

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AN	23/05/2022
Planning Development Manager authorisation:	SCE	24.05.2022
Admin checks / despatch completed	ER	25/05/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	25.05.2022

Application: 22/00200/VOC **Town / Parish:** Clacton Non Parished

Applicant: Hawkstone Vale (Clacton) Ltd.

Address: Old Gas Works Site Old Road Clacton On Sea

Development: Variation of conditions 2, 3 and 5 and removal of conditions 4, 22, 32 and 33 of application 21/01271/VOC to remove Tyre Centre and associated car wash lane on western part of site and incorporate approved floor space into Unit D. Addition of electric vehicle charging points serving eight parking bays and associated substations. Additional landscaping to Western boundary.

1. Town / Parish Council

n/a

2. Consultation Responses

Environmental Protection
11.03.2022

Thank you for your consultation regarding the proposed development above. The Environmental Protection Team's comments are given below:

I have reviewed this application and cross referenced with the site plans that were submitted and agreed as part of 21/01271/VOC and can only see a very slight change in the location of the drive-thru and a slightly larger floor plan for one of the central units. Considering this we believe it would have no impact on the previously submitted reports and therefore I can confirm that Environmental Protection have no comments to make.

ECC Highways Dept
09.03.2022

The information submitted with the application has been fully assessed by the Highway Authority and conclusions reached based on a desktop study. It is noted that these changes will improve the access to the servicing areas and accessibility for heavy goods vehicles. Additional landscaping will be provided as a result of these changes and will also free space to provide an additional sub-station enabling the installation of four EV charging points, serving eight parking bays. Considering these factors:

The Highway Authority does not object to the proposal as submitted and in accordance and in principle with drawing no. 18-1704/201G.

Informative:

1: 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

3. Planning History

00/01662/TELCO M	Installation of telecommunications mast and equipment	Determinati on	09.11.2000
01/00757/FUL	Use of land for open retail market and ancillary car parking	Withdrawn	30.05.2001
01/01135/FUL	Use of land for open retail market and ancillary parking	Approved	11.10.2001
07/01811/ADV	2 x 48 sheets free standing with overhead illumination.	Approved	19.12.2007
13/00309/DEMCO N	Demolition of 2 de-commissioned gasholders and boiler room	Determinati on	18.04.2013
15/00772/FUL	Re-location and replacement of existing gas equipment.	Approved	10.07.2015
16/01416/FUL	Variation of condition 2 (approved plans) of planning permission 15/00772/FUL.	Approved	25.10.2016
19/00166/EIASCR	Request for screening opinion for the development of the above site.		19.02.2019
19/00338/FUL	Redevelopment of former Gasworks site comprising a mixed use Trade Counter led development classes A1, A3, A5, D2, B1, B2, B8 and Sui Generis uses plus car parking, landscaping, totem sign, reconfigured access arrangements and associated works.	Approved	10.02.2020
21/01271/VOC	Variation of conditions 2, 3, 4, 5, 21 and 24 of approved application 19/00338/FUL to make changes to the approved development including removal of first floor gym, and relocation of drive thru unit and totem sign.	Approved	17.01.2022

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic
Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP5 Employment

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL3 Sustainable Design

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL10 Renewable Energy Generation

CP1 Sustainable Transport and Accessibility

PP1 New Retail Development

PP2 Retail Hierarchy

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal (including Site Description and Proposal)

Proposal

Variation of conditions 2, 3 and 5 and removal of conditions 4, 22, 32 and 33 of application 21/01271/VOC to remove Tyre Centre and associated car wash lane on western part of site and incorporate approved floor space into Unit D. Addition of electric vehicle charging points serving eight parking bays and associated substations. Additional landscaping to Western boundary. The description was amended to include all affected conditions, and then later amended to include a second substation for the electric vehicle charging points. This resulted in the loss of two car parking spaces, with 112 now being proposed in total. A further minor change was to the location of the electric vehicle charging bays, which have moved five bays to the east to allow for Unit B/C to be served by more standard parking spaces directly in front of the unit, in order to meet occupier requirements.

Condition 2 is varied to update the list of approved plans, and conditions 3 and 5 are varied purely to update the block plan revision.

History

In February 2020 19/00338/FUL approved Redevelopment of former Gasworks site comprising a mixed use Trade Counter led development comprising use classes A1, A3, A5, D2, B1, B2, B8 and Sui Generis plus car parking, landscaping, totem sign, reconfigured access arrangements and associated works. A S106 agreement was completed to secure £35,000 sustainable transport measures and £5000 Travel Plan monitoring fee.

In January 2022 21/01271/VOC approved Variation of conditions 2, 3, 4, 5, 21 and 24 of approved application 19/00338/FUL to make changes to the approved development including removal of first

floor gym, and relocation of drive thru unit and totem sign. A deed of variation secured the previous S106 contributions under the varied permission.

Representations

None received

Consultations

Both Highways and Environmental Protection confirm no objection to the proposed changes.

Site Description

The application site consists of approximately 1.12 hectares of land known as the Old Gas works. It is located on the western side of Old Road and is within the Settlement Development Boundary for Clacton-on-Sea. Currently the site consists largely of extensive areas of hardstanding enclosed by a steel palisade fence. Whilst there is some gas company infrastructure currently on the site, the largest structures have been demolished and the site has been partially cleared.

Land surrounding the site contains a mix of land uses which include: adjacent to the southern boundary is the Waterglade Retail Park with a large communal customer car park. To the east of the site is Old Road, with two storey residential properties on the opposite side of the road to the site. To the west there is electricity distribution plant and an area used for storage with the rear gardens of properties on Park Road beyond that. To the north is Anchor Road and the Anchor Road Industrial Estate, a car park; and further residential properties.

Assessment

The principle of development has been established by the original, and varied, permission so only the changes proposed are under consideration:

- Removal of the Tyre Centre and associated car wash lane on the western part of the site, with the approved floorspace instead being incorporated into an enlarged Unit D. This results in a minor extension of the main terrace fronting the Waterglade Retail Park, although there is no change to the overall level of approved floorspace at the site.
- The use of the approved Tyre Centre is controlled by Condition 4 of 21/01271/VOC, which confirms that the unit can be used "flexibly within Class E(g) and/or B2 and/or B8, along with the ancillary retail function associated with a trade counter (up to 30% retail) and/or as an auto centre involving fitting and associated sale of tyres and car parts". This floorspace will relocate to an enlarged Unit D, and therefore have the same use class as the other units in the terrace, as controlled by Condition 3 of that permission, namely Class E(g) and/or B2 and/or B8, along with the ancillary retail function associated with a trade counter. Given that these uses were also permitted within the Tyre Centre unit, no further changes are required to the permitted uses at the Site.
- Minor alterations to the internal road layout in the western part of the Site to include an enhanced servicing area adjacent to Units B/C.
- The removal of the Tyre Centre allows additional landscaping along the western boundary.
- Provision of four Electric Vehicle charging points, serving eight bays. With two additional electrical substations proposed adjacent to the one already approved in the south west corner of the site. This results in the loss of two car parking spaces, with 112 now being proposed in total.

The changes proposed are all considered minor. There is no increase in floorspace or new uses proposed, just the removal of the opportunity for any of the units to be used as an tyre-centre which raises no objection. The main terrace is extended towards the Western boundary but still retains more than adequate separation to prevent any harm in terms of loss of light or outlook. The removal of the tyre centre and associated car wash and jet wash represent an improvement in terms of potential noise and other disturbance.

Policy PPL10 of the Local Plan states that proposals for new development should consider the potential for renewable energy generation, appropriate to the site and its location, and should include renewable energy installations, or be designed to facilitate the retro-fitting of renewable energy installations. The addition of EV charging, as supported by Policy PPL10, and additional landscaping are positive elements which weigh in favour of the proposal.

Legal agreement

The UU on 19/00338/FUL secured £35,000 sustainable transport measures and £5,000k workplace travel plan monitoring fee. The UU was not worded to include variations so another deed of variation has now been completed to secure these requirements under the new permission.

Conclusion

The changes proposed to the existing permission are minor and result in no material harm to visual or residential amenity, or highway safety and result in an improvement in terms of provision of EV charging facilities. Previous conditions will all be reimposed with the exception of conditions 2, 3 and 5 which have been varied to reflect the amended proposal/plans, and conditions 4, 22, 32 and 33 have been removed as they are no longer relevant to the amended proposal as they relate to the now removed tyre centre, car wash, and jet wash.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall begin not later than 10/02/2023.

Reason - This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Proposed Site/Block Plan 18-1704/201J
Proposed Elevations & Sections 18-1704/205H
Proposed Floor & Roof Plans 18-1704/202E
Proposed Floor & Roof Plans 18-1704/203C
Substation elevations 002_01 A
Sinewave substation details

Submitted under 21/01271/VOC:

Proposed elevations and Floor Plans drive thru 18-1704/204
Proposed Totem Sign 18-1704/206B
Boundary Treatment & Service Yard Gate Elevations 18-1704/207
Transport Technical Note Rev 4

Submitted under 19/00338/FUL:

Site Location Plan - Ref: 18/1704/L
Acoustic Report ref 70050045 February 2019
Site-specific Flood Risk Assessment and Surface and Foul Water Drainage Strategy Ref 6072-003 November 2019
Transport Assessment Ref 70050045-TA2 November 2019
Preliminary Ecological Appraisal ref 5055-LLB-RP-EC-0003-S4-P01 29/11/2018
Reptile Report Ref 5055-LLB-RP-EC-0001-S4-P01 25 September 2019

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

- 3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) Units B/C, D, E, F, G, H, J, K and M as shown on Drawing Ref: 18/1704/201J can be used flexibly within Class E(g) and/or B2 and/or B8, along with the ancillary retail function associated with a trade counter (for the avoidance of doubt, 20% ancillary retail would be acceptable) and for no other purpose without the approval of the Local Planning Authority save for the following:

- a) No more than 1,635 sq. m across all units can be used for Class E(a), Class E(b) and / or sui generis hot food take-away purposes. The hot food take-away use must not exceed 254 sq. m;
- b) Notwithstanding (a) above, within two units only, where the predominant use is E(g), B2 or B8, up to 30% of the floorspace can be used for ancillary retail sales (trade counter use):
- c) Notwithstanding (a) above, within Unit H only, where the predominant use is E(g), B2 or B8, up to 45% of the floorspace can be used for ancillary retail sales (trade counter use):
- d) One unit can be used for the storage, distribution and sale of hard wall and floor finishes and associated products (sui generis use).

Reason - To protect the amenities of the occupiers of nearby residential properties and the surrounding areas and to ensure an appropriate mix of uses for the town centre site.

- 4 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) Unit P, as shown on Drawing Ref: 18/1704/201J can be used for purposes falling within Class E(b), with ancillary sui generis take-away.

Reason - For the avoidance of doubt in the absence of annotation on the plans, and to ensure an appropriate mix of uses for the town centre site.

- 5 No development, including any site clearance, shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the local planning authority:
 - 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

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

- 6 Prior to first use of any of the buildings hereby permitted a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall have been submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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

- 7 No development shall take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

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

- 8 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

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

- 9 The development hereby approved shall be carried out in accordance with a workplace travel plan to be submitted to and approved in writing by the Local Planning Authority. The approved travel plan shall be actively implemented for a minimum period of 5 years from first occupation.

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

- 10 No works hereby approved 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 a final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features. 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.

- 11 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with the approved Surface Water Drainage 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.

- 12 No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason - Infiltration through contaminated land has the potential to impact on groundwater quality.

- 13 No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following times: Monday to Friday 0800 hours - 1800 hours, Saturday 0800 hours -1300 hours, and Sundays, Public and Bank Holidays - no working.

Reason - To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

- 14 No development shall take place, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- Safe access to / from the site including the routeing of construction traffic;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing and underbody washing facilities;
- Measures to control the emission of dust, dirt and mud during construction;
- a scheme to control noise and vibration during the construction phase, including details of any piling operations;
- details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason - In the interests of pollution control and residential amenity for nearby occupiers.

- 15 Prior to commencement of any above ground works, full details of the types and colour of the materials to be used in the external finishes shall have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason - To ensure that the development does not prejudice the appearance of the locality.

- 16 The enclosures as indicated on the approved layout plan shall be erected prior to first use/occupation of the development hereby approved and shall be permanently maintained as such thereafter.

Reason - In order to secure the satisfactory development of the site and in the interests of visual and residential amenity.

- 17 Details of any proposed external lighting to the site shall be submitted to, and approved in writing by, the local planning authority prior to installation. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type,

mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

Reason - To minimise pollution of the environment and to safeguard the amenities of the locality and the appearance of the development.

- 18 Prior to commencement of any above ground works a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the local planning authority.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

Reason - To enhance the appearance of the development and in the interests of amenity.

- 19 No deliveries shall be taken at or despatched from the site outside the hours of 0700 - 2300 Monday to Saturday, and 0800 - 19:00 Sundays and Bank or Public Holidays.

Reason - To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

- 20 The service yard at the rear of Units B/C, D, E, F, G, H, and J shall be laid out and operated in accordance with the recommendations of the Acoustic Report, produced by WSP, PROJECT NO. 70050045 , contained at Paragraph 5.2.20 as submitted under 19/00338/FUL.

Reason - To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

- 21 The Drive-Thru Restaurant hereby permitted shall not be open to customers either in-store or using the Drive Thru lane, or preparing food for home delivery, outside the hours of 05:00 - 00:00 daily.

Reason - To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

- 22 The use hereby permitted in Units J, K, and M shall not be open to customers, or preparing food for home delivery, outside the following times 0600 - 2200 Monday to Saturday, and 0800 - 22:00 Sundays and Bank or Public Holidays.

Reason - To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

- 23 Prior to commencement of any above ground works, details of an acoustic barrier, to be erected on the northern boundary of the development site, including details of its ongoing maintenance shall be submitted to and approved in writing by the Local Planning Authority. The acoustic barrier shall be installed prior to the first use of any building on the site and permanently maintained as such.

Reason - To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

24 Prior to installation, details of any external refrigeration, ventilation or air handling / extraction equipment to be installed within the site shall be submitted to and agreed in writing by the local planning authority. Details of any proposed external refrigeration, ventilation or air handling / extraction equipment shall include means of minimising the transmission of structure borne sound. The plant shall be installed and maintained in accordance with the approved details.

Reason - To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

25 The development shall not be occupied until the car 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 car parking area shall be retained in this form at all times. The car park 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 appropriate parking facilities are available for users of the development.

26 The bicycle parking facilities as shown on the approved plans are to be provided prior to the first occupation of the development and retained at all times.

Reason - To ensure appropriate bicycle parking is provided in accordance with the Council's adopted Parking Standards.

27 All hard landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme to be agreed in writing by the local planning authority.

Reason - To ensure that there are suitable facilities for pedestrians to move around the site and to control the appearance of the development in the interests of visual amenity.

28 There shall be no outdoor storage or display of equipment, plant, goods or materials within the site whatsoever.

Reason - To ensure that the proposed development does not prejudice the appearance of the locality and to ensure that parking areas and circulation areas for pedestrians and vehicles are kept clear of obstructions.

29 If development is not commenced by the end of March 2021, a site visit by a suitably qualified ecologist shall be undertaken to assess the likely presence/absence of reptiles on the site. No work shall commence on site until the report and any required mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. Any required mitigation shall be carried out in accordance with the approved details.

Reason: To re-assess the quality of habitats on site with respect to reptiles, and the likelihood of reptiles having colonised the site in the 18 months since the original phase 2 reptile survey.

30 Any vegetation or scrub clearance should be carried out outside the main bird breeding season (March to September inclusive). If this is not possible a search should be undertaken to confirm the presence/absence of nesting birds prior to clearance works commencing. If nesting birds are found then work must be delayed until the nest is no longer in use.

Reason - In the interests of protecting wildlife that may be using the site.

31 No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan should

include details regarding any temporary traffic management/signage and wheel cleaning facilities for the duration of the construction phase to prevent the deposition of mud or other debris onto the highway network/public areas, turning and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site. The Construction Traffic Management Plan as approved shall be adhered to throughout the construction phase of development.

Reason: In the interests of highway safety and efficiency.

- 32 No occupation of the development shall take place until the site access, the detail of which to be previously submitted to and approved in writing by the Local Planning Authority, has been completed. Access details shall include:

(i) In response to the Stage 1 Road Safety Audit and as part of the detailed design stage, skid resistance survey/testing on the existing carriageway for Old Road for both approaches to the proposed access to the site.

(ii) In response to the Stage 1 Road Safety Audit and as part of the detailed design that the junction geometry and the initial length of the development site access road should be modified, in order to prevent vehicles overswinging the carriageway for delivery vehicles egressing to the north. Due to existing constraints on the site and the detrimental affect the widened access junction would have on pedestrians an option of providing a pedestrian refuge should be explored as part of these investigations.

(iii) a visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

Reason: In the interests of highway safety and efficiency.

- 33 Prior to first occupation of the development and in accordance with details to have been previously approved in writing by the Local Planning Authority, the following works shall be completed: Introduction of tactile paving and minor improvements to the Waterglade Retail Park arm of the Old Road roundabout; to the existing pedestrian refuge island at the entrance to the Waterglade Retail Park.

Reason: To make adequate provision within the highway for the movement and safety of the additional pedestrian traffic generated between the two retail parks as a result of the proposed development.

- 34 Prior to first occupation of the development the provision of 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.

- 35 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.

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: Financial contribution towards highway works and monitoring fee for Workplace Travel Plan.

Anglian water informatives

- Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
 - 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.
 - 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.
 - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water.
 - 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 Anglian Water's Development Services Team. 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.
- In respect of all of these matters the applicant is advised to contact Anglian Water's Development Services Team 0345 606 6087.

Advertisement informative

- The permission hereby granted should not be construed as authorising the erection of advertisement signage within the application site, including the totem advertisement, for which the separate grant of advertisement consent is required.

Highways Informatives

- In situations where retaining walls or other similar methods are required to support land directly adjacent to the highway, their design, construction or composition (in the case of embankments) should be agreed in advance with the Highway 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 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.
- 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 technical approval stage.

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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