Care Medical Centre with associated car parking and landscaping.		

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1	Spatial Strategy
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
COM1	Access for All
COM20	Air Pollution/ Air Quality
COM21	Light Pollution
COM22	Noise Pollution
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development
TR5	Provision for Cycling

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

SPL1	Managing Growth
SPL3	Sustainable Design
PP3	Village and Neighbourhood Centres
CP1	Sustainable Transport and Accessibility

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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The

Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

5. Officer Appraisal (including Site Description and Proposal)

Proposal

- Proposed coffee shop with drive-thru facility, associated access road and car parking. The proposed occupier is Costa Coffee.
- The applicant states a typical drive-thru restaurant of this size would generate 8-10 full-time equivalent jobs.

History

- 16/01250/OUT was a hybrid application granting outline planning permission for 200 dwellings of which 19/01945/DETAIL approved the reserved matters; and full planning permission for a foodstore, hotel, public house, retail warehouse units, and two drive-thru café/restaurants. These have all been completed and occupied except the retail warehouse units and one drive-thru café/restaurant.
- The unimplemented drive-thru café/restaurant was located on the application site, was the same floorspace, and was also designed to be occupied by Costa Coffee.
- Further permissions have granted employment units and one retail unit (Pets at Home nearing completion) and alterations to the road layout (20/00295/FUL). These changes prevent the previously approved retail warehouses being implemented. The proposal provides vehicular access which could link to the remaining land (subject to a future planning application).

Representations

- No representations have been received and the area does not have a parish/town council.

Context

- The application site is situated to the west of T Grove opposite Lidl supermarket, and north of Marston's Inn/Hotel and forms part of Brook Park West, a mixed-use site located at the north-western edge of Clacton-on-Sea. The site is close to the existing Brook Retail Park which has a pedestrian link via a subway.
- Existing and approved dwellings are located to the south and west beyond the commercial development. And further to the north west lies the large mixed use allocation of Hartley Gardens.

Assessment

Principle of development

- The proposal is too small to require a retail impact assessment. 16/01250/OUT accepted the principle of two drive-thru café/restaurants on this wider site, with McDonalds completed and

occupied. The proposed unit is in approximately the same location and contains the same floorspace as the unimplemented unit. The context has changed a little as the site does not now sit within a small retail area, but it contains its own parking provision and is surrounded by commercial uses. As a drive-thru use the location directly adjacent to the A133 is ideal and supports linked trips, rather than the different offer of a standard High Street style store attracting pedestrian shoppers.

- In this context, within an established retail/business park on the edge of the urban settlement of Clacton the proposed use is acceptable in principle subject to the detailed considerations below.

Design and visual impact

- The building measures approximately 18 metres by 14 metres with a height of 6 metres. The materials are red cedar cladding and red and white render above a blue brick plinth; with grey sheet roofing to the mono pitch and flat roofs. There is an attached bin store measuring approximately 7.5 metres by 3.5 metres. The design and materials are considered appropriate for this location and in keeping with the varied design of surrounding development.

- No details have been provided of the hard or soft landscaping. Sufficient space surrounds the site (shown green on the block plan) to provide soft landscaping to the development so this has been imposed as a condition.

Highway safety

- 33 car parking spaces (including two disabled spaces) are provided along with a waiting bay to support the drive-thru function. This meets the parking standards for restaurant/café uses and significantly exceeds those for takeaways. Cycle parking is indicated to the front of the store but no details have been provided, a condition will therefore be imposed to secure the details.

- The Highway Authority state typically a roadside service facility does not generate many new trips to the network; the occasional customer will make a special trip, but generally people stop when already on-route (so called pass-by trips), so it is anticipated only some of these will be new to the network.

- The Highway Authority has no objection to the proposal subject to 11 conditions which are all considered reasonable and necessary in the interests of highway safety and form part of the recommendation.

Residential amenity

- The site is surrounded by commercial uses to all boundaries and vacant land not currently benefitting from an implementable planning permission to the western boundary. This is a relatively busy area with background noise from the adjacent A133 and regular traffic visiting the surrounding commercial uses including the McDonalds restaurant and drive-thru to the south west. In this context the proposal would not result in any material harm to residential occupiers.

- The application forms request 24 hour opening and this reflects the opening hours of the nearby McDonalds so raises no objection in this location.

- Environmental Protection have commented on the application and request that the lighting scheme for the new car park is consistent with the original application for this site. They refer to neighbouring residential property however that is not relevant in this case. In this commercial context it is not considered reasonable or necessary to impose a lighting condition, other than that requested by Highways in relation to shielding glare.

- Environmental Protection also request a construction and demolition method statement to minimise disturbance and pollution. This has been amended to remove reference to demolition as the site is clear, and the detailed points have been added as informatives.

Other considerations

- The original hybrid application was accompanied by numerous supporting documents.

- A condition on the original hybrid consent requires development to be carried out in accordance with the recommendations set out in the Ecological Appraisal. The site is predominantly cleared with some peripheral low level scrub. It is therefore considered unnecessary to resurvey it but a condition has been included (as on 20/00295/FUL) requiring a walkover survey to be submitted by a suitably qualified ecologist to confirm the continued absence of protected or notable fauna.

- An archaeological condition was imposed on the original hybrid consent and this has been satisfied by 17/01187/DISCON and details of trial trenching under 17/01612/DISCON thereby completing the archaeological work across this site.

- A Flood Risk Assessment (FRA) was also submitted with the original hybrid application including a drainage strategy for the wider Brook Park West site comprising a large attenuation basin designed for the treatment and storage of surface water run-off. The detail was approved under 17/01187/DISCON but did not include this section of the site (phase 4) except for the offsite flooding strategy. However, this application is a new application and not linked to the previous applications and therefore too small to require a FRA in its own right.

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: Drawing numbers 10892/801D, 10892/802, 10892/803, 10892/804, and 10892/805.

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

- 3 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 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.

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

Reason - To 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.

- 5 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.

- 6 No development shall take place, including any ground works, 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
 - v. noise control
 - vi. emission control

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

- 7 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. Development shall be carried out in accordance with the approved details prior to occupation.

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

- 8 Prior to occupation the internal road layout shall be provided in principle with Drawing number: 10892/801 Rev. D - Block Plan.

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

- 9 Prior to occupation all new shared footway/cycleways shall be provided and shall measure no less than 3 metres in width either side of the access road/ junction and encompassing each kerb radii and to tie into the existing network with associated tactile paving for any crossing points.

Reason - To make adequate provision within the highway for the movement and safety of the additional pedestrian traffic generated as a result of the proposed development.

- 10 Prior to the first use of the vehicular access to the development, a 2.4m x 17m 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.

- 11 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 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.

- 12 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.
- 13 Prior to occupation the boundary between the site and the highway shall be clearly marked on the ground, in a material to have been previously agreed in writing by the Local Planning Authority.
- Reason - To clearly show the extent of highway along the site frontage.
- 14 Prior to the development becoming operational a Delivery and Servicing Plan, and a Car Park Management Plan shall have been submitted to, and agreed in writing by, the Local Planning Authority and be adhered to at all times.
- Reason - In the interests of highway safety.
- 15 Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to have been previously submitted to and approved in writing by the Local Planning Authority.
- Reason - To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety.
- 16 Prior to occupation cycle parking shall have been provided in accordance with details to have been previously approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.
- Reason - To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

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.

Informatives -Construction Management Plan

Noise Control

- 1) 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.
- 2) 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.
- 3) 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.

4) 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.
- 3) 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/or demolition are in progress.
- 4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Highways Informatives

- 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 or by post to: SMO1 - Development Management Team , Ardleigh Depot, Harwich Road, Ardleigh, Colchester, CO7 7LT

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.

Informative - Car Park Delivery and Servicing Plan

You are advised that the Car Park Delivery and Servicing Plan should include the following:

- i. Service vehicles servicing the site of maximum length 11.52 metres.
- ii. Deliveries and refuse collection to the development to be managed in advance and limited to outside of operational hours only.
- iii. An area to be kept clear outside operational hours to facilitate servicing and refuse collection for the coffee shop.
- iv. A parking management strategy to be in place limiting customers to a maximum 90-minute stay only.
- v. All parking spaces to be provided for customers only. No staff parking to be permitted to park on site.

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

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