



APPLICANT: Matthew Homes Limited
45-47 High Street
Potters Bar
EN6 5AW

AGENT:

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 22/01468/VOC **DATE REGISTERED:** 30th August 2022

Proposed Development and Location of the Land:

Removal of condition 3 and variation of conditions 4, 5, 6, 8, 9, 14, 15, 17, and 20 of application 21/01283/VOC so outline conditions under application 18/01616/OUT in relation to Phase 7 refer to the approved consent ref 22/00378/VOC and to the agreed details for Phase 5.

Land off Hartley Brook Road Brook Park West Little Clacton Clacton-on-Sea

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY GRANT PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted, subject to the following conditions;

- 1 The development hereby permitted shall be carried out in accordance with the Site Location Plan 1525/PA01 and the Parameters Plan 1525/PA03 and in general conformity with the Proposed Indicative Masterplan 1525/PA04.

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

- 2 The development hereby permitted shall be carried out in accordance with details shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON.

Reason - To ensure that the scheme is brought forward in a timely and comprehensive manner in the interests of proper planning, highway safety and amenity. Given the scale and mixed-use nature of the development, the definition of phases will also enable more specific planning conditions to be discharged, as appropriate, on a phase-by-phase basis to assist in the timely delivery of the whole scheme.

- 3 The development of Phases 1, 1a and 3 as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the plans and documents approved under application 17/01187/DISCON.

The development of Phase 2b as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the plans approved under application 18/01250/DISCON.

The development of Phase 7 (residential) as shown on Drawing No. BES/BPW01C

(Phasing Plan), as approved under application 17/01187/DISCON shall be carried out in accordance with the 'Drainage Strategy and SUDS Design and Maintenance' report and Drainage Strategy drawing ST001 Rev C by Ingent Engineers approved under this application.

No development shall commence within Phases 2a, 4, and 6 as shown on Drawing No. BES/BPW/01C (Phasing Plan) until a detailed surface water drainage scheme for the relevant phase or phases of the development, based on sustainable drainage principles and the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall subsequently be implemented prior to the occupation of development within the relevant phase(s).

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, ensuring the effective operation of SuDS features for the lifetime of the development, provide mitigation of any environmental harm to the local water environment and to avoid increased flood risk and pollution hazard from the site.

- 4 The development of Phases 1, 1a, 2a, 2b, 3, and 4 as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the plans and documents approved under application 17/01187/DISCON.

The development of Phase 7 (residential) as shown on Drawing No. BES/BPW/01 C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the 'Drainage Strategy and SUDS Design and Maintenance' report and Exceedence Flow drawing ST002 Rev C by Ingent Engineers approved under this application.

No development shall commence within Phase 6 as shown on Drawing No. BES/BPW/01C (Phasing Plan) until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during the construction works and prevent pollution, for the relevant phase or phases of the development, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason - To minimise flood risk during construction works.

- 5 The development of Phases 1, 1a, 3 and 5 as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the plans and documents approved under application 17/01187/DISCON.

The development of Phase 2b as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the Drainage Maintenance and Management Plan approved under application 18/01250/DISCON.

The development of Phase 7 (residential) as shown on Drawing No. BES/BPW/01 C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the 'Drainage Strategy and SUDS Design and Maintenance' report by Ingent Engineers approved under this application.

No development shall commence on Phases 2a, 4, and 6 as shown on Drawing No. BES/BPW/01C (Phasing Plan) until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water

drainage system and the maintenance activities/frequencies, for the relevant phase or phases of the development, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

Reason - To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

- 6 The applicant/developer or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan for the surface water drainage system. 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.

- 7 The development shall be carried out in accordance with the plans and documents approved under application 17/01187/DISCON and for Phase 7 (residential) in accordance with the 'Drainage Strategy and SUDS Design and Maintenance' report and Drainage Strategy drawing ST001 Rev C by Ingent Engineers approved under this application. None of the development shall be occupied or come into use until the works have been carried out in accordance with the foul water strategy so approved, unless otherwise approved in writing by the Local Planning Authority.

Reason - To prevent environmental and amenity problems arising from flooding.

- 8 The construction of Phases 1, 1a, 3, and 4 as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the Construction Method Statement Revision A, produced by Britton Group and Drawing No. BES/BWP/03A, approved under application 17/01411/DISCON.

The construction of Phases 5 (Pickers Ditch Land) and 7 (residential) as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the Construction Method Statement and Traffic Management Plan by Matthew Homes approved under this application.

No development shall commence on Phase 6 as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON until a Construction Method Statement for the relevant phase or phases of development has been submitted to and approved, in writing, by the Local Planning Authority. The statement shall include details of:

- a) The parking of vehicles of site operatives and visitors;
- b) Loading and unloading of plant and materials;
- c) Storage of plant and materials used in constructing the development;
- d) The erection and maintenance of security hoardings;
- e) Wheel washing facilities;
- f) HGV route plan;
- g) Measures to control the emission of dust and dirt during construction;
- h) Noise monitoring;
- i) Construction site lighting;
- j) A scheme for storing; recycling and disposing of waste resulting from demolition and construction works; and
- k) Construction work hours.

Reason - To control the construction phase in the interests of highway safety and to protect amenities of the occupiers of nearby residential properties.

- 9 The following works shall be completed prior to the respective phase identified below (according to Drawing No. BES/BPW/01C as approved by 17/01187/DISCON) being occupied or coming into use:
- a) Prior to the occupation or coming into use of any phase a fourth arm off the A133/ Britton Way Roundabout is to be completed in order to access the proposal site, in accordance with details approved under 18/01308/DISCON;
 - b) Prior to the occupation of phase 4 or the coming into use of any part thereof, the upgrading of the pelican crossing in St. John's Road (in the vicinity of the link to Pathfields Road) to a toucan crossing; or other improvement to that crossing together with the; upgrading of the pedestrian link located immediately west of the pelican crossing to enable its use by cyclists between St. John's Road and Crome Road are to be completed, the details of which will have first been agreed with the Local Planning Authority;
 - c) Prior to the occupation of each of Phases' 2b and Phase 4 or any part thereof a minimum 1no. electric car charging points/parking spaces shall be provided in each phase with infrastructure that would not prejudice the installation of further charging points in the future.

Reason - To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

- 10 The development hereby permitted shall be carried out in accordance with Drawing No. BES/BPW/04A (Bus Stops and Bus Turn Around Facilities), approved under application 17/01187/DISCON. The bus stops and associated facilities shall be delivered in accordance with the approved details before the occupation of the relevant phase or phases of the development.

Reason - To ensure the development is accessible by more sustainable modes of transport including public transport.

- 11 All pedestrian routes within the development shall be provided as pedestrian and cycle routes.

Reason - To ensure the development is accessible by more sustainable modes of transport including walking and cycling.

- 12 The development hereby permitted shall be shall be carried out in accordance with details set out in the Ecological Appraisal by Aspect Ecology dated July 2016 (Ref: ECO2312.EcoAp2016.vf1) approved under application 17/01411/DISCON, unless otherwise agreed in writing by the Local Planning Authority.

Reason - In order to safeguard protected wildlife species and their habitats and in the interests of biodiversity and to ensure best practice measures are used on the site during both the construction and occupation phases of the development to minimise the impact on birds and wildlife and to promote biodiversity.

- 13 The development of Phases 1, and 1a as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the landscaping details approved under application 18/00174/DISCON.

The development of Phase 2a as shown on Drawing No. BES/BPW/01C (Phasing Plan),

approved under application 17/01187/DISCON shall be carried out in accordance with the 5 year Landscape Management Plan and Drawing No. 16-002-01 Rev. J approved by application 18/01616/OUT.

The development of Phase 2b as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the Landscape Maintenance and Management Plan approved under application 18/01735/DISCON.

The development of Phase 3 as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the Landscape Management Plan and Drawing No. 866/L16C approved under application 18/00921/DISCON.

The development of Phase 5 (Pickers Ditch Land) as shown on Drawing No. BES/BPW/01 C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the landscaping details, Pickers Ditch- Landscape Management and Maintenance Plan by ACD Environmental dated 08/07/2022 and approved under this application.

The development of Phase 7 (residential) as shown on Drawing No. BES/BPW/01 C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the landscaping details approved under application 22/00378/VOC and the Soft Landscape Management and Maintenance Plan by ACD Environmental dated 08/07/2022 approved under this application.

No development shall commence on Phases 4 and 6 as shown on Drawing No. BES/BPW/01C (Phasing Plan) until a Landscape Management Plan for the relevant phase or phases of the development has been submitted to, and approved in writing by, the Local Planning Authority. The Landscape Management Plan(s) shall include design objectives, management responsibilities and maintenance schedules for the landscaped elements of the development. The development shall be implemented and thereafter maintained in line with the details and timescales in the approved plan.

Reason - To ensure proper planning, management and maintenance of the approved landscaping; landscaped areas; Sustainable Urban Drainage Features; public open space; amenity space and play areas and equipment in the interests of amenity; sustainability and the character and appearance of the area.

- 14 The development of Phases 1, and 1a as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the landscaping details approved under application 18/00174/DISCON.

The development of Phase 2a as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the landscape details, shown on Drawing No. 16-002-01 Rev. J, approved by application 18/01616/OUT.

The development of Phase 2b as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON, shall be carried out in accordance with landscaping details shown on Drawing No. H8702-58 Rev. B as approved by application 17/02038/OUT.

The development of Phase 3 as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the landscaping details shown on Drawing No. 866/L16C, approved under application

17/01589/DISCON.

The development of Phase 5 (Pickers Ditch Land) as shown on Drawing No. BES/BPW/01 C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the landscape drawing MAT23634 20 rev C Sheets 1 to 4 prepared by ACD Environmental approved under this application.

The development of Phase 7 (residential) as shown on Drawing No. BES/BPW/01 C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the landscaping details approved under application 22/00378/VOC.

No development shall commence on Phases 4 and 6 as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON until a scheme of hard and soft landscaping for the relevant phase or phases has been submitted to, and approved in writing by, the Local Planning Authority. This will include a timetable for implementation and completion; and proposed changes in ground levels. The scheme(s) will also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate measures for their protection (during construction phase and thereafter) 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. The hard and soft landscaping will be implemented in accordance with the approved scheme(s).

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

- 15 The approved landscaping works (referred to in Condition 14) shall be carried out during the first planting and seeding season (October to March inclusive). Any trees or shrubs which, within a period of five years of being planted die, are removed, or are seriously damaged shall be replaced by the owner of the land on which the specific trees or shrubs are located. This will occur in the next planting season with other trees or shrubs 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 proper implementation of the approved landscaping scheme in the interests of amenity and the character and appearance of the area.

- 16 The development of Phases 1, and 1a as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the plans and documents approved under application 18/00174/DISCON.

The development of Phase 2a as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the plans and documents approved under application 17/02037/DISCON.

The development of Phase 2b as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the plans and documents approved under applications 18/01830/DISCON and 18/01735/DISCON.

The development of Phase 3 as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the plans and documents approved under application 18/00250/DISCON.

The development of Phase 5 (Pickers Ditch Land) as shown on Drawing No.

BES/BPW/01 C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the landscape drawing MAT23634 20 rev C Sheets 1 to 4 prepared by ACD Environmental approved under this application.

No development shall commence on Phases 4 and 6 as shown on Drawing No. BES/BPW/01C (Phasing Plan) until the following details for that phase or phases, including a timetable for installation where necessary, have been submitted to and agreed in writing by the Local Planning Authority:

- a) CCTV;
- b) All external lighting, including details or measures to minimise potential light pollution to adjoining residential properties in the future;
- c) All external plant and machinery;
- d) Boundary treatments, including the siting, height, design, and materials of all boundary walls and fences which face onto public spaces/roads including engineering and facing material details of all retaining walls;
- e) Outside storage of goods, materials or containers shall be stored, stacked or deposited, on the site outside the buildings hereby permitted;
- f) A recycling collection point; and,
- g) In relation to Units 2 and 3 (as shown on Drawing 10942/200E) and Phase 6 only, a service management plan (specifying delivery times and the means of securing and managing the car parking areas).

The development shall be implemented in accordance with the approved details.

Reason - In order to prevent crime and create safer, sustainable communities and in order to ensure the location of CCTV protects the general privacy of future neighbouring residential properties.

- 17 Phases 1, 2a, 2b and 3 as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the Local Recruitment Strategy dated July 2017, approved under application 17/01187/DISCON.

Phase 7 as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON shall be carried out in accordance with the Local Recruitment Strategy dated November 2019, approved under application 19/01931/DISCON.

No development shall commence on Phases 4 and 6 as shown on Drawing No. BES/BPW/01C (Phasing Plan), approved under application 17/01187/DISCON until a Local Recruitment Strategy for the relevant phase or phases shall be submitted to and approved in writing by the Local Planning Authority. The Local Recruitment Strategy will include details of how the applicant and operators shall use their reasonable endeavours to promote and encourage the recruitment of employees, contractors and other staff in the locality of the application site during the site's construction and occupation.

Reason - To promote and encourage the recruitment of employees, contractors and other staff in the locality of the application site.

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

Foodstore (A1)
 Proposed Ground Floor - 15-1517/009d, 1:100@A1
 Proposed Elevations - 15-1517/011d, 1:100@A1
 Proposed Roof Plan - 15-1517/012A, 1:100@A1

Retaining Wall Plan 7640M-134
The Typographical Site Plan - General Arrangement 7640M-132

Restaurant (A1/A3)

Plans and Elevations - 10819/CO/100 Rev A - 1:100@A1 Restaurant (A3/A5)
Block Plan - 7138-SA-8470- P002C, 1:500@A3
Proposed Site Layout Plan - 7138-SA-8470-P004C, 1:200@A1
Proposed Elevations & Sections - 7138-SA-8470-P005A, 1:100@A1
Proposed Ground Floor and Roof Plans - 7138-SA-8470-P006A, 1:100@A1
Proposed Site Layout Plan - Site Signage - 7138-SA-8470-P008B, 1:200@A1
Signage Elevations - 7138-SA-8470-P009A, 1:100@A1
Proposed Site Layout Plan - Drive Totem - 7138-SA-8470-P022B, 1:200@A1
COD and Canopy Photo
COD DT Canopy Plan, 1:20@A4
Outdoor Climb Plan - E0004
Timber Knee Rail Detail
Play Frame Elevations - 7138-SA-8470-P012A, 1:50@A3

Family Public House (A3/A4)

Proposed Ground Floor Layout - H8702/51A, 1:100@A3
Proposed First Floor Layout - H8702/52A, 1:100@A3
Proposed Roof Plan - H8702/53A, 1:100@A3
Proposed Elevations - H8702/54A, 1:100@A1
Site Plan - H8702/55 Rev E, 1:500@A3
Proposed Section - H8702/57, 1:50@A1
Auto Tracking - H8702/59 Rev B, 1:500@A3
Soft Landscaping Scheme - H8702/58 Rev B, 1:500@A3
Proposed Soft Landscaping Plan - H8702/56A, 1:200@A3

Hotel (C1)

Proposed Ground and First Floor Plan - H8702/61 Rev C, 1:100@A3
Proposed Roof Plan - H8702/63 Rev C, 1:100@A1
Proposed Elevations - H8702/64 Rev C, 1:100@A3
Soft Landscaping Plan - H8702/66 Rev C, 1:200@A3

Retail Warehouse Units and Drive-Thru

Proposed Site Plan - 10942-200E
Unit 1 Elevations - 10942-301F
Units 2 & 3 Elevations - 10942-302A
Unit 4 Elevations - 10942-303
Unit 1 Ground Floor Plan - 10942-401E
Units 2 & 3 Ground Floor Plan - 10942-402B
Unit 4 Ground Floor Plan - 10942-403A

Reason - For the avoidance of doubt, in order to ensure the development is carried out in accordance with the approved details in the interests of proper planning.

- 19 The proposed landscaping associated with Picker's Ditch New Public Open Space (Area E) shall be carried out in accordance with the landscape drawing MAT23634 20 rev C Sheets 1 to 4 prepared by ACD Environmental unless agreed otherwise, in writing, by the Local Planning Authority.

Reason - To ensure the Pickers Ditch Walkway New Public Open Space is laid out in line with the proposal that has been considered by the Council.

- 20 Notwithstanding the provisions of the Use Classes Order 1987 (as amended or re-

enacted) the retail unit (discount foodstore) shown on drawing reference 7640M-132 hereby permitted shall not exceed 1,424 sq.m net sales area, with no more than 1,210 sq.m to be used for the sale of convenience goods and no more than 214 sq.m for the sale of comparison goods. Notwithstanding the provisions of the General Permitted Development Order 1995 (as amended or re-enacted); no mezzanine floorspace shall be introduced and the unit shall not be subdivided unless planning permission for such works has been granted on application to the Local Planning Authority.

Reason - To minimise unnecessary direct competition with the retail and leisure offer in Clacton on Sea town centre to safeguard its continued vitality and viability whilst promoting economic growth in the town as a whole.

- 21 Notwithstanding the provisions of the Town and Country (Use Classes) Order 1987, as amended by the Town and Country (Use Class) (Amendment) Order 2005 (or any order revoking and re-enacting that Order with or without modification) the retail unit (discount foodstore) shown on drawing reference 15-1517/008N hereby permitted shall only be used for 'discount food retail' and shall not be used for the retail sale of any of the following goods and services:
- a. Tobacco and smoking products
 - b. Staffed fresh meat and fresh fish counter (excluding pre-packed meat and fish)
 - c. Staffed delicatessen counter
 - d. Dispensing pharmacy
 - e. Dry cleaning service
 - f. Staffed Photo-shop
 - g. Post office services
 - h. In store café

Reason - To minimise unnecessary direct competition with the retail and leisure offer in Clacton on Sea town centre to safeguard its continued vitality and viability whilst promoting economic growth in the town as a whole.

- 22 The terrace of Class E retail units as shown on Plan 10942-200E hereby permitted shall not cumulatively exceed 5,240sqm (56, 403sqft) Sales Area, with Gross Internal Area also restricted to this maximum quantum inclusive of any mezzanine floorspace. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no additional mezzanine or other form of internal floor to create a first floor level shall be constructed in the terrace of retail units as shown on Plan 10942-200E, other than 1,601sqm (17,233sqft) (GIA) of mezzanine space to serve across Units 2 and 3 inclusive.

Reason - To minimise unnecessary direct competition with the retail and leisure offer in Clacton on Sea town centre to safeguard its continued vitality and viability whilst promoting economic growth in the town as a whole.

- 23 Notwithstanding the provisions of the Use Classes Order 1987 (as amended or re-enacted) no goods shall be sold from the terrace of Class E retail units as shown on Plan 10942-200E other than: materials for maintaining and repairing the dwelling; furniture and furnishings; tiles, carpets and other floor coverings; household textiles; major household appliances; small electrical household appliances; small tools and miscellaneous accessories; major tools and equipment; garden plants and flowers; audio visual, photographic and information processing equipment; motor and cycle goods; and pets, pet food and pet related products and services (including the provision of ancillary pet care and treatment services) except with respect of Unit 1 which may alternatively be used for the sale of convenience goods together with the sale of any other comparison goods subject to its sales area not exceeding 1,394sqm (15,000sqft) of which no more

than 150sqm (1,615sqft) shall be used for the sale of comparison goods. The terrace of retail units shall be used for no other purpose, including any other use in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended or re-enacted).

Reason - To minimise unnecessary direct competition with the retail and leisure offer in Clacton on Sea town centre to safeguard its continued vitality and viability whilst promoting economic growth in the town as a whole.

- 24 None of the three units shown within the retail terrace identified on Plan 10942-200E shall be amalgamated with other units or subdivided to form separate units.

Reason - To enable the Local Planning Authority to retain control over the uses on the site in the interest of safeguarding the vitality and viability of Clacton on Sea town centre.

- 25 The maximum gross floor areas of the following 'main town centre' uses proposed as part of the development shall not exceed:
- Family Pub / Restaurant (Class A3/A4) - 741 sq.m
 - Restaurant / Drive Thru (Class A3/A5) - 632 sq.m
 - Hotel (Class C1) - 1,118 sq.m

Reason - To enable the Local Planning Authority to retain control over the uses on the site in the interest of safeguarding the vitality and viability of Clacton on Sea town centre.

- 26 Neither Unit 2 or Unit 3 (as shown on drawing 10942/200E) shall open for trade until a plan indicating a Scheme for the installation of up to ten finger sign posts has been submitted to and approved by the Local Planning Authority and the Scheme implemented. The Scheme shall indicate the locations of the finger sign posts within the Cann Hall Ward to direct pedestrians to and from the development at Brook Park West and to and from that development to the adjacent Brook Retail Park and Country Park via the pedestrian subway under the A133.

Reason - To encourage sustainable modes of transport as an alternative to reliance on the private car.

- 27 No deliveries shall be received at, or despatched from, Units 2 or 3 (as shown on Drawing 10942/200E), outside of the following times:
- Monday to Saturday - 7am - 11pm
 - Sundays - 9am - 7pm

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

- 28 Prior to first occupation details of the 2.5m high fence along the rear of the service yards (along the western boundary) as indicated on drawing 10942-200E shall be submitted to and approved in writing by the Local Planning Authority. The fence shall be installed in accordance with the approved details prior to first occupation.

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

- 29 None of the 'residential development' or 'employment development', as identified within the 'Outline Planning application site' on the approved Parameters Plan 1525/PA03 shall commence until plans and particulars of "the reserved matters" relating to appearance, landscaping, layout and scale have been submitted to and approved, 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.

- 30 The 'residential development' or 'employment development' shall be begun before the expiration of two 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.

- 31 The maximum number of dwellings to be contained in the residential phase of the development shall be 200 and the reserved matters will only show dwellings within the area of the site shown for residential development on the approved Parameters Plan 1525/PA03.

Reason - To ensure the dwelling numbers and location of residential development reflect what has been assessed through the determination of the outline planning application.

- 32 The residential development shall be implemented in accordance with the Residential Travel Information Pack approved under application 19/01931/DISCON.

Reason - To encourage sustainable modes of transport as an alternative to reliance on the private car.

- 33 The 'employment development' shall be in Use Class E(g) and the reserved matters shall provide for a minimum 1.3 hectares of the land within the area identified on the 'Outline Planning application site' on the approved Parameters Plan 1525/PA03.

Reason - To ensure the potential employment benefits of the development can be fully realised in accordance with the proposed mix of uses on the site.

DATED: 31st January 2023

SIGNED:



John Pateman-Gee
Planning Manager

NATIONAL & LOCAL PLAN POLICIES AND GUIDANCE RELEVANT TO THIS DECISION:

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

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

SP7 Place Shaping Principles

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

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PP1 New Retail Development

PP2 Retail Hierarchy

PP4 Local Impact Threshold

PP5 Town Centre Uses

CP1 Sustainable Transport and Accessibility

SPL1 Managing Growth

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP5 Affordable and Council Housing

PP12 Improving Education and Skills

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL7 Archaeology

PPL10 Renewable Energy Generation

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

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.

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
 - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.