

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	ML	23/04/2025
EIA Development - Notify Planning Casework Unit of Decision:	NO	
Pre-commencement condition agreement:	YES	23/04/2025
Team Leader authorisation / sign off:	AN	25/04/25
Assistant Planner final checks and despatch:	ER	25/04/25

Application: 25/00162/VOC

Town / Parish: Harwich Town Council

Applicant: Mr Daren Burney - Burney (Harwich) Limited

Address: Stanton Europark Freshfields Road Harwich

Development: Application under Section 73 of the Town and Country Planning Act for Variation of Conditions 2 (Approved drawings) of application 23/00881/VOC to enable/allow a minor material amendment to the consented scheme (change of use and appearance of unit 8).

1. Town / Parish Council

Harwich Town Council

Harwich Town Council has no objection to this application

2. Consultation Responses

ECC Highways Dept
04.03.2025

The information provided with the application has been assessed by the Highway Authority and conclusions reached from a desktop study based on the submitted material. It is noted that the proposals are for the change of use of consented business unit 8, due to no interest, it is proposed to change the use to food/ beverage with associated changes to the appearance and reduced footprint. The proposal retains adequate parking for the size of the revised building in accordance with the new parking standards, 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. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The 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

2. The powered two-wheeler/cycle parking facilities as shown on

the approved plan are to be provided prior to the first occupation of the development and retained at all times.

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

3. Any new boundary planting shall be planted a minimum of 1 metre back from the highway 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.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance and National Planning Policy Framework.

Informative:

i) 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

ii) 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.

iii) 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.

Environmental Protection
10.03.2025

With reference to the above VOC, I can advise the EP Team have no adverse comments to make.

Food Health and Safety

No comments received

Highways England
10.03.2025

Referring to the consultation on a planning application dated 21th February 2025 referenced above, in the vicinity of the A120 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is as follows:

a) No Objection: see reasons at Annex A.

Highways Act 1980 Section 175B is not relevant to this application.1

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to PlanningEE@nationalhighways.co.uk. This response and all comments outlined herein are made in respect of planning matters only in National Highways' position as a statutory planning consultee, and does not confer any proprietary rights nor amount to the giving or refusal of consent, assent, approval, or awareness of or by National Highways in or of any other aspects or matters (including, but not limited to, the use of property belonging to National Highways).

Environment Agency No comments received

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
23/00877/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.	Approved	10.11.2023
23/01772/DISCON	Discharge of condition 11 (Programme of archaeological investigation) of application 23/00881/VOC.	Approved	18.01.2024
24/00176/DISCON	Discharge of condition 14 (Phase 1 - CTMP) of application 23/00881/VOC.	Approved	04.03.2024
24/00178/DISCON	Discharge of condition 3 (Phase 1 - Landscaping) of application 23/00881/VOC.	Approved	14.03.2024
24/00278/DISCON	Discharge of conditions application for 23/00881/VOC - Condition 11	Approved	12.03.2024

(Archaeology).

24/00404/DISCON	Discharge of conditions application for 23/00881/VOC - Condition 23 (Construction Environmental Management Plan) and Condition 24 (Biodiversity Enhancement Strategy).	Approved	21.05.2024
24/00444/DISCON	Discharge of conditions application for 23/00881/VOC - Condition 8 (Surface Water Drainage); Condition 9 (Surface Water Management Plan); Condition 10 (Maintenance Plan).	Approved	18.06.2024
24/00559/DISCON	Discharge of conditions application for 23/00881/VOC - Condition 12 (Scheme for the installation of solar photovoltaic panels and electric vehicle charging points).	Approved	20.05.2024
24/00583/DISCON	Discharge of conditions application for 23/00881/VOC - Condition 18 (Flood Warning Evacuation Plan).	Approved	03.06.2024
24/00660/DISCON	Discharge of conditions application for 23/00881/VOC - Condition 16 (external facing and roofing materials); Condition 19 (illumination scheme).	Approved	11.06.2024
24/00924/DISCON	Partial discharge of condition application for 23/00881/VOC Condition 20 (full details including location, acoustic specifications, and specific measures to control noise/dust/odour from the equipment) in relation to Burger King and Starbucks units only.	Approved	31.07.2024
24/01037/DISCON	Discharge of condition application for 23/00881/VOC Condition 21 (Hotel Sound Insulation).	Approved	31.07.2024
24/01129/ADV	Application for Advertisement Consent - Freestanding internally illuminated totem sign	Approved	25.09.2024
24/01135/ADV	Application for Advertisement Consent - 9no. freestanding signage and 7no. fascia signage for Starbucks and 7no. freestanding signage and 7no. fascia signage for Burger King.	Approved	27.09.2024
24/01146/DISCON	Discharge of conditions application for 23/00881/VOC - Condition 15 (Construction Traffic Management Plan).	Approved	16.08.2024
24/01159/ADV	Application for Advertisement Consent - Various External Signage.	Withdrawn	10.09.2024
24/01346/DISCON	Part discharge of condition application for	Approved	02.10.2024

	23/00881/VOC - Condition 19 (Illumination Scheme - Travel Lodge only)		
24/01361/DISCON	Discharge of conditions application for 23/00881/VOC - Condition 16 (External facing and Roofing Materials).	Approved	16.09.2024
24/01399/ADV	Application for Advertisement Consent - Totem pole, directional signs, clearance bar, menu boards, order point, fascia wordmarks and fascia roundels.	Approved	12.11.2024
24/01439/DISCON	Discharge of conditions application for 23/00881/VOC - Condition 8 (Surface Water Management Plan - Phase 2 Only).	Refused	20.11.2024
24/01509/ADV	Application for Advertisement Consent - 1x double sided monolith/totem sign, 4x fascia signs, 1x entrance sign, and external lighting.	Approved	02.12.2024
24/01531/DISCON	Discharge of conditions application for 23/00881/VOC - Condition 4 (Phase 2 - Landscaping).	Approved	25.10.2024
24/01548/DISCON	Discharge of conditions application for 23/00881/VOC - Condition 12 (Scheme for the installation of solar photovoltaic panels and electric vehicle charging points).	Approved	19.11.2024
24/01569/DISCON	Discharge of conditions application for 23/00881/VOC - Condition 20 (Noise Impact Assessment - Travel Lodge only).	Approved	12.11.2024
24/01660/ADV	Application for Advertisement Consent - KFC Unit - 8 no. Freestanding signs and 5 no. Fascia signs.	Approved	23.12.2024
24/01752/DISCON	Discharge of conditions application for 23/00881/VOC - Condition 8 (Scheme to minimise the risk of offsite flooding - Phase 2 only) and Condition 19 (External lighting - KFC, Air Rescue, Howdens and Screwfix only)	Approved	24.12.2024
24/01887/DISCON	Discharge of conditions application for 23/00881/VOC - Part Discharge of Condition 12 (Phase 1 - Installation of Solar PV Panels and EV Charging Points - Units 2 and 3 only) and Condition 13 (Phase 2 - Installation of Solar PV Panels and EV Charging Points - Unit 1 and KFC only).	Approved	29.01.2025
25/00009/DISCON	Discharge of conditions application for 23/00881/VOC - Condition 20 (KFC only - Full details including location, acoustic specifications, and specific measures to	Approved	13.01.2025

	control noise/dust/odour from the equipment)		
25/00036/DISCON	Discharge of conditions application for 23/00881/VOC - Conditions 6 (Foul Water), 7 (Surface Water Drainage) and 9 (Phase 2 - Surface Water Drainage Maintenance).	Approved	12.03.2025
25/00105/DISCON	Discharge of conditions application for 23/00881/VOC - Condition 20 (Installation of plant/machinery/ventilation/airconditioning/extraction equipment) - Screwfix only.	Approved	07.02.2025
25/00162/VOC	Application under Section 73 of the Town and Country Planning Act for Variation of Conditions 2 (Approved drawings) of application 23/00881/VOC to enable/allow a minor material amendment to the consented scheme (change of use and appearance of unit 8).	Current	
25/00482/DISCON	Discharge of conditions application for 23/00881/VOC - Condition 20 (Installation of plant/machinery/ventilation/air conditioning/extraction equipment) - Unit 1 Air Rescue only.	Approved	04.04.2025
25/00525/DISCON	Discharge of conditions application for 23/00881/VOC - Condition 20 (Plant Details - Unit 3 (Howdens) Only.	Approved	04.04.2025

4. **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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

5. **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>

At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

6. **Relevant Policies / Government Guidance**

National:

National Planning Policy Framework 2025 (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 Parking Guidance](#) Part 1: Parking Standards Design and Good Practice 2024

7. **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 a 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. Construction work relating to the re-development of the site for mixed commercial and business use is well underway.

Proposal/Planning History

Original Consent

Planning Permission reference 21/01240/FUL was granted for:

Proposed 68-bed hotel, two drive through restaurants, 10 business units (Use Classes B2/B8) with associated car parking and landscaping.

Implemented Consent

After the planning permission being granted for the original consent, S96a applications for non-material amendments, and a simultaneous S73 application for minor material changes were submitted were approved.

These consents, collectively, allowed for the change in number of business and food/beverage units and, therefore, the description of the wider development.

The S73 consent (Reference - 23/00881/VOC) remains the live and valid consent. This is the consent that all planning conditions that have been discharged, to date, relate to and it is the scheme that is currently being built out.

Since the S73 consent was granted, three subsequent S96a applications, for non-material amendments have been approved as follows:

- 24/00763/NMA (to revise the location of EV charging bays);
- 24/0117/NMA (for alterations to both the layout and elevations of the KFC unit); and
- 24/0119/NMA (for inclusion of an education / training element to the air rescue use/unit).

This S73 application seeks to ensure that all already approved changes under the consented S96a consents are shown on the enclosed proposed drawings and, most pertinently, relates to the change of use of the consented business unit no. 8 from business use to food/beverage use (with associated changes to the footprint and appearance of the consented unit).

Unit 8 is situated immediately to the east of the vehicular access into the site and was previously granted permission for office/commercial use with a floor area of 139.4sqm. The replacement unit comprises of a slightly reduced footprint (111.5 sqm) and is served by a parking court comprising of 22 spaces, an increase of 2 spaces over the consented scheme. This application proposes to change the use of this unit to a small takeaway food unit, and the re-orientation of the building so its longest elevation faces south rather than from east to west as approved.

The proposed access to the wider 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 279 parking spaces with the hotel and restaurant/takeaway units 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 S73 application proposes a slight re-balance of the commercial and business units, via the erection of 9 no. B2/B8 uses alongside a hotel, 3 no. drive-through uses and a takeaway food unit (the subject of this S73 application). This represents an increase of 1 modest sized food takeaway unit over the existing consent.

As the variation to the approved scheme would bring about only a minor reduction in the quantum of B2/B8 uses (139.4.5 sqm floor space overall), 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.

Moreover, evidence has been provided in the form of a letter from the letting agent for the wider estate confirming that demand for the commercial unit remains fragile and has certainly weakened recently, with many businesses more actively stalling their recruitment and expansion plans due to wider economic issues. The letter outlines that having regard to the economic slowdown the opportunity here to secure another national brand (Subway) into the scheme would represent a significant benefit of the local area in terms both of jobs (10/12 PT/FT), as well as the ongoing viability of the development.

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. This is reinforced by the fact that the change of use of unit 8 from business use to commercial represents only a 3.8% decrease in business floorspace across the whole site, due to the modest size of the unit in question.

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.

The NPPF 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 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 takeaway 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 modest floor area of the new Class E 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.

Design/Layout

The only changes relate to the external appearance of unit 8, other changes have previously been approved via NMAs and are secured via the updated approved plans condition. Whilst unit 8 is situated in a prominent location at the entrance into the site, the design changes seek to replicate the contemporary appearance of the remaining units. The unit 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. The re-orientation of the building to face south reflects the new commercial use of the building and is proposed to attract passing trade by placing its frontage towards the highway to the south. This change is acceptable and would not harm the overall appearance of the development.

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

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 116 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 has reviewed the proposals and have confirmed that they have no objections to the changes proposed, due to the slight decrease in footprint and increase in parking spaces, 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;

National Highways does not consider the change of use and appearance to unit 8, would result in a significant increase in trips on our SRN network and therefore we offer no objection to this proposed change.

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 187 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 193 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 ensure adherence to the approved Biodiversity Enhancement Strategy, and approved 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. A Unilateral Undertaking was previously completed to secure this mitigation in the form of a financial contribution. This contribution was paid in full following the commencement of the development, therefore negating the need for an updated undertaking.

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. As this application relates to a S73 application that was approved, and implemented, prior to the introduction of BNG requirements, this proposal is not applicable for Biodiversity Net Gain.

Residential Amenities

Together, Policies SP7 and SPL3 seek to protect the living conditions of neighbours. Amongst other things, Paragraph 135 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 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 172 and 174 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 previously 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 criterion, 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 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 78 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 secure the implementation of the approved SUDs scheme, its implementation and on-going maintenance.

Anglian Water previously 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. A condition to secure the implementation of the approved foul drainage scheme will be re-applied.

Conditions

The conditions applied to the previous approval will be re-applied and updated where details have previously been approved. The approved plans condition will be updated to reflect the changes now proposed to unit 8 alongside revised plans previously agreed via various NMAs (Section 96) approvals. Conditions relating to Archaeology have been complied with and will therefore be removed.

As outlined above, there is no requirement for an updated undertaking, as the RAMS contribution

has been paid in full following the commencement of the development.

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.

The NPPF states that planning policies and decision 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 1 no. takeaway 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 on 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 robust 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 modest sized takeaway 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), 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 85 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.

8. Recommendation

Approval - Full

9. Conditions

- 1 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 - PL02AH

- 3835 - PL03D
 - 3835 - PL04D
 - 3835 - PL13D
 - 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 - PL25C
 - 3835 - PL24C

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

- 2 All changes in ground levels and soft/hard landscaping for Phase 1 only, and as shown on the approved landscaping details (approved via Reference 24/00178/DISCON), 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 up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf 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: In the interests of visual amenity, the character and appearance of the area and to underpin the Council's duty to enhance the biodiversity credentials of the development under the NPPF 2023 and s40 of the NERC Act 2006 (as amended).

- 3 All changes in ground levels and soft/hard landscaping for Phase 2 only, and as shown on the approved landscaping details (approved via Reference 24/01531/DISCON), 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 up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf 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: In the interests of visual amenity, the character and appearance of the area and to underpin the Council's duty to enhance the biodiversity credentials of the development under

the NPPF 2023 and s40 of the NERC Act 2006 (as amended).

- 4 All on-site foul water drainage works (Phase 1 only) shall be installed in full accordance with the details approved under Reference 24/00305/DISCON. Prior to the occupation of any of Phase 1, the approved foul water drainage works must have been carried out and installed in complete accordance with the approved scheme.

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

- 5 All on-site foul water drainage works (Phase 2 only) shall be installed in full accordance with the details approved under Reference 25/00036/DISCON. Prior to the occupation of any of Phase 2, the approved foul water drainage works must have been carried out and installed in complete accordance with the approved scheme.

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

- 6 All surface water drainage works (Phase 1 only) shall be installed in full accordance with the details approved under Planning Reference 24/00305/DISCON. Prior to the occupation of any of Phase 1, the approved surface water drainage works must have been carried out and installed in complete accordance with the approved scheme.

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.

- 7 All surface water drainage works (Phase 2 only) shall be installed in full accordance with the details approved under Planning Reference 25/00036/DISCON. Prior to the first occupation of any of Phase 2, the approved surface water drainage works must have been carried out and installed in complete accordance with the approved scheme.

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 All construction works (Phases 1 and 2) shall be carried out in full accordance with the off-site flooding mitigation measures approved under Planning References 22/00444/DISCON and 24/01752/DISCON.

Reason - To ensure that the development does not increase flood risk elsewhere and does not contribute to water pollution.

- 9 The hereby approved surface water drainage scheme shall be maintained in full accordance with the details approved under Planning References 24/00444/DISCON and 25/00036/DISCON.

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 The solar photovoltaic panels and electric vehicle charging points schemes, as approved under Planning Reference 24/00559/DISCON (Starbucks and Burger King only), Planning Reference 24/01548/DISCON (Travelodge only) and Planning Reference 24/01887/DISCON (Units 2 and 3 only) 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.

- 12 The solar photovoltaic panels and electric vehicle charging points scheme, as approved under Planning Reference 24/01887/DISCON (Unit 1 and KFC only) 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 (unit 4a, unit 4b, unit 5, unit 7a, unit 7b and unit 8 only), shall commence until a scheme for the installation of solar photovoltaic panels and electric vehicle charging points, relevant to the units noted above only, 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 The details outlined within the Construction Traffic Management Plans approved under Planning Reference 24/00176/DISCON (Phase 1 only) and Planning Reference 24/01146/DISCON (Unit 1 and KFC only) shall be adhered in full throughout the construction period for the development of those units noted above.

Reason - 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 to units; 4a, 4b, 5, 6, 7a, 7b and 8 , including any

ground works or demolition, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved 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 of the units noted above.

Reason - 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 The development shall be constructed in full accordance with the external facing and roofing materials approved under Planning Reference 24/00660/DISCON (Starbucks, Burger King, Travelodge only) and Planning Reference 24/01361/DISCON (Unit 2, Unit 3, Unit 1 and KFC only).

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

- 17 No above ground works to units; 4a, 4b, 5, 6, 7a, 7b and 8, 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.

- 18 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.

- 19 The Flood Warning Evacuation Plan approved under Planning Reference 24/00583/DISCON, 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.

- 20 The external illumination schemes shall be installed in full accordance with the details approved under Planning Reference 24/00660/DISCON (Starbucks, Burger King only), Planning Reference 24/01346/DISCON (Travelodge only) and Planning Reference 24/01752/DISCON (Unit 2, Unit 3, Unit 1 and KFC only).

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.

- 21 No external lighting shall be installed to units; 4a, 4b, 5, 6, 7a, 7b and 8 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.

- 22 The plant, machinery, ventilation, air conditioning and extraction equipment shall be installed in full accordance with the details approved under Planning Reference 24/00924/DISCON (Starbucks and Burger King only), Planning Reference 24/01569/DISCON (Travelodge only), Planning Reference 25/00105/DISCON (Unit only), Planning Reference 25/00525/DISCON (Unit 3 only), Planning Reference 25/00482/DISCON (Unit 1 only) and Planning Reference 25/00009/DISCON (KFC only). 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.

- 23 Prior to installation of any plant/machinery/ventilation/air conditioning/extraction equipment to units; 4a, 4b, 5, 6, 7a, 7b and 8 only, 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.

- 24 The scheme of sound insulation for the Travelodge unit only, shall be installed in full accordance with the details approved under Planning Reference 24/01037/DISCON. 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.

- 25 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).

- 26 The Construction Environmental Management Plan, approved under Planning Reference 24/00404/DISCON, 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).

- 27 The Biodiversity Enhancement Strategy for protected and Priority species, approved under Planning Reference 24/00404/DISCON, shall be implemented in full 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).

- 28 Prior to the first occupation of Phase 1 of the development, and as indicated on drawing no. 3835 - PL02AH, 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.

- 29 Prior to the first occupation of Phase 2 of the development, and as indicated on drawing no. 3835 - PL02AH, 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.

- 30 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.

- 31 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.

- 32 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.

- 33 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.

10. 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.

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.

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

12. Notification of Decision

Are there any letters to be sent to applicant / agent with the decision? If so please specify:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO
Has there been a declaration of interest made on this application?		NO