

The Local Planning Authority must also copy any consultation under the 2018 Direction to PlanningEE@nationalhighways.co.uk.

Annex A - National Highways' assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

NH has reviewed the recently submitted documents including the Transport Statement Update v1 and v2 from September 2023 and we also held a meeting with the Applicants consultant on the 22nd September discussing the outstanding issues and the planning history related on the site.

Upon our review of the latest documents produced we defer to the previous decision related to planning application reference 21/01240/FUL and NH response dated 15th February which offered no objection to the planning application. NH's believes the proposed changes to the partial land use of the site will not result in any significant changes to the sites land use and trip generation and therefore we offer no objection to this planning application.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

ECC Highways Dept
23.08.2023

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

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - i. the parking of vehicles of site operatives and visitors,
 - ii. loading and unloading of plant and materials,

- iii. storage of plant and materials used in constructing the development,
- iv. wheel and underbody washing facilities.
- v. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense when caused by developer.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

2. Prior to the occupation of any of the proposed development the internal road layout, parking and associated improvements shall be provided in principle and accord with Drawing Number:

- 3835-PL02 Rev. U Proposed site layout.

Reason: To ensure that vehicles using the site do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

3. Prior to occupation of the development, a 2.4 m x 17 m cycle visibility splay, as measured from and along the highway boundary, shall be provided on both sides of each vehicular access. Such visibility splays shall thereafter be retained free of any obstruction at all times and must not form part of the vehicular surface of the access.

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

4. Prior to occupation of the development and as indicated on drawing no. 3835-PL02 Rev. U, a 3-metre-wide shared footway/ cycleway shall be provided either side of the site access along the entire southern boundary of the site.

Reason: To make adequate provision within the highway for the additional pedestrian traffic generated within the highway as a result of the proposed development and to link in with the existing footway/cycleway provision. In accordance with policy DM1 and DM9.

5. Any phase of the proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

6. The applicant should ensure that vehicles can enter and leave the highway in a forward gear. As per the Essex Parking Standards (Parking Standards: Design and Good Practice, Sept 2009) 6 metres should be provided behind each parking space to allow for manoeuvring. Alternatively, the applicant should submit a tracking diagram (swept path analysis) demonstrating that vehicles can manoeuvre on-site.

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.

7. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

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

8. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting 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.

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

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

10. Prior to first occupation of the proposed development, the Developer shall submit a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years. It shall be accompanied by a monitoring fee of £6,760 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5-year period.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

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.

Environmental Protection
11.07.2023

The Environmental Protection Team's comments are given below:

I have reviewed the above application for the variation of conditions and can confirm that Environmental Protection have no comments to make.

Food Health and Safety

No comments received

Environment Agency
10.07.2023

Thank you for your consultation on this variation of condition we have reviewed the amended plans and there is no change to finished floor levels to residential parts of the development, so we have no additional comments to make. Our original comments for the development ref AE/2021/126463/02 still stand.

3. Planning History

21/01240/FUL	Proposed 68-bed hotel, two drive through restaurants, 10 business units (Use Classes B2/B8) with associated car parking and landscaping.	Approved	16.02.2023
23/00223/ADV	Installation of an internally illuminated 48-sheet D-Poster (digital) display and vertical meadow green wall.	Current	
23/00877/NMA	Non Material Amendment to application reference 21/01240/FUL for change to description of development from 'proposed 68-bed hotel, two drive through restaurants, 10 business units (Use Classes B2/B8) with associated car parking and landscaping' to 'proposed 68-bed hotel, drive through restaurants, business units (Use Class B2/B8) with associated car parking and landscaping'.	Approved	05.07.2023
23/00881/VOC	Application under Section 73 of the Town and Country Planning Act, to allow a variation of condition 2 (approved drawings) and proposed new condition of 21/01240/FUL relating to number of drive-thru and business units.	Current	

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2023 (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
SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP5 Employment
SP6 Infrastructure and Connectivity
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
PP1 New Retail Development
PP2 Retail Hierarchy
PP3 Village and Neighbourhood Centres
PP4 Local Impact Threshold
PP6 Employment Sites

PP7 Employment Allocations
PP9 Hotels and Guesthouses
PP14 Priority Areas for Regeneration
PPL1 Development and Flood Risk
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL7 Archaeology
PPL10 Renewable Energy Generation
CP1 Sustainable Transport and Accessibility
CP2 Improving the Transport Network
DI1 Infrastructure Delivery and Impact Mitigation

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

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

Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

There are no adopted neighbourhood plans in this location.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is approximately 2.6 hectares in size and is currently open grassland. It is located to the north of Harwich, directly adjacent to the A136 Parkeston Bypass. Harwich International Port and Train Station is immediately to the north and The Harwich Gateway Retail Park is to the south of the site.

The access to the site is from the roundabout on the Parkeston Bypass leading to an existing estate road known as Freshfields Road, which gives the site shared access with Morrisons superstore and ancillary petrol station and employment areas immediately to the east.

The application site is designated as an 'Employment Allocation' under Policy PP7 of the Tendring District Local Plan 2013-2033 and Beyond (Section 2) and is located within the Development Boundary for Parkeston/Harwich.

The application site is located wholly within Flood Risk Zone 3 albeit within an area benefitting from flood defences. Moreover, the site has two large sewers running across with 9m and 12m easements.

Proposal

The site has planning permission, under reference 21/01240/FUL, for the construction of a 68-bed hotel, 10 business units and 2 class E drive-through units with associated car parking and landscaping. A subsequent non-material amendment application, under reference 23/00877/NMA, was then approved to remove reference to the quantum of business and drive-through units. This change to the description facilitates the submission of this S73 (Variation of Condition) application.

This S73 application seeks to vary the approved plans (Condition 2) to reduce the size of two business units and the creation of a new class E drive-through unit. No changes proposed to hotel, other business units and other two class E units.

The changes relate to Units 2 and 3 (Business Units). These units will be reduced to 558 sqm (Unit 2) and 418 sqm (Unit 3) respectively and this would enable the siting of an additional Class E drive through unit to the south-east of the business units measuring 185.5 sqm in footprint.

The business units would be single storey in scale and are to be served by 22 parking spaces in a communal parking arrangement. The drive through would be served by 16 parking spaces.

The proposed access to the site remains from the southern boundary via the existing roundabout, just opposite of the Morrisons Petrol Filling Station. All other aspects of the proposal remain as previously approved.

In total the proposals include a total of 277 parking spaces with the hotel and restaurant/coffee shops having designated car parking, and the employment uses sharing communal car parking areas.

Principle

The application site is designated in the Tendring District Local Plan 2013-2033 and Beyond (Section 2) as an allocated employment site under Policy PP7. This policy states that land allocated under this policy is to be promoted for B2 (General Industry) and B8 (Storage and Distribution) uses to support a diversity of employment opportunities. Furthermore, the policy states that proposals for employment uses falling outside of use classes B2 or B8 (such as retail, offices, other town centre uses or other 'sui generis' use) will be considered against other relevant policies within the Local Plan. Consequently, consideration of other employment uses outside of B2/B8 against other policies of the plan is allowed, but the other relevant policies will include the town centre first sequential policy for town centre uses, the retail impact assessment requirements to protect the town centre, the flood risk vulnerability/sequential tests and ensuring sufficient employment land is maintained to meet the Council's evidence based B2/B8 needs.

In this instance, the application proposes the erection of 10 no. B2/B8 uses alongside a hotel and 3 no. drive-through uses. This represents an increase of 1 drive-through unit over the existing consent.

As the variation to the approved scheme would not bring about a reduction in the quantum of B2/B8 uses and represents a change to better meet the commercial needs of future occupiers and market forces, the balance of uses, where the predominant use of the land would be retained for industrial/storage uses (B2/B8) with an ancillary tourism and food outlets offer, would be acceptable.

Previously, the Council's policy team confirmed that the local plan allocates 32ha of employment land across the district against an identified requirement of 12-20ha overall. Therefore, taking this into consideration and the fact that the development still retains plenty of space for business units, the balance of business units to hotel/drive-through units is a positive one and acceptable in principle.

The development is therefore considered to be in accordance with the overarching principles of Policy PP7.

Sequential Test

The NPPF at Annex 2 (Glossary) defines 'out of centre' locations as not in or at the edge of a defined centre. For retail purposes, an 'edge of centre' location is described as within 300m of a primary shopping area and for any other main town centre uses as a location within 300m of a town centre boundary.

Paragraph 87 of the NPPF (2023) confirms that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not located within an existing centre or not in accordance with an up-to-date development plan. It states that main town centre uses should be located in 'town centres', then in 'edge of centre' locations. If suitable sites are not available, only then should 'out of centre' sites be considered.

Policy PP1 of the Tendring Local Plan encourages retail development located within the retail policy areas of 'town centres', defined on the Policies Map. The Policy continues by reinforcing the Local Plan's safeguarding of the district's current town centre hierarchy.

The District's retail hierarchy is outlined by Policy PP 2 of the Local Plan which categorises a three-tier hierarchy of defined centres: Major Town Centre, Town Centres, and District Centres; the Local Plan expects these locations to be the focus for town centre use proposals such as retail, leisure, office, tourism, cultural, community and residential development.

Therefore, for retail sequential test assessment purposes, the proposal is not specifically supported by the development plan in this location. Consequently, the previous application was supported by a retail assessment.

A sequential test and independent review concluded the following;

- If a 2.64 hectare is indeed used for a site area criterion, the writer is satisfied that no sites would satisfy the sequential test assessment criteria.
- A search on real estate agencies portals has identified no potential properties of a suitable size to accommodate the proposed development. Furthermore, an assessment of potentially sequentially preferable properties was undertaken using the 1764 sqm floorspace as a minimum threshold and it has found no such premises available within the catchment area.
- The impact assessment is sufficiently comprehensive to robustly demonstrate that the proposed restaurant units would not have an unacceptable impact on the vitality and viability of the existing defined centres within the 'catchment area'.
- The sequential test assessment correctly identifies the relevant national and local planning provisions, and it is considered that due to the very detailed level of information provided as part of the proposed development, which includes pre-let agreements with identified end users, and considering the relevant provisions within the NPPF and relevant Case Law, it is appropriate to accept that disaggregation is not required in this instance.
- The remainder of the sequential test's site selection criteria are considered to comply with para. 88 of the NPPF.
- The findings of the retail impact assessment are considered acceptable in relation to the proposed leisure uses.
- Tendring's development plan does not require a sequential test to be undertaken for office uses but an impact assessment only. In any case, the above-mentioned assessment for potential sites has identified no suitable alternative premises to accommodate the office use element of the proposed development.
- It can be comfortably assumed that the proposed office floorspace would have a limited impact on the existing supply due to the fact that there is a limited supply of office floorspace.
- On this basis, it can be reasonably concluded that the proposed office floorspace would not have a negative impact on the existing supply in defined centres within the catchment area;

The creation of an additional Class E drive-through unit is not considered to alter the previous findings. The conclusions were reached on the basis of a 1764 sqm floorspace scheme as a minimum threshold and no alternatives were found. Given the short period of time that has expired since these conclusions were reached and the relatively limited floor area of the new drive-through unit; the proposed revisions to the proposal would not have an unacceptable impact on the vitality and viability of the identified centres, i.e. Dovercourt Town Centre and Harwich District Centre to justify an objection on these grounds.

Design/Layout

The only changes relate to business units 2 and 3 and the new drive-through building. These units are located centrally within the site and seek to replicate the contemporary appearance of the remaining units. The units will be single storey and the external finishes will be a mixture of grey colour flat panels and horizontal profile panels to match the approved scheme business units. The roof will be behind a parapet to create clean lines.

Again, the drive-through unit will consist of mainly grey colour metal flat panels with some horizontal profile panels. A tower feature for advertisement purposes is also proposed.

Against the mixed commercial/industrial character of the locality the development is considered to be acceptable in terms of mass, bulk, appearance and overall height and therefore represents a suitable response to the character of the local context. Moreover, the quantum and scale of development proposed can be accommodated on the site in a manner which is sympathetic to the character and appearance of the area whilst providing sufficient on-site parking and screening landscaping.

Trees/Landscaping

Brambles and Dog Rose have colonised much of the site with a handful of trees having become established. There are 2 or 3 Goat Willows and a single White Willow in the northwestern corner of the application site. None of these trees merit retention or formal legal protection by means of a Tendring District Council Tree Preservation Order.

As such, the revisions proposed do not adversely impact upon any trees/vegetation of merit. As previously, the submitted plans show indicative soft landscaping along the frontages of the site and at key points within the development to assist in softening the parking areas and to enhance the overall development. The landscaping condition will be re-applied securing details of a comprehensive landscaping scheme, broadly in line with indicative planting outlined on the submitted plans.

Highway Impacts

Part B of Policy SPL3, criterion a), requires that access to the site is practicable and the highway network will, following any required mitigation, be able to safely accommodate the additional traffic the proposal will generate and not lead to a severe traffic impact.

Paragraph 111 of the Framework makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.

National planning policy is reflected in Section 2 Policy CP2 Improving the Transport Network, which states that proposals will not be granted planning permission if there would be an unacceptable impact on highway safety, or if the residual cumulative impact on the road network would be severe. Amongst other things, Policy SPL3 requires that access to the site is practicable and the highway network will, following any required mitigation, be able to safely accommodate the additional traffic the proposal will generate and not lead to severe traffic impact.

ECC-Highways have reviewed the proposals and have confirmed that there would be a lesser increase in new trips on the grounds that a high proportion of trips of the proposed (additional) drive-thru unit would be secondary, i.e., diverted, linked or pass-by, with all of the trips associated with the consented employment floorspace being replaced as being new. Consequently, ECC-Highways have no objections subject to the previous conditions being re-applied.

Given the proximity of the development to the A120 National Highways have also been consulted and they provide the following comments;

Upon our review of the latest documents produced we defer to the previous decision related to planning application reference 21/01240/FUL and NH response dated 15th February which offered no objection to the planning application. NH's believes the proposed changes to the partial land use of the site will not result in any significant changes to the sites land use and trip generation and therefore we offer no objection to this planning application.

On this basis the proposed development would not result in a severe impact upon the local highway network or A120 Trunk Road.

Ecology/RAMS

Policy PPL4 requires that sites designated for their international, European and national importance to nature conservation will be protected from development likely to have an adverse effect on their integrity. The policy states that as a minimum there should be no significant impacts upon any protected species. The preamble to Policy PPL4 states that where a development might harm biodiversity an ecological appraisal will be required to be undertaken, and the potential for harm should be considered and addressed in any application. Policy SPL3, Part A criterion d), requires that the design and layout of development maintains or enhances site features, including ecological value.

Paragraph 174 d) of the Framework requires that planning decision should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 180 d) states that opportunities to improve biodiversity in and around developments should be integrated as part of their design.

The proposed revisions do not alter the previous findings of the preliminary ecological appraisal or the comments of Place Services (Ecology). The previously recommended conditions will be re-applied and these included; a requirement for adherence to the biodiversity protection and enhancement measures set out in the submitted assessments and plans. Conditions are also recommended to require a Biodiversity Enhancement Strategy, and a Construction Environmental Management Plan for Biodiversity.

Furthermore, the site falls within the evidenced recreational Zone of Influence (ZOI) of Stour and Orwell Estuaries Ramsar and SPA. Therefore, the tourism (hotel) element of this development is relevant to the Essex Coast RAMS. To this end the Council has prepared a project level HRA Appropriate Assessment to secure a per hotel room tariff by an updated legal agreement for delivery of visitor management measures at the designated sites. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitats sites. The required unilateral undertaking has been completed.

Residential Amenities

Together, Policies SP7 and SPL3 seek to protect the living conditions of neighbours. Amongst other things, Framework Paragraphs 119 & 174 state that decisions should safeguard and improve the existing environment ensuring safe and healthy living conditions and enhance the natural and local environment from unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality. Paragraph 130 f) includes that planning decisions promote health and well-being with a high standard of amenity for existing and future users.

In this instance the nearest residential properties are located a significant distance from the application site. To the north-west the nearest dwellings in Parkeston Village are situated approx. 195m from the western edge of the site and to the south-east the closest properties in Williamsburg Avenue are located at least 200m from the southern edge of the application. Given the distances involved, the central siting of the proposed revisions and the presence of other industrial/commercial uses in the intervening space any impact upon the occupiers of these properties in terms of noise/disturbance and outlook would be negligible.

The Council's Environmental Protection Team previously requested that conditions were included securing details of plant/extraction equipment prior to first use. This is to ensure that any noise/odour

impacts upon occupiers of the proposal hotel fall within acceptable tolerances. These conditions will be re-applied.

Flood Risk

In accordance with the technical guidance set out to support the National Planning Policy Framework, "More Vulnerable" (hotel) development is deemed appropriate within Flood Zones 2 and 3a subject to an FRA, and additionally where a Sequential Test and Exception Test has been passed. Office and restaurant use are considered 'Less Vulnerable' uses and are considered appropriate uses within Flood Zones 2 and 3a subject to only a FRA, with no sequential test or exception test assessments required.

Whilst only the hotel element of the proposal triggers the requirement for a STA and ETA, the proposal is for a large mixed-use development and the proposal must be treated in its entirety when applying these assessments. Accordingly, it is neither reasonable, nor in accordance with government guidance, to require the hotel element to be separated from the wider proposal from which it is inextricably linked.

Paragraphs 159 and 162 of the NPPF set out the basis for Sequential Tests stating: Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding'.

Paragraph: 019 of PPG confirms that: 'Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (area with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.

Policy PPL 1 'Development and Flood Risk' of the Tendring District Local Plan 2013-2033 and Beyond (Section 2) re-iterates this approach to direct new development towards sites at the lowest risk of flooding unless they involve land specifically allocated for development and confirms that proposals must have regard to both the sequential test and exception test.

In this instance a detailed Sequential Test has been undertaken. The document confirms that the test has been undertaken on a district wide basis utilising the following sources to help identify potential alternative sites within the search area:

- Employment allocation sites identified within the previously adopted Local Plan 2007 (now superseded);
- Employment allocation sites identified within the Tendring District Local Plan 2013-2033 and Beyond (Section 2);
- Sites identified within the Tendring District Council Brownfield Land Register 2020; and
- Available sites listed on the website Rightmove and OnTheMarket

Using this criteria, it is clear the detailed assessment there are no reasonably available sites within the search area which would support this size of development within the timeframe proposed. All the sites have been discounted as being either too small, too large in terms of the quantum of development or not benefitting from a planning approval or an appropriate allocation. Other sites have since been re-allocated in the current local plan for housing development.

It must also be noted that counting strongly in favour of the application site is the fact that it is in fact allocated as an employment site in the current local plan and is therefore earmarked for development.

Consequently, it is agreed that there are no sequentially preferable, available sites that could reasonably accommodate the proposed development.

As the site lies within Flood Zone 3a, the Exception Test must also be passed. In this respect the test must comply with the following criteria;

- the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA where one has been prepared.

This requirement is considered to be met as the proposal will be important in respect of the potential future growth of the Harwich International Port and will bring forward an essential employment allocation to provide an effective supply of employment land within the district; the proposal will play an important role in delivering economic growth within Harwich and attracting wider investment; the proposal will create significant local employment and increased consumer spending within the local economy also benefiting local shops and services; the proposal will enhance the urban environment of this part of the Harwich Gateway; and the site is within a highly sustainable location with access to the A136, Harwich International Port and Harwich train station.

- The development should be on developable previously developed land or, if it is not on previously developed land, that there are no reasonable alternative sites on developable previously developed land;

It has been demonstrated, via the Sequential Test, that there are no reasonable alternative locations for the proposal. It is considered that the proposal is located in an optimal location for the proposed use and is consistent with its formal site allocation.

- A FRA must demonstrate that the development will be safe, without increasing flood risk elsewhere.

Whilst safe access/egress cannot be achieved during the peak of any flood event, it is recommended that the users of the site evacuate the site during the early warning stages. Furthermore, the submitted FRA has demonstrated that safe refuge for hotel occupants is available during the peak of the flood event across the upper floor which will be set above 4.36m AOD and will not increase flood risk elsewhere. Moreover, a warning and evacuation strategy has been developed within this assessment and it is proposed that the occupants register with the Agency's Flood Warnings Direct and prepare a Business Flood Plan.

The Environment Agency previously confirmed that they have no objections to the development. They confirm that the site benefits from existing flood defences and that flood resilience/resistance measures have been proposed. As before, the Flood Evacuation Plan will be secured via condition.

Drainage

Policy PPL1 states that all development proposals should include appropriate measures to respond to the risk of flooding on and/or off site and that on sites of 1ha or more, development proposals must be accompanied by a Flood Risk Assessment. Furthermore, all major development proposals should consider the potential for new Blue and Green Infrastructure to help mitigate potential flood risk and include such Green Infrastructure, where appropriate.

Policy PPL5 requires that all new development must make adequate provision for drainage and sewage treatment and should include sustainable drainage systems (SuDS). Applicants should explain and justify the reasons for not using SuDS if not included in their proposals. Furthermore, proposals for development must demonstrate that adequate provision exists for sewage disposal.

Policy SPL3, Part B criterion g), requires that development reduces flood risk and integrates sustainable drainage within development, creating amenity and enhancing biodiversity.

Paragraph 167 of the Framework provides that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

The previous application confirmed, through the submission of a drainage strategy and discussion with the LLFA that, the soil types found on the site would not support the effective use of infiltration devices, as such it was proposed that surface water was attenuated through the use of an attenuation tank prior to discharge into the local sewer system. The tank will be privately adopted and maintained (i.e. by a management company). This approach remains unchanged and will be secured through conditions that will seek precise details of the SUDs scheme, its implementation and on-going maintenance.

Anglian Water have confirmed that the foul drainage from this development is in the catchment of Harwich and Dovercourt Water Recycling Centre that will have available capacity for these flows. They request a condition that on-site foul water drainage works, including connection point and discharge rate, are provided prior to any work above damp proof course.

Archaeology

The final paragraph of Policy PPL7 states that proposals for new development which are not able to demonstrate that known or possible archaeological remains will be suitably protected from loss or harm, or have an appropriate level of recording, will not be permitted. NPPF Paragraph 205 states: "Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted."

A Written Scheme of Investigation (WSI) was submitted as part of the original application which proposes a programme of trial trenching as a method of archaeological evaluation. ECC-Archaeology confirmed that as archaeological trial trenching can only reach depths of 1.2m below ground surface for health and safety reasons therefore they may not extend to the depths required to investigate the archaeological potential of the development area.

For these reasons the WSI submitted was not considered an appropriate method of evaluation in the first instance. Once further details on the site geology are obtained a more accurate assessment of the overburden material can be made and a suitable evaluation method proposed. As before, conditions are therefore recommended to secure a targeted archaeological evaluation of the land.

Other Considerations

Criterion d) of emerging Policy HP1 states that the Council will work to improve the health and wellbeing of residents in Tendring by encouraging healthier communities through targeting of unhealthy lifestyles, such as smoking, and those which cause obesity as identified in the Joint Strategic Needs Assessment. Moreover, the Council will work in collaboration with partners, including Public Health, to avoid a concentration of fast-food takeaways where the number of outlets would be likely to harm public health objectives, particularly in deprived communities, local areas of poor health, and near schools.

Paragraph 91 c) of the Framework states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs - for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

The proposal would add a further 3 no. drive-thrus to the stock of such outlets and there are a number of existing outlets in the area. However, it is difficult to be certain of the effect of the proposal on public health - Policy HP1 d) is not prescriptive, and is particularly focussed towards deprived communities, local areas of poor health, and near schools. The proposal is neither located in an especially deprived community, nor is it located near a school, and there is no evidence to suggest that the proposal is located in an area of poor health.

Other Considerations

Harwich Town Council have no objections to the proposed development. No further letters of representation have been received.

Planning Balance/Conclusion

The proposed mixed-use development, and in particular the inclusion of an additional drive-through unit, is acceptable in principle and there would be no unacceptable highway safety impacts. Subject to the use of conditions the proposal would not unacceptably harm local amenity and it is therefore policy compliant in these regards. While there is a degree of conflict with the aspirations of Policy HP1 d) and Paragraph 91 c) of the Framework (public health), overall, the proposal complies with the provisions of the development plan. The proposal would deliver significant economic, tourism and employment benefits through the development of this allocated employment site, which has been vacant for many years, and thereby accord with Paragraph 80 of the Framework.

Significant weight is attached to these benefits. Therefore, in the absence of any evidence of demonstrable harm, these considerations outweigh the limited conflict with the development plan in respect of Public Health. Therefore, the proposal is acceptable, and planning permission should therefore be granted in accordance with Policy SP1.

6. Recommendation

Approval

7. Conditions

- 1 The development hereby permitted shall be commenced no later than the 16th February 2026.

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.

- 2 The development hereby permitted shall be carried out in accordance with the following drawings/documents listed 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:

- 3835 - PL02X
 - 3835 - PL03D
 - 3835 - PL04D
 - 3835 - PL13B
 - 3835 - PL15D
 - 3835 - PL16A
 - 3835 - PL17E
 - 3835 - PL21
 - 3835 - PL14 B
 - 3835 - PL18B
 - 3835 - PL19B
 - 3835 - PL05
 - 3835 - PL06
 - 3835 - PL10
 - 3835 - PL11
 - 3835 - PL12
 - 3835 - PL20A
 - 3835 - PL22D
 - Reptile Assessment (November 2022)
 - Preliminary Ecological Assessment (June 2022)
 - Flood Risk Assessment and Surface Water Drainage/Suds Strategy - May 2021 -
- Report Ref: 2708/Re/05-21/01
- 3835 - PL23A

- 3835 - PL25B
- 3835 - PL24B

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

- 3 Prior to above ground works of Phase 1 of the development hereby approved, a hard and soft landscaping scheme of that Phase shall have first been submitted to and agreed in writing by the local planning authority. Thereafter, the hard landscaping for that Phase shall be implemented in accordance with the details which may have been agreed prior to first occupation of Phase 1. Soft landscaping shall be implemented in full and in accordance with the details which may have been approved in the first planting season following substantial completion of the development. Any species planted becoming diseased or dying within 3 years of planting shall be replaced to the satisfaction of the local planning authority.

Reason - In the interests of visual amenity, biodiversity enhancement and landscape protection.

- 4 Prior to above ground works of Phase 2 of the development hereby approved, a hard and soft landscaping scheme of that Phase shall have first been submitted to and agreed in writing by the local planning authority. Thereafter, the hard landscaping for that Phase shall be implemented in accordance with the details which may have been agreed prior to first occupation of Phase 2. Soft landscaping shall be implemented in full and in accordance with the details which may have been approved in the first planting season following substantial completion of the development. Any species planted becoming diseased or dying within 3 years of planting shall be replaced to the satisfaction of the local planning authority.

Reason - In the interests of visual amenity, biodiversity enhancement and landscape protection.

- 5 Prior to the construction above damp proof course in Phase 1, a scheme for on-site foul water drainage works, including connection point and discharge rate relating to that Phase, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any of Phase 1, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

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

- 6 Prior to the construction above damp proof course in Phase 2, a scheme for on-site foul water drainage works, including connection point and discharge rate relating to that Phase, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any of Phase 2, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

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

- 7 No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

- Permeable car parks should be provided to treat polluted runoff generated from vehicles at the site. Further treatment should be provided through SUDS features such as bio-retention basins or swales in the proposed greenspaces at the site. Proprietary treatment device may be used to treat residual pollutants which may not be captured by the permeable car park.

- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. In case the drain down time is more than 24 hours

then demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.

- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason(s)

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 8 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason - The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

- 9 Prior to occupation 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, 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.

- 10 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason - To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 11 No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined above.

The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority) which has been approved in writing. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason - To enable a targeted evaluation to take place in areas where there is potential for the disturbance to below ground archaeological remains and to propose a suitable mitigation strategy for the preservation in situ or by record of any archaeological remains that will be impacted by the proposed development, in line with the National Planning Policy Framework (Paragraphs 194 and 205).

- 12 No development above slab level, within Phase 1, shall commence until a scheme for the installation of solar photovoltaic panels and electric vehicle charging points relevant to that Phase have first been submitted to and approved in writing by the local planning authority. Thereafter the scheme shall have been implemented prior to first occupation of each building to which it relates and retained for the lifetime of the development.

Reason - In order to secure renewable energy generation and promote sustainable transport and contribute towards addressing the climate change implications of the development.

- 13 No development above slab level, within Phase 2, shall commence until a scheme for the installation of solar photovoltaic panels and electric vehicle charging points relevant to that Phase have first been submitted to and approved in writing by the local planning authority. Thereafter the scheme shall have been implemented prior to first occupation of each building to which it relates and retained for the lifetime of the development.

Reason - In order to secure renewable energy generation and promote sustainable transport and contribute towards addressing the climate change implications of the development.

- 14 Prior to the commencement of any work within Phase 1, including any ground works or demolition, a phase Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved phase CTMP shall be adhered to by all ground works, construction and decommissioning traffic throughout the pre-construction, construction, and decommissioning phases. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for but not be restricted to:

- a. safe access to/from the site;
- b. the parking of vehicles of site operatives and visitors;
- c. the loading and unloading of plant and materials;
- d. the storage of plant and materials used in constructing the development;
- e. wheel and underbody washing facilities.
- f. measures to control the emission of dust and dirt during demolition and construction;
- g. a scheme for recycling/disposing of waste resulting from construction works (no burning permitted);
- h. details of hours of deliveries relating to construction of the development;
- i. details of hours of all construction / workers traffic movements;
- j. details of hours of site clearance or construction;
- k. Traffic Management Plan outlining a designated route to and from the development site for all HGV movement together with a management plan for local road maintenance and repair resulting from the development;
- l. a scheme to control noise and vibration during construction, including details of any piling operations.
- m. Registration and details of a Considerate Constructors Scheme.

The approved CTMP shall be adhered to throughout the construction period for the development.

Reason - A pre-commencement condition is required to ensure safe and controlled access, to ensure that on-street parking of these vehicles in the adjoining streets does not occur, to ensure that loose materials and spoil are not brought out onto the highway, to preserve the integrity and fabric of the highway, in the interests of highway safety.

- 15 Prior to the commencement of any work within Phase 2, including any ground works or demolition, a phase Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved phase CTMP shall be adhered to by all ground works, construction and decommissioning traffic throughout the pre-construction, construction, and decommissioning phases. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for but not be restricted to:

- a. safe access to/from the site;
- b. the parking of vehicles of site operatives and visitors;
- c. the loading and unloading of plant and materials;
- d. the storage of plant and materials used in constructing the development;
- e. wheel and underbody washing facilities.
- f. measures to control the emission of dust and dirt during demolition and construction;
- g. a scheme for recycling/disposing of waste resulting from construction works (no burning permitted);
- h. details of hours of deliveries relating to construction of the development;
- i. details of hours of all construction / workers traffic movements;
- j. details of hours of site clearance or construction;
- k. Traffic Management Plan outlining a designated route to and from the development site for all HGV movement together with a management plan for local road maintenance and repair resulting from the development;
- l. a scheme to control noise and vibration during construction, including details of any piling operations.
- m. Registration and details of a Considerate Constructors Scheme.

The approved CTMP shall be adhered to throughout the construction period for the development.

Reason - A pre-commencement condition is required to ensure safe and controlled access, to ensure that on-street parking of these vehicles in the adjoining streets does not occur, to ensure that loose materials and spoil are not brought out onto the highway, to preserve the integrity and fabric of the highway, in the interests of highway safety.

- 16 No above ground works to a building / plot shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials for that particular building / plot to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development unless otherwise agreed, in writing, at a later date with the Local Planning Authority.

Reason - To ensure that materials of an acceptable quality appropriate to the area are used.

- 17 If during groundworks evidence of potential contamination is encountered, works shall cease, and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.
- If evidence of potential contamination is encountered and upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build, then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason - To ensure that any risks from land contamination to the future users of the land and neighbouring land are minimised.

- 18 Prior to the first use/occupation of the development a Flood Warning Evacuation Plan shall be submitted to and approved, in writing, by the Local Planning Authority. The Flood Warning Evacuation Plan shall remain in force for the duration of the lifetime of the development and shall remain a live document and be updated where required.

Reason - The site lies within flood zones 3 and a detailed evacuation plan is essential to safeguard occupiers of the development.

- 19 No external lighting shall be installed to any building / plot until details of an illumination scheme relating to that specific building / plot have been submitted to and approved in writing by the local planning authority. Development shall only be carried out in accordance with the approved details.

Reason - in the interests of amenity to reduce the impact of night time illumination on the character of the area and to ensure that the development employs energy efficient measures.

- 20 Prior to installation of any plant/machinery/ventilation/air conditioning/extraction equipment, including any replacements of such, full details including location, acoustic specifications, and specific measures to control noise/dust/odour from the equipment, shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed, used and maintained thereafter in full accordance with the approved details.

Reason - To ensure compliance with the relevant standards and guidelines and to protect the amenity of nearby hotel guests.

- 21 Prior to the first operational use of the hereby approved hotel, a scheme of sound insulation, shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall demonstrate that the proposed hotel rooms (with the windows closed) meet the required internal noise levels as set out in BS8233:2014 - 'Guidance on sound insulation and noise reduction for buildings'. The approved scheme shall be carried out, in its entirety, before the rooms are first occupied and shall be retained thereafter.

Reason - To safeguard the amenities of future users of the hotel.

- 22 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Assessment (ACJ Ecology, June 2022).

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason - To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as

amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 23 Prior to commencement of any development a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following;

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including a precautionary method statement for small mammals.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason - To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

- 24 Prior to any works above slab level a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason - To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 25 The hereby approved access and internal road layout within Phase 1 shall be completed in all respects in accordance with the approved drawings and be available for use before first occupation/use of Phase 1 of the development hereby approved. The access shall then be retained in its approved form.

The hereby approved access and internal road layout within Phase 2 shall be completed in all respects in accordance with the approved drawings and be available for use before first occupation/use of Phase 2 of the development hereby approved. The access shall then be retained in its approved form.

Reason - In the interests of highway safety to ensure the access is properly designed and constructed and made available for use.

- 26 Prior to the first use of the hereby approved vehicular access to the development, a 2.4 m x 17 m cycle visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall thereafter be retained free of any obstruction at all times and must not form part of the vehicular surface of the access.

Reason - To provide adequate inter-visibility between the users of the access and cyclists in the adjoining highway in the interest of highway safety.

- 27 Prior to the first occupation of Phase 1 of the development, and as indicated on drawing no. 3835 - PL02X, a 3 metre wide shared footway/ cycleway shall be provided along the entire southern boundary (within Phase 1) of the site.

Reason - To make adequate provision within the highway for the additional pedestrian traffic generated within the highway as a result of the proposed development and to link in with the existing footway/cycleway provision.

- 28 Prior to the first occupation of Phase 2 of the development, and as indicated on drawing no. 3835 - PL02X, a 3 metre wide shared footway/ cycleway shall be provided along the entire southern boundary (within Phase 2) of the site.

Reason - To make adequate provision within the highway for the additional pedestrian traffic generated within the highway as a result of the proposed development and to link in with the existing footway/cycleway provision.

- 29 The buildings/units shall not be occupied or first used until the area within the site relevant to that building/unit, as shown on approved drawings, for the purposes of manoeuvring and parking (including cycle storage facilities) of vehicles/bicycles have been provided and made functionally available. The parking areas and cycle storage facilities shall then be retained and remain free of obstruction thereafter.

Reason - To ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles.

- 30 The approved Travel Plan (as prepared by ttp consulting - dated August 2021) arrangements shall be implemented and adhered to prior to the first occupation/use of each unit/building and retained thereafter in accordance with the approved Plan.

Reason - In the interests of sustainable development.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017. Please note that any subsequent variation / removal of condition applications (s73 applications) will require a new legal agreement to secure this obligation unless the development has commenced (subject to all necessary condition discharges) and the contribution has already been paid.

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: 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.

3: 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.

4: 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.

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