

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case Officer recommendation:	AN	27/01/23
Planning Manager / Team Leader authorisation:	JJ	31/01/2023
Planning Technician final checks and despatch:	ER	01/02/23

Application: 22/01468/VOC **Town / Parish:** Clacton Non Parished

Applicant: Matthew Homes Limited

Address: Land off Hartley Brook Road Brook Park West Little Clacton

Development: 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.

1. Town / Parish Council

N/a

2. Consultation Responses

Environmental Protection
25.11.2022

I have reviewed the submitted amended construction method statement and have no adverse comment to make.

Environmental Protection
27.09.2022

With reference to the above application, I have reviewed the submitted CMS, dated August 2022, and I have also tried to review the original planning permissions and associated DISCON apps, relating to the CMS.

I can advise that I would like to request an amendment to the working times requested in the most recent CMS - as shown in section 3.1 of the report. We are requesting the times be amended to reflect the recommended working times:

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.

I have checked the previous permissions, and I was able to find a CMS dated September 2018, and submitted as part of 18/01645/DISCON, which does reflect our recommended times.

The purpose of the request is to protect the amenity of the nearby existing residential dwellings and to ensure consistency in responses to applications of this manner.

If I have missed anything in relation to the other conditions, please do let me know.

Should you have any queries concerning this, please do not hesitate to contact me.

Tree & Landscape Officer
10.10.2022

Insofar as the details provided relate to the southern section of the open space forming part of the development the details of soft landscaping are acceptable.

No details have been provided with this application that relate to the western and northern areas of open space nor to the residential element of the development.

If it is intended that the future maintenance of the open space is likely to rest with The Council then it will be important to seek the views of the Public Realm section of Tendring District Council.

ECC SuDS Consultee
13.10.2022

Thank you for consulting the SuDS team on the above application. We do not consider that the Variation of Conditions will have a material impact on the sustainable drainage system, which, we understand has already been completed. We therefore do not wish to comment formally on the application.

ECC Highways Dept

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 the Highway Authority is only concerned with variation of condition 9 and the applicant is looking to re-discharge the original CMS condition under this application to relate to the alternative reserved matters approval for the 200 houses (22/00378/VOC) and an amended CMS and Traffic Management Plan have been submitted. Considering these factors:

The Highway Authority does not object to the proposal as submitted and in respect to variation of Condition 9 only and the amended construction method statement, in conjunction with drawing no. 340-501, Traffic Management and Deliveries Plan.

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 Management Team by email at

development.management@essexhighways.org

2: 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: Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the [Essex Climate Action Commission](#) proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector

should have regard to these goals and applicants are invited to sign up to the [Essex Developers' Group Climate Charter \[2022\]](#) and to view the advice contained in the [Essex Design Guide](#). Climate Action [Advice guides](#) for residents, businesses and schools are also available.

3. Planning History

13/30003/PREAPP	EIA Screening Opinion request - Development comprising of food store, six screen cinema, three A3 units, petrol filling station and landscape enhancements.		11.09.2013
13/30077/PREAPP	Cinema complex (6 screen cinema and three A3 units), foodstore (c 7432m2 gross), petrol filling station, car parking, landscape enhancements and country park expansion.		27.12.2013
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
15/30323/PREAPP	EIA Screening Opinion for development comprising of A1, A3, A3/A4, C1. C3 (up to 300 dwellings) and D1 uses, together with landscape enhancements.		22.12.2015
16/30004/PREAPP	Pre application for hybrid, major mixed use development comprising: - Food store, 39 bedroom hotel, 3 no. restaurants and pickers ditch recreational open space (to be submitted as full application) - Up to 300 dwellings (to be submitted as outline application)		24.02.2016
16/01250/OUT	Hybrid planning application comprising:	Approved	08.06.2017

	<ul style="list-style-type: none"> - 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). 		
16/30246/PREAPP	EIA Screening Opinion request - Development comprising of 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 and 200 dwellings residential (C3) and employment development (B1 (a), (b), (c)) and associated access, landscaping, car parking and associated works (all matters reserved except access).		06.10.2016
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	Approved	26.10.2017

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

	Details) of approved application 17/01241/OUT for Phases 1, 1a, and 5.		
18/00250/DISCON	Discharge of conditions 18 (Various Details) of Phase 3 of approved application 17/01241/OUT.	Approved	20.04.2018
18/00921/DISCON	Discharge of condition 14 (Landscape Management Plan) for Phase 3 only of 17/01241/OUT.	Approved	15.06.2018
18/01250/DISCON	Discharge of conditions 4 (Surface Water) & 6 (Maintenance Plan) to Approved Planning Application 17/02038/OUT in relation to Phase 2b only.	Approved	25.10.2018
18/01308/DISCON	Discharge of condition 10(a) of 17/02038/OUT to provide a fourth arm of the A133/Britton Way roundabout for site access.	Approved	22.10.2018
18/01368/DISCON	Discharge of condition 17) Underpass, to approved planning application 17/02038/OUT.	Approved	22.10.2018
18/01415/NMA	Non-material amendment to approved planning application 17/02038/OUT - to slightly reword Condition 10 to allow for the provision and or completion of some of these works at a slightly later phase in the developments implementation.	Approved	16.10.2018
18/01568/ADV	Relocation of the freestanding 8m totem sign, approved under 17/01223/ADV.	Approved	13.11.2018
18/01616/OUT	Application for a minor material amendment to Condition 14, 15, 21 & 23 under Section 73 of the 1990 Town & Country Planning Permission Ref. 17/02038/OUT.	Approved	25.06.2019
18/01645/DISCON	Discharge of condition 9 (Construction Management Plan) to approved Planning Application 17/02038/OUT in relation to Phase 2B only.	Approved	14.11.2018
18/01735/DISCON	Discharge of Conditions 14 (Landscape Management Plan) and Discharge of Condition 18 excluding Part A (External Details) of 17/02038/OUT.	Approved	21.01.2019

18/01830/DISCON	Discharge of condition 18A (CCTV) of application 17/02038/OUT in 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.	Approved	19.05.2022
19/30159/PREAPP	Pre application for reserved matters to 16/01250/OUT for 200 dwellings.		19.05.2020
19/01397/ADV	Proposed 1no. double sided freestanding illuminated billboard panel.	Approved	19.11.2019
19/01890/FUL	Proposed road connecting the northern access of the residential site with T Grove to the east at Brook Park West.	Approved	20.03.2020
19/01920/ADV	Proposed installation of 4 No. new digital freestanding signs and 1 No. 15" digital booth screen.	Approved	12.02.2020
19/01931/DISCON	Discharge of conditions 4 (surface water drainage), 5 (offsite flooding), 6 (Maintenance Plan), 9 (CMS), 14 (Land Management Plan), 15 (Landscaping), 19 (Local Recruitment strategy) and 34 (Travel Plan) of approved application 18/01616/OUT.	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.	Approved	19.03.2021
20/01715/FUL	Proposed coffee shop with drive-thru facility, associated access road and car parking.	Approved	08.03.2021
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.	Withdrawn	01.04.2021
21/01283/VOC	Variation of conditions 21, 25, 26, 27 and 28 of application 18/01616/OUT to reconfigure the retail terrace to reorientate the units and car parking and also to facilitate the opportunity for the sale of food (convenience goods) from one of the units.	Approved	04.04.2022
22/00197/DISCON	Discharge of condition 17 (Details of the provision, siting, design and materials of screen walls and fences) of application 19/01945/DETAIL.	Approved	22.03.2022
22/00378/VOC	Variation of conditions 1, 2, 3 and 7, and removal of conditions 6, 8, 9, 10, 11, 13, 14, 17, 18, 19 and 20 of 19/01945/DETAIL to alter the design and layout for the development of 200 dwellings.	Approved	30.05.2022
22/00623/ADV	Proposed signage consisting of	Approved	22.06.2022

3no. Fascia signs and 8no. Other signs.

22/00652/NMA	Non-material amendment sought to 21/01283/VOC to amend wording of condition 10(b).	Approved	01.09.2022
22/00653/DISCON	Discharge of conditions 18 (Local Recruitment Strategy) and 29 (Acoustic Fence) of application reference 21/01283/VOC, dated 03/04/2022.	Approved	16.05.2022
22/01401/DISCON	Discharge of conditions 14 (Landscape Management Plan) and 15 (Scheme of hard and soft landscaping) of application 21/01283/VOC for Phase 4 only	Approved	02.11.2022
22/01411/DISCON	Discharge of condition 17 (Phase 4 only - Phasing Plan) of application 21/01283/VOC.	Approved	29.11.2022
22/01468/VOC	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.	Current	
22/01487/NMA	Non-material amendment sought for application 21/01283/VOC to revise drawings relating to condition 19 to allow slight variations to unit 1 as built.	Current	
22/01947/DISCON	Discharge of condition 10(b) (Pedestrian Link) of application 21/01283/VOC, as amended by 22/00652/NMA.	Current	
23/00094/DOVO5	Deed of variation, under the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992, of the terms of the legal agreement dated 7th June 2017 linked to [outline] planning permission 16/01250/OUT, to amend the now overdue clauses in relation to spec and delivery of Pickers Ditch open space (Schedule 3).	Current	

4. Relevant Policies / Government Guidance

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

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

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 (the residential development) refer to the approved consent ref 22/00378/VOC and to the agreed details for Phase 5 (Pickers Ditch).

Background

This application is submitted purely to tidy up discrepancies with plan references for the outline consent for the residential development for 200 dwellings as a different housebuilder has taken the site over and received approval for an alternative detailed proposal for the 200 dwellings. In the interim application 21/01283/VOC approved changes to the retail element of the original permission so it is that permission that now needs to be varied.

History

The wider site has an extensive planning history. The relevant history is detailed below:

Planning permission 16/01250/OUT approved a hybrid scheme for a mixed use development including a foodstore (A1), hotel (C1), public house (A3/A4), restaurants (A1/A3/A5), retail warehouse units (A1), Pickers Ditch open space and associated access, landscaping, car parking and associated works together with outline permission for residential (C3) and employment development (B1(a),(b),(c)) and associated access, landscaping and car parking. Planning permission ref. 18/01616/OUT is a section 73 variation of the original permission and forms the operative residential consent.

Most of the commercial element, known as Brook Park West, is now complete and occupied including Lidl, McDonalds, Marston's public house and hotel, and Pets at Home. The retail terrace was not implemented. 21/01283/VOC was approved on 04/04/2022 for Variation of conditions 21, 25, 26, 27 and 28 of application 18/01616/OUT to reconfigure the retail terrace to reorientate the units and car parking and also to facilitate the opportunity for the sale of food (convenience goods) from one of the units. This forms part of the eastern boundary to the site.

On 18/06/2020 19/01945/DETAIL granted reserved matters approval for the 200 dwellings.

On 30/05/2022 22/00378/VOC granted: Variation of conditions 1, 2, 3 and 7, and removal of conditions 6, 8, 9, 10, 11, 13, 14, 17, 18, 19 and 20 of 19/01945/DETAIL to alter the design and layout for the development of 200 dwellings.

21/01283/VOC approved: Variation of conditions 21, 25, 26, 27 and 28 of application 18/01616/OUT to reconfigure the retail terrace to reorientate the units and car parking and also to facilitate the opportunity for the sale of food (convenience goods) from one of the units.

There is also a current proposal under 23/00094/DOVO5 to vary the legal agreement attached to the outline consent (and all subsequent variations). This is to amend the now overdue clauses in Schedule 3 in relation to the specification and delivery of the Pickers Ditch open space so this is completed prior to 25th occupation of the 200 dwellings.

Assessment

This application is effectively tidying up the wording of conditions that relate to the outline element for the 200 houses so that they are consistent with the details already approved under various later reserved matters/discharges of condition/legal agreement clause discharges. The application therefore proposes no changes to the existing approvals for this development but is required to ensure the latest approved scheme is consistent for the various different consents so they can be implemented.

The applicant in consultation with the case officer has produced a 'Planning Tracker' which lists the full existing and proposed wording for each condition. Most of the conditions are very wordy given the complexity of the development approved under the hybrid permission so are not reproduced in their entirety in the assessment below but are summarised for simplicity:

Condition 3 (archaeology)

This was partially discharged under 17/01187/DISCON and fully discharged under 19/01235/DISCON so the condition has been removed as all the archaeological work is complete. This will alter the numbering of the new decision notice for all subsequent conditions.

Condition 4 (surface water drainage)

They seek to amend the wording in relation to phase 7 (residential phase) to update the approved surface water drainage details to those already approved under 22/00378/VOC for the latest reserved matters layout, in consultation with ECC SUDS. And to remove the requirement to submit surface water drainage details for phase 5 (Pickers Ditch land) as this is solely public open space with no development or attenuation on this land. ECC SUDS confirm they have no comment.

Condition 5 (scheme to minimise the risk of offsite flooding)

They seek to amend the wording in relation to phase 7 (residential phase) to update these details to those already approved under 22/00378/VOC for the latest reserved matters layout, in consultation with ECC SUDS. And to remove the requirement to submit these details for phase 5 (Pickers Ditch land) as this is solely public open space with no development or attenuation on this land. ECC SUDS confirm they have no comment.

Condition 6 (surface water drainage maintenance plan)

They seek to amend the wording in relation to phase 7 (residential phase) to update these details to those already approved under 22/00378/VOC for the latest reserved matters layout, in consultation with ECC SUDS. They also seek to add reference to phase 5 (Pickers Ditch land) alongside phases 1, 1a and 3 as the surface water sewer outfall going through this land was also included on the drawings approved under 17/01187/DISCON. ECC SUDS confirm they have no comment.

Condition 8 (foul water strategy)

They seek to add wording relating to phase 7 (residential phase) to update the foul drainage details to those already approved under 22/00378/VOC for the latest reserved matters layout.

Condition 9 (construction method statement)

They seek to amend the wording relating to Phases 5 (Pickers Ditch) and 7 (residential) to refer to the CMS and Traffic Management Plan submitted with this application. Environmental Pollution have reviewed the CMS and have no comments to make. The Highway Authority have reviewed the CMS and TMP and raise no objection.

Condition 14 (Landscape Management Plan)

They seek to amend the wording relating to Phases 5 (Pickers Ditch) and 7 (residential) to refer to the landscaping details, Pickers Ditch Landscape Management and Maintenance Plan, and the Soft Landscape Management and Maintenance Plan which have already been approved under the relevant clause discharges of the S106 in October 2022, in consultation with the Open Spaces team and the Tree and Landscape Officer.

Condition 15 (hard and soft landscaping)

They seek to amend the wording relating to Phase 5 (Pickers Ditch) to refer to the landscape drawings MAT23634 20 rev C Sheets 1 to 4 which have already been approved under the relevant clause discharges of the S106 in October 2022 in consultation with the Open Spaces team and the

Tree and Landscape Officer. And to amend the wording relating to Phase 7 (residential) to refer to the landscaping details already approved under 22/00378/VOC for the latest reserved matters layout in consultation with the Tree and Landscape Officer.

Condition 17 (CCTV; external lighting; external plant and machinery; boundary treatments; outside storage of goods, materials or containers; and recycling collection point)

They seek to amend the wording relating to Phase 5 (Pickers Ditch) to refer to the landscape drawings MAT23634 20 rev C Sheets 1 to 4 which have already been approved under the relevant clause discharges of the S106 in October 2022.

Condition 20 (Pickers Ditch Landscaping)

They seek to amend the wording relating to Phase 5 (Pickers Ditch) to refer to the landscape drawings MAT23634 20 rev C Sheets 1 to 4 which have already been approved under the relevant clause discharges of the S106 in October 2022 in consultation with the Open Spaces team and the Tree and Landscape Officer.

Conclusion

As explained above this application is effectively tidying up the wording of conditions that relate to the outline element for the 200 houses so that they are consistent with the details already approved under various later reserved matters/discharges of condition/legal agreement clause discharges. The application therefore proposes no changes to the existing approvals for this development. The conditions will therefore be varied as requested with the remaining conditions reimposed. The legal agreement relating to the original hybrid development still stands and once approved this application reference will also be referred to within the pending deed of variation proposal under 23/00094/DOVO5.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 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/01C (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:
- o Monday to Saturday - 7am - 11pm
 - o 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.

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.

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

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