

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|--|-----------------|-------------|
| Case officer recommendation: | MP | 26/05/23 |
| Planning Manager / Team Leader authorisation: | AN | 30/05/23 |
| Planning Technician final checks and despatch: | CC | 31.05.2023 |

Application: 23/00382/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Frinton War Memorial Club

Address: Frinton War Memorial Club 88 Fourth Avenue Frinton On Sea

Development: Proposed change of use of car park to an outdoor seating area to be used in conjunction with the existing club; A new boundary wall facing Fourth Avenue; Erection of an aluminium lean-to gazebo to shelter disability scooters and cycles; Additional flag pole to match the existing one; Siting of a steel shipping container for general storage and gardening equipment; and illumination of existing sign at entrance to club.

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL

Recommends - Approval

2. Consultation Responses

ECC Highways Dept
06.04.2023

The information submitted with the application has been assessed by the Highway Authority and conclusions have been drawn from a desktop study with the observations below based on the submitted material. No site visit was undertaken in conjunction with this planning application. It is noted that the proposal has been trialled on a temporary basis for the last three years, the committee made the decision at the start of the pandemic to turn the car park into a temporary outdoor seating area thus enabling the club to continue to operate whilst complying with social distancing rules. It has also prevented unauthorised parking by the general public within the car park, while discouraging members from driving to the Club. The supporting information states that the decision has turned out to be a positive one for the club and the area has been extensively used and enjoyed by members over the last three years, considering these factors:

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

1. A 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the retained vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.

2. A vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

3. The redundant vehicle access as shown on the proposed garden plan (DWG. FWMC/2023/01 B) shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge / footway / kerbing prior to the completion of the proposed works within the site.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1.

4. The proposed new boundary feature must not encroach onto the highway boundary or obstruct any visibility splay.

Reason: To ensure that the feature does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

5. The powered two-wheeler/cycle parking facilities as shown on the approved plan are to be provided prior to the completion of the works and retained at all times.

Reason: To ensure appropriate powered two-wheeler and bicycle parking is provided in accordance with Policy DM8.

6. The proposed light source shall be so positioned and shielded, in perpetuity, to direct light towards the proposed advertisement sign and away from the Highway.

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

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: 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: Prior to the construction of the boundary feature, a Highway Boundary Plan should be obtained from ECC Highway Records to establish the line of the highway boundary to the front of the existing

car park to avoid any part of the permanent wall or flagpole being constructed within the Highway. Email address Highway.Status@essexhighways.org

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

4: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Essex County Council
Heritage
19.04.2023 (initial
comments)

The application is for proposed change of use of car park to an outdoor seating area to be used in conjunction with the existing club, new boundary wall facing Fourth Avenue, erection of an aluminium lean-to gazebo to shelter disability scooters and cycles, additional flag pole to match the existing one, siting of a steel shipping container for general storage and gardening equipment and illumination of existing sign at entrance to club.

The proposal site is the Frinton War Memorial Club, within the Frinton and Walton Conservation Area, established to honour the memory of those from Frinton who served in the First World War in 1921. The building makes a positive contribution for its aesthetic qualities, and as an important building for the community and can be considered a non designated heritage asset.

There is no objection in principle to the proposed change of use from car park to outdoor seating area, which is considered to contribute to enhance the character and appearance of the Conservation Area.

Due to the prominent location of the proposal site within the Conservation Area and as part of the curtilage of a non designated heritage asset, high quality design and materials would be required in order to comply with Paragraph 197 of the NPPF. Also, as per Paragraph 130, Local Planning Authority should ensure that proposed developments are sympathetic to local character and history and contribute to establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Boundary Wall

Formal open spaces in the Conservation Area are usually open in character and, when a boundary is present, this is generally a low brick wall and/or planting. I advise the railing on the top of the proposed low brick wall/planter is removed. Specifications of proposed bricks and sandstone will be required.

Lean-to gazebo

The proposed lean-to gazebo is overall acceptable, providing that this is fit with a glass roof instead of polycarbonate. This is a non-traditional material which is not considered in keeping with the

character and appearance of the Conservation Area and with the historic nature of the Frinton War Memorial Club as non-designated heritage asset.

Additional Flag Pole

Similarly, the additional flag pole in the proposed location is considered acceptable, providing that this is powdered coated or painted metal.

Shipping Container/storage

A storage in this location is considered acceptable, however the proposed shipping container covered with a green based camouflage netting is not considered appropriate in Conservation Area. It is advised that this element is replaced with a traditional timber shed, which would not require to be entirely concealed with vegetation or artificial means.

Landscaping

The proposed landscape is overall acceptable, however the use of artificial turf is not supported in Conservation Area and I advise this is replaced with natural grass.

If alterations are made to the proposals, then there would be no objection to this application. However, in their current form they do not preserve or enhance the character or appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The harm to the significance of the Conservation Area is 'less than substantial' and paragraph 202 of the NPPF is relevant.

Tree & Landscape Officer
04.04.2023

No trees or other vegetation will be adversely affected by the development proposal.

The proposed soft landscaping associated with the development proposal may result in some public benefit.

Essex County Council
Heritage
15.05.2023 (comments
following amended plans)

The application is for proposed change of use of car park to an outdoor seating area to be used in conjunction with the existing club, new boundary wall facing Fourth Avenue, erection of an aluminium lean-to gazebo to shelter disability scooters and cycles, additional flag pole to match the existing one, siting of a steel shipping container for general storage and gardening equipment and illumination of existing sign at entrance to club. This follows my previous advise dated 19th April 2023.

The proposal site is the Frinton War Memorial Club, within the Frinton and Walton Conservation Area.

There is no objection to this application, subject to the following conditions:

- o Prior to commencement of above ground works/installation, specifications of proposed bricks shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such;

o Roof to proposed gazebo to be glass.

3. Planning History

| | | | |
|--------------|---|----------|------------|
| 05/01094/TCA | Removal of dead Cherry tree. | Approved | 22.07.2005 |
| 07/01449/FUL | External alterations to include provision of opening in existing brick wall adjacent to main entrance to form smoking area. | Approved | 20.11.2007 |
| 17/01494/FUL | Alterations to convert outside cycle and smoking area to toilet facilities. | Approved | 25.10.2017 |
| 22/01257/TCA | Reduce mixture of Holly, Leylandii, 3 No. Ivy, 2 No. Prunus and 1 No. Cherry by approx 500-1000mm in height. | Approved | 31.08.2022 |

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

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PPL8 Conservation Areas

PPL10 Renewable Energy Generation

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

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

Site Description

This application site relates to the Frinton War Memorial Club, sited along the southern section of Fourth Avenue within the parish of Frinton-on-Sea. The site consists of the two storey Memorial Club, with a large car parking area connected to the west. The character of the area is heavily urbanised, with residential and commercial development located to all sides.

The site is within the Settlement Development Boundary for Frinton-on-Sea within the adopted Local Plan 2013-2033, and is also within the Frinton and Walton Conservation Area, and within the Frinton Neighbourhood Centre.

Description of Proposal

This application seeks planning permission for the following works:

- Change of use of the existing car park into an outdoor seating area;
- Erection of a 1.8m high boundary wall facing north towards Fourth Avenue;
- Erection of an aluminium lean-to gazebo to the western elevation of the existing Memorial Building, to shelter disability scooters and cycles;
- Erection of an additional flag pole, measuring 6 metres in height, to match that existing;
- Erection of storage container to the south-western corner, for general storage of gardening equipment; and
- Illumination of the existing signage to the entrance to the Memorial Building.

The supporting submission clarifies that the change of use of the car park to an outdoor seating area is retrospective, and has been in situ for the past three years.

Site History

Under planning reference 17/01494/FUL, permission was granted in October 2017 for alterations to convert the outside cycle and smoking area to toilet facilities.

Assessment

1. Heritage Impacts

Adopted Policy PPL8 states that new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area.

The application site falls within the Frinton and Walton Conservation Area, and accordingly ECC Place Services (Heritage) have been consulted. They initially provided the following comments:

"The proposal site is the Frinton War Memorial Club, within the Frinton and Walton Conservation Area, established to honour the memory of those from Frinton who served in the First World War in 1921. The building makes a positive contribution for its aesthetic qualities, and as an important building for the community and can be considered a non designated heritage asset."

There is no objection in principle to the proposed change of use from car park to outdoor seating area, which is considered to contribute to enhance the character and appearance of the Conservation Area.

Due to the prominent location of the proposal site within the Conservation Area and as part of the curtilage of a non designated heritage asset, high quality design and materials would be required in order to comply with Paragraph 197 of the NPPF. Also, as per Paragraph 130, Local Planning Authority should ensure that proposed developments are sympathetic to local character and history and contribute to establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Boundary Wall

Formal open spaces in the Conservation Area are usually open in character and, when a boundary is present, this is generally a low brick wall and/or planting. I advise the railing on the top of the proposed low brick wall/planter is removed. Specifications of proposed bricks and sandstone will be required.

Lean-to gazebo

The proposed lean-to gazebo is overall acceptable, providing that this is fit with a glass roof instead of polycarbonate. This is a non-traditional material which is not considered in keeping with the character and appearance of the Conservation Area and with the historic nature of the Frinton War Memorial Club as non-designated heritage asset.

Additional Flag Pole

Similarly, the additional flag pole in the proposed location is considered acceptable, providing that this is powdered coated or painted metal.

Shipping Container/storage

A storage in this location is considered acceptable, however the proposed shipping container covered with a green based camouflage netting is not considered appropriate in Conservation Area. It is advised that this element is replaced with a traditional timber shed, which would not require to be entirely concealed with vegetation or artificial means.

Landscaping

The proposed landscape is overall acceptable, however the use of artificial turf is not supported in Conservation Area and I advise this is replaced with natural grass.

If alterations are made to the proposals, then there would be no objection to this application. However, in their current form they do not preserve or enhance the character or appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The harm to the significance of the Conservation Area is 'less than substantial' and paragraph 202 of the NPPF is relevant."

Following these comments, the agent for the application prepared amended plans that sought to address the outstanding points raised above, specifically the railings to the boundary wall have been removed, the roof to the gazebo has been confirmed as glass, the flagpole is to be powder coated aluminium, and the artificial turf has been removed. The agent argued that the shipping container needed to remain as submitted for safety purposes, but clarified it would be bounded by new planting. ECC Place Services (Heritage) were re-consulted and confirmed the following:

"The proposal site is the Frinton War Memorial Club, within the Frinton and Walton Conservation Area.

There is no objection to this application, subject to the following conditions:

- Prior to commencement of above ground works/installation, specifications of proposed bricks shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such;

- Roof to proposed gazebo to be glass."

Taking the above into consideration, Officers conclude that there will be no significant harm to character and appearance of the Frinton and Walton Conservation Area, and accordingly do not object on these grounds. A condition is, however, recommended to be included to secure details of the proposed external materials.

2. Highway Safety

ECC Highways have been consulted and have stated that from a highway and transportation perspective the impact of the proposal is acceptable, subject to conditions relating to the closure of the existing access, the new boundary feature not encroaching onto the highway, and cycle parking. Additional conditions relating to visibility splays and a vehicular turning area are requested; however the access is existing so it is not reasonable to request the visibility splays, and there is insufficient space for a vehicle turning area, and following further discussions with ECC Highways it has been agreed that this condition is not necessary on this occasion. As such, these conditions are not recommended to be included.

The Essex Parking Standards (2009) state that for such a use, there should be provision for one parking space per 5sqm of floorspace. The proposal would result in the loss of all existing vehicular parking provision. However, on this occasion, it is noted that the change of use has been in situ for three years with no identified car parking issues, and the site is also located within a highly sustainable town centre location that is easily accessible on foot. As such, on balance Officers do not consider this loss of parking provision to be so harmful that it warrants recommending a reason for refusal.

3. Visual Impacts

Paragraph 130 of the National Planning Policy Framework (NPPF) (2021) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings, create a unique sense of place.

The application site is highly open and prominent from views along Fourth Avenue, and therefore the culmination of works will be publicly visible. However, the change of use of the parking area to an outdoor seating area has been in situ for three years and will result in a small visual enhancement. The lean-to canopy, signage and flag pole are of a minor nature and will not detrimentally impact upon the areas character. The shipping container, while not enhancing the areas character, is sited to the rear corner of the site, set amongst existing and proposed landscaping. Accordingly, there will not be significant visual harm as a result.

4. Impact to Neighbouring Amenities

Paragraph 130 of the National Planning Policy Framework (2021) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not

have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

Whilst there are neighbouring properties adjacent to the west in particular, the proposals are largely of a low-key nature and set a sufficient distance apart to ensure no significant harm to amenities. The change of use to an outdoor seating area will likely result in a degree of additional noise disturbance, however considering the use of the main site as well as the town centre location, and that the use has operated already for three years, the harm identified is not considered significant.

5. Renewable and Energy Conservation Measures

Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.

Paragraph 112 of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.

Given that the site is existing and the proposal just relates to alterations, on this occasion Officers do not consider that it is reasonable or necessary to include a planning condition relating to securing renewable energy measures.

Other Considerations

Frinton and Walton Town Council recommend approval.

There have been no other letters of representation.

Conclusion

The proposal will result in a number of small alterations to the site, and following receipt of amended plans is considered to be an acceptable set of additions to the Frinton and Walton Conservation Area. No significant harm is identified to neighbouring amenities, and ECC Highways also raise no objections. The proposal is considered to be compliant with local and national planning policies and is therefore recommended for approval.

6. **Recommendation**

Approval.

7. **Conditions**

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried

out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Drawing Number FWMC/2023/01 Revision C, the documents titled 'Site Location Plan', 'Heritage Design and Access Statement', and the untitled document showing the proposed LED lighting (received 23rd March 2023).

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

- 3 CONDITION: Prior to the completion of the hereby approved works, the redundant access shown on Drawing Number FWMC/2023/01 Revision C shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge/footway/kerbing.

REASON: To ensure that an increase in accesses available does not increase in highway safety risk.

- 4 CONDITION: Prior to the first use of the hereby approved external lighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to have been previously submitted to and approved in writing by the Local Planning

Authority. The lighting shall be carried out in accordance with the approved details and maintained as such thereafter.

REASON: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety.

- 5 CONDITION: No development shall be commenced above slab level until precise details of the brick and tile creasing to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

REASON: To secure an orderly and well designed finish sympathetic to the character of the existing building and in the interests of visual amenity and the character and appearance of the conservation area.

- 6 CONDITION: All changes in soft/hard landscaping shown on approved drawing number FWMC/2023/01 C shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development, or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority. The hereby approved shipping container shall be covered in green netting and planting as shown on the approved drawing immediately at installation and retained thereafter. Any trees, hedges, or shrubs identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the conservation area.

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.

Highways Informatives:

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: Prior to the construction of the boundary feature, a Highway Boundary Plan should be obtained from ECC Highway Records to establish the line of the highway boundary to the front of the existing car park to avoid any part of the permanent wall or flagpole being constructed within the Highway. Email address Highway.Status@essexhighways.org

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

4: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.