



## PLANNING COMMITTEE

**DATE:** Wednesday, 1 September 2021  
**TIME:** 6.00 pm  
**VENUE:** Council Chamber - Council Offices,  
Thorpe Road, Weeley, CO16 9AJ

### MEMBERSHIP:

Councillor White (Chairman)	Councillor Codling
Councillor Bray (Vice-Chairman)	Councillor Fowler
Councillor Alexander	Councillor Harris
Councillor Baker	Councillor Placey
Councillor Casey	

Most Council meetings are open to the public and press. The space for the public and press will be made available on a first come first served basis. The meeting will normally be live streamed and the link to this is available at [www.tendringdc.gov.uk/livemeetings](http://www.tendringdc.gov.uk/livemeetings). Those attending the meeting may therefore be filmed. After the meeting the recording of the live stream will normally be available using the same link.

Agendas and Minutes are published on the Council's website [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk). Agendas are available to view five working days prior to the meeting date and the Council aims to publish Minutes within five working days of the meeting.

Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

For further details and general enquiries about this meeting, contact Emma Haward on 01255 686007.

DATE OF PUBLICATION: Monday, 23 August 2021



## AGENDA

### **1 Apologies for Absence and Substitutions**

The Committee is asked to note any apologies for absence and substitutions received from Members.

### **2 Minutes of the Last Meeting (Pages 1 - 10)**

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on Tuesday, 3 August 2021.

### **3 Declarations of Interest**

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

### **4 Questions on Notice pursuant to Council Procedure Rule 38**

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

### **5 A.1 & 2 PLANNING APPLICATIONS – 20/01416/DETAIL AND 21/00042/DISCON – LAND NORTHWEST OF SLADBURYS LANE CLACTON ON SEA ESSEX CO15 6NU (Pages 11 - 44)**

These applications were originally brought before Planning Committee on 8th June 2021. The application seeks approval of the reserved matters (access, appearance, landscaping, layout and scale) relating to outline planning permission 15/01351/OUT, which was allowed at appeal, for the erection of up to 132 dwellings and open space, including provision for a new sports field, new vehicular access and access via Sladbury's Lane. This application includes details of access, appearance, landscape, layout and scale which were not included as part of the outline application.

### **6 A.3 PLANNING APPLICATION – 20/01798/FUL – LAND REAR OF UNA ROAD PARKESTON CO12 4PS (Pages 45 - 100)**

This application has been referred to Planning Committee at the request of Councillor Davidson due to concerns relating to; the design and street scene impact, impact on the neighbours, highway safety, general safety due to proximity to the Oil Refinery and parking concerns.

The site lies within the defined Settlement Development Boundary of the existing and emerging local plans.

## **Date of the Next Scheduled Meeting**

*The next scheduled meeting of the Planning Committee is to be held in the Princes Theatre - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 6.00 pm on Tuesday, 28 September 2021.*

# **Information for Visitors**

## **PUBLIC ATTENDANCE AT PLANNING COMMITTEE MEETINGS**

Welcome to this evening's meeting of Tendring District Council's Planning Committee. This is an open meeting which members of the public can attend to see Councillors debating and transacting the business of the Council. However, please be aware that, unless you have registered to speak under the Public Speaking Scheme, members of the public are not entitled to make any comment or take part in the meeting. You are also asked to behave in a respectful manner at all times during these meetings.

Members of the public do have the right to film or record Committee meetings subject to the provisions set out below:-

### **Rights of members of the public to film and record meetings**

Under The Openness of Local Government Bodies Regulations 2014, any person is permitted to film or record any meeting of the Council, a Committee, Sub-Committee or the Cabinet, unless the public have been excluded from the meeting for the consideration of exempt or confidential business.

Members of the public also have the right to report meetings using social media (including blogging or tweeting). The Council will provide reasonable facilities to facilitate reporting.

### **Public Behaviour**

Any person exercising the rights set out above must not disrupt proceedings. Examples of what will be regarded as disruptive, include, but are not limited to:

- (1) Moving outside the area designated for the public;
- (2) Making excessive noise;
- (3) Intrusive lighting/flash; or
- (4) Asking a Councillor to repeat a statement.

In addition, members of the public or the public gallery should **not** be filmed as this could infringe on an individual's right to privacy, if their prior permission has not been obtained.

Any person considered being disruptive or filming the public will be requested to cease doing so by the Chairman of the meeting and may be asked to leave the meeting. A refusal by the member of the public concerned will lead to the Police being called to intervene.

### **FIRE EVACUATION PROCEDURE**

There is no alarm test scheduled for this meeting.

In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the hall and follow the exit signs out of the building.

Please heed the instructions given by any member of staff and they will assist you in leaving the building and direct you to the assembly point.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

Your calmness and assistance is greatly appreciated.

# *Tendring* **District Council**



## **PLANNING COMMITTEE MEETINGS PUBLIC SPEAKING SCHEME March 2021**

This Public Speaking Scheme is made pursuant to Council Procedure Rule 40 and gives the opportunity for a member of the public and other parties identified below to speak to Tendring District Council's Planning Committee when they are deciding a planning application.

### **TO WHICH MEETINGS DOES THIS SCHEME APPLY?**

Public meeting of the Council's Planning Committee are normally held every 4 weeks at 6.00 pm in either the Council Chamber at the Council Offices, Thorpe Road, Weeley CO16 9AJ or at the Town Hall, Station Road, Clacton-on-Sea CO15 1SE or entirely by remote means and the public are encouraged to check the venue etc. on the Council's Website before attending.

**WHO CAN SPEAK & TIME PERMITTED?** All speakers must be aged 18 or over:

1. The applicant, his agent or representative; or (where applicable) one person the subject of the potential enforcement action or directly affected by the potential confirmation of a tree preservation order, his agent or representative. A maximum of 3 minutes to speak is allowed;
2. One member of the public who wishes to comment on or to speak in favour of the application or someone who produces a signed, written authority to speak on their behalf. A maximum of 3 minutes to speak is allowed;
3. One member of the public who wishes to comment on or speak against the application or someone who produces a signed, written authority to speak on their behalf. A maximum of 3 minutes to speak is allowed;
4. Where the proposed development is in the area of a Parish or Town Council, one Parish or Town Council representative. A maximum of 3 minutes to speak is allowed;

5. All District Councillors for the ward where the development is situated (“ward member”) or (if the ward member is unable to attend the meeting) a District Councillor appointed in writing by the ward member. Member(s) of adjacent wards or wards impacted by the proposed development may also speak with the agreement of the Chairman. Permission for District Councillors to speak is subject to the Council’s Code of Conduct and the declarations of interest provisions will apply. A maximum of 5 minutes to speak is allowed;

In accordance, with Council Procedure Rule 34.1, this Public Speaking Scheme takes precedence and no other Member shall be entitled to address or speak to the Planning Committee under Rule 34.1; and

6. A member of the Council’s Cabinet may also be permitted to speak on any application but only if the proposed development has a direct impact on the portfolio for which the Cabinet member is responsible. The Leader of the Council must approve the Cabinet Member making representations to the Planning Committee. A maximum of 3 minutes is allowed.

Any one speaking as a Parish/Town Council representative maybe requested to produce written evidence of their authority to do so, by the District Council’s Committee Services Officer (CSO). This evidence may be an official Minute, copy of standing orders (or equivalent) or a signed letter from the Clerk to the Parish/Town Council and must be shown to the DSO before the beginning of the Planning Committee meeting concerned.

No speaker, (with the exception of Ward Members, who are limited to 5 minutes) may speak for more than 3 minutes on any agenda items associated with applications (such as a planning application and an associated listed building consent application). Speakers may not be questioned at the meeting, nor can any public speaker question other speakers, Councillors or Officers. Speakers are not permitted to introduce any photograph, drawing or written material, including slide or other presentations, as part of their public speaking.

All Committee meetings of Tendring District Council are chaired by the Chairman or Vice-Chairman (in their absence) whose responsibility is to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community. The Chairman of the Planning Committee therefore, has authority to use their discretion when applying the Public Speaking Scheme to comply with this duty.

## **WHICH MATTERS ARE COVERED BY THIS SCHEME?**

Applications for planning permission, reserved matters approval, listed building consent, conservation area consent, advertisement consent, hazardous substances consent, proposed or potential enforcement action and the proposed or potential confirmation of any tree preservation order, where these are the subject of public reports to the Planning Committee meeting.

## **HOW CAN I FIND OUT WHEN A MATTER WILL BE CONSIDERED?**

In addition to the publication of agendas with written reports, the dates and times of the Planning Committee meetings are shown on the Council's website. It should be noted that some applications may be withdrawn by the applicant at short notice and others may be deferred because of new information or for procedural reasons. This means that deferral takes place shortly before or during the Planning Committee meeting and you will not be able to speak at that meeting, but will be able to do so at the meeting when the application is next considered by the Planning Committee.

### **DO I HAVE TO ATTEND THE PLANNING COMMITTEE MEETING TO MAKE THE COMMITTEE AWARE OF MY VIEWS?**

No. If you have made written representations, their substance will be taken into account and the Committee report, which is available to all Planning Committee Councillors, will contain a summary of the representations received.

### **HOW DO I ARRANGE TO SPEAK AT THE MEETING?**

You can:-

Telephone the Committee Services Officer ("CSO") (01255 686007) during normal working hours on any weekday after the reports and agenda have been published; or

Email: [democraticservices@tendringdc.gov.uk](mailto:democraticservices@tendringdc.gov.uk)

### **OR**

On the day of the Planning Committee meeting, you can arrive in the Council Chamber or Town Hall (as appropriate) at least 15 minutes before the beginning of the meeting (meetings normally begin at 6.00pm) and speak to the CSO.

If more than one person wants to speak who is eligible under a particular category (e.g. a member of the public within the description set out in numbered paragraphs 2 or 3 above), the right to speak under that category will be on a "first come, first served" basis.

Indicating to the Chairman at a site visit that you wish to speak on an item is **NOT** formal notification or registration to speak; this must be made via the Committee Services Officer in the manner set out above.

### **WHAT WILL HAPPEN WHEN THE MATTER CONCERNED IS CONSIDERED?**

- Planning Officer presents officer report
- Public speaking takes place in the order set out above under the heading "WHO CAN SPEAK?"
- Officer(s) may respond on factual issues arising from public speaking and may sum up the key policies and material planning considerations relevant to the application



- Committee Members may ask Officers relevant questions and may move, debate and vote

Normally, the Committee then determines the matter, but sometimes the Councillors decide to defer determination, to allow officers to seek further information about a particular planning issue. If a matter is deferred after the public speaking, the Committee will not hear public speaking for a second time, unless there has been a substantial change in the application which requires representations to be made. The Executive Summary section of the Planning Committee Report will identify whether public speaking is going to be permitted on an application being reconsidered after deferral. If there is an update since the Report was published, the Council's website will confirm this information.

### **WHAT SHOULD I SAY AT THE MEETING?**

Please be straightforward and concise and try to keep your comments to planning matters which are directly relevant to the application or matter concerned. Planning matters may include things such as planning policy, previous decisions of the Council on the same site or in similar circumstances, design, appearance, layout, effects on amenity, overlooking, loss of light, overshadowing, loss of privacy, noise or smell nuisance, impact on trees, listed buildings or highway safety.

Matters such as the following are not relevant planning matters, namely the effect of the development on property value(s), loss of view, personality or motive of the applicant, covenants, private rights or easements and boundary or access disputes.

Please be courteous and do not make personal remarks. You may wish to come to the meeting with a written statement of exactly what you want to say or read out, having checked beforehand that it will not overrun the 3 minutes allowed.

### **WHO DO I CONTACT FOR MORE INFORMATION?**

The Council's website will help you and you can also contact the relevant planning Case Officer for the matter. The name of the Officer is on the acknowledgement of the application or in the correspondence we have sent you.

Tendring District Council, Planning Services,  
Council Offices, Thorpe Road, Weeley, CLACTON-ON-SEA, Essex CO16 9AJ  
Tel: 01255 686161 Fax: 01255 686417  
Email: [planningservices@tendringdc.gov.uk](mailto:planningservices@tendringdc.gov.uk) Web: [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk)

It always helps to save time if you can quote the planning application reference number.

**As approved at the meeting of the Full Council held on 16 March 2021**

This page is intentionally left blank

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON TUESDAY, 3RD AUGUST, 2021 AT 6.00 PM  
IN THE PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Baker, Casey, Codling, Fowler, Harris and Placey
<b>Also Present:</b>	Councillors Nicholls (Gt Bromley Parish Council), Scott, Adam Devaux (Senior Building and Maintenance Surveyor) and 7 members of the public.
<b>In Attendance:</b>	Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Graham Nourse (Assistant Director (Planning)), Trevor Faulkner (Planning Manager), Joanne Fisher (Planning Solicitor), Jacob Jaarsmar (Planning Team Leader), Adam Devaux (Senior Building & Maintenance Surveyor), Emma Haward (Leadership Support Assistant) and Matt Cattermole (Communications Assistant)

**132. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Joanne Fisher (Planning Solicitor).

**133. MINUTES OF THE LAST MEETING**

It was moved by Councillor Bray, seconded by Councillor Alexander and **RESOLVED** that the minutes of the last meeting of the Committee held on 6 July 2021 be approved as a correct record.

**134. DECLARATIONS OF INTEREST**

All Members of the Committee declared for the public record that in relation to **Planning Application 20/00547/OUT Hamilton Lodge, Parsons Hill, Great Bromley, Colchester CO7 7JB** they had been 'lobbied' by the applicant's agent.

Councillor Codling also declared a personal interest in **Planning Application 20/00809/FUL 102 Nayland Drive, Clacton-on-Sea CO16 8TZ** due to being a Ward Member. He stated that he was not pre-determined and that therefore he would participate in the determination of that application.

Councillor Scott, who was present in the public gallery, declared a personal interest in **Planning Application 20/00547/OUT 20/00547/OUT Hamilton Lodge, Parsons Hill, Great Bromley, Colchester CO7 7JB** due to his being a Ward Member.

**135. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

There were none on this occasion.

**136. A.1 PLANNING APPLICATION 20/00547/OUT – HAMILTON LODGE, PARSONS HILL, GREAT BROMLEY, COLCHESTER CO7 7JB**

Earlier on in the meeting all Members of the Committee had declared that they had been 'lobbied' by the applicant's agent in relation to this application.

Earlier on in the meeting Councillor Codling had also declared a personal interest in **this application** due to his being a Ward Member. He had stated that he was not pre-determined and therefore he took part in the consideration thereof and the voting thereon.

Earlier on in the meeting Councillor Scott, present in the public gallery had also declared a personal interest in **this application** due to being a Ward Member.

It was reported that Hamilton Lodge was located south of, and well detached from, the village of Great Bromley and was immediately north of the A120, approximately 8 miles east of Colchester. It comprised of 16 acres of buildings, hardstanding, grassland and parkland around an early 20th Century house and more recently constructed care home/assisted living accommodation. The site was located outside of any defined settlement boundary in both the saved Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

The Committee was informed that this application sought planning permission for 79 residential units on the site which incorporated the renovation and conversion of Hamilton Lodge, The Stable Block and Walled Garden elements. The application had been submitted in a hybrid format (i.e. part outline/part detail application) and proposed the following:- 67 dwellings including the conversion of Hamilton Lodge, The Stable Block and Walled Garden and all associated access roads, amenity space, landscaping, parking, servicing, utilities, footpath and cycle links, on-site drainage, and infrastructure works including gas and electricity apparatus (Submitted in Outline Form); - Residential development for 12 dwellings and associated access roads including formation of new junction to Parsons Hill (Submitted in Detail Form); - Formal and informal open space including village green and meadow including landscaping, parking, servicing, utilities, footpath links (Submitted in Detail Form).

It had been acknowledged by Officers that the site was brownfield in nature and had attracted a certain level of traffic movements under its former care home use, but even taking this into account, it was considered by them that the proposal for 79 dwellings in this unsustainable and unsuitable location outside of any defined settlement boundary ran contrary to the objectives of adopted Policy SP3 and was of a wholly inappropriate scale, in a countryside location clearly detached from the nearest settlement of Great Bromley, which had been identified as a smaller rural settlement under emerging policy SPL1.

Notwithstanding the clear conflict with established housing settlement policies outlined above it had been acknowledged by Officers that the development did provide some benefits which could be weighed up against the harm identified. Those benefits included:- The re-development of a brownfield site; - The conversion and safeguarding of non-designated heritage assets present on the site; - Provision of a 'village green' area, to be maintained by the parish council, which would open up public access to the site; - Provision of 30% on-site affordable housing and policy compliant infrastructure contributions; - Notwithstanding the lack of a sustained and robust marketing campaign to demonstrate that the site was not in demand for alternative employment uses, the development represented a viable solution for the future of the site.

Overall, it was felt by Officers that the proposal's benefits were modest. The National Planning Policy Framework placed emphasis on managing patterns of growth to support objectives which included opportunities to promote walking, cycling and public transport use, and mitigating any adverse environmental impacts of traffic.

Development in rural areas was not precluded but the Framework indicated that significant weight should be given to the benefits of using suitable sites within settlements for homes and therefore supported the general thrust of the local plan in terms of the location of new housing.

Consequently, the clear conflict with, and the adverse impacts on the Council's overarching housing strategy, as well as the increasing travel by private motorised transport would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework taken as a whole. The proposal would conflict with the development plan as a whole, lead to the loss of a site which had a lawful commercial use, and there were no other considerations including the provisions of the National Planning Policy Framework which would outweigh this finding by Officers.

Members were made aware that the applicant had confirmed a willingness to enter into a legal agreement to secure the required open space, education, affordable housing and RAMS obligations. However, as the application had been recommended for refusal by Officers such a legal agreement had not been completed and therefore the lack of a mechanism to secure those obligations had also been included as a reason for refusal.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of refusal.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (JJ) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting with details of:

#### Representations from the Applicant's Planning Agent

*"At paras 6.7, 6.13 and 6.30 of the Committee Report it was stated that existing buildings on the site cover 5% of the site, with the proposed re-development covering 40-45% of the site.*

*This was to misstate the position and Members' attention was brought to the clarification below:*

- The 'footprint' of existing buildings amounts to around 5% of site area.*
- The footprint of the proposed dwellings comprised in application 20/00547/OUT was approximately 8% of site area. This includes the footprint of Hamilton Lodge and the Coach House and reflected the predominantly two storey nature of the development."*

**Officer Response – "Whilst the above comments are noted, it was acknowledged that the re-developed areas of the site (which also included the curtilages of proposed properties, access roads/private drives and garden/parking areas)**

would add significantly to the level of development on the site, urbanising the character of the site at odds with the sporadic form of development in the vicinity).”

*“The NPPF was introduced at paras 1.5-1.7 and ‘clear conflict’ was alleged. Yet there was no reference to NPPF para 123 in the Committee Report. Two points may be made here:*

*1. Where the LP Part 2 was at an advanced stage and, according to the Committee Report, to be afforded considerable weight, then it followed that identified and allocated employment sites were safeguarded by policy PP6.*

*2. The 2007 Local Plan policy ER3 was not consistent with the NPPF para 123.*

*This matter was relevant in general (consistent as it was with the role of brownfield land and the Council’s Brownfield Land Register), but was particularly relevant in relation to paras 6.32-6.36 of the Committee Report. Para 123 of the National Planning Policy Framework stated:*

*“23. Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:*

*a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and*

*b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space. [emphasis added].”*

*The application site was not allocated for employment use in the 2007 Local Plan and was not allocated for employment use in the emerging Local Plan which remains subject of public consultation until 31 August 2021. To summarise:*

- The 2007 Local Plan Policy ER3 was not consistent with national policy.*
- The land at Hamilton Lodge was included in the Council’s Brownfield Register.*
- The land at Hamilton Lodge had not been included in any employment land assessment.*
- Redevelopment of the site would not undermine the wider objectives of the emerging Local Plan which was to safeguard existing employment sites via Policy PP6.*
- The National Planning Policy Framework was a material consideration.”*

**Officer Response – “The National Planning Policy Framework (2021) at paragraph 47 stated that planning law required that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The adopted Tendring District Local Plan (2007) remained in force and therefore the provisions of saved policy ER3 applied. Policy ER3 sought to retain sites in employment use unless it could be proven that the site was no longer viable/in demand for employment uses via a robust and sustained marketing campaign. This policy was considered to be consistent**

with the aims of paragraph 84 of the National Planning Policy Framework (2021) which stated, amongst other points, that planning policies and decisions should enable:

- the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- sustainable rural tourism and leisure developments which respect the character of the countryside; and
- the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”

Parish Councillor Fred Nicholls, representing Great Bromley Parish Council, spoke in support of the application.

Councillor Gary Scott, a local Ward Member, spoke in support of the application.

<b>Matters raised by a Committee Member:-</b>	<b>Officer’s response thereto:-</b>
A member of the Committee referred to pages 24-29 of ECC’s Ecology report – they asked if this included solar powered lighting and whether this could be prevented?	The Planning Officer confirmed that development proposals could include conditions in relation to lighting.
Is there a time in which the agreement has to be completed?	The Planning Officer confirmed that the monies in relation to the agreement has to be spent within the timeframe.
6.26 referred to a potential shop premises, what is the distance between this premises and the development?	The Planning Officer confirmed that the premises would be 0.6 miles from the development.
6.28 related to a reason for an appeal decision of the 14 May 2021. How much weight do we give in our deliberations?	The Planning Officer confirmed that the appeal decision was included to demonstrate the criteria. Each application should be decided upon its own merits.
With regards to page 8 of the details of units, more detail could have been included as far as the indication of how large the bedrooms would be.	The Planning Officer confirmed that the information provided in the details was sufficient for this application to be submitted.
A member of the Committee asked if the site was considered a Brownfield site.	The Planning Officer confirmed that a part of the site is previously developed land.
A member of the Committee referred to the update sheet, whereby 40-45% of the site is covered with the proposed development.	The Planning Officer confirmed.
A member of the Committee asked if it could be conditioned that the heritage asset would be maintained and safeguarded alongside the memorial plaques.	The Planning Officer advised the Committee that if a decision was made to grant this application, a legal agreement or condition could be submitted for the heritage asset and memorial plaques to be maintained or refurbished.
Would it be a material consideration if there were no objections?	The Planning Officer confirmed that this should be taken into account.

<p>6.35-6.37 refers to marketing as undertaken in 2018 before purchase of the site. Is this site classed as an employment site?</p>	<p>The Planning Officer confirmed that policy ER3 is engaged and the applicant was asked to provide details of marketing. It would appear that purchasing the site stopped the marketing campaign.</p>
---	--

Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor Alexander and **RESOLVED** that, contrary to the Officer’s recommendation of refusal, the Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the development due to the following reasons set out in the officer’s report:-

6.38 Notwithstanding the clear conflict with established housing settlement policies outlined above it is acknowledged by officers that the development does provide some benefits which can be weighed up against the harm identified. These benefits include:

- The re-development of a brownfield site;
- The conversion and safeguarding of non-designated heritage assets present on the site;
- Provision of an ancillary open space area, to be maintained by the parish council, which will open up public access to the site;
- Provision of 30% on-site affordable housing and policy compliant infrastructure contributions;
- The development represents a viable solution for the future of the site.

In addition, due to the overwhelming support of the Parish Council and residents, and subject to:-

A Section 106 agreement to secure the relevant contributions towards, RAMS, education, highway improvements, open space/play space and affordable housing.

**137. A.2 PLANNING APPLICATION 21/00809/FUL – 102 NAYLAND DRIVE, CLACTON ON SEA CO16 8TZ**

It was reported that this application had been referred to the Planning Committee as the applicant was Tendring District Council itself.

Members were informed that the application involved a single storey ground floor rear extension to the existing dwelling house at 102 Nayland Drive which was inside the settlement boundary of Clacton.

The proposal, through a number of internal alterations, sought to convert the ground floor of the property for use by someone with limited mobility. In doing this, the existing sitting room would become a bedroom with en-suite facilities and the rear extension was proposed to provide a sitting room with ramped access from the rear garden.

Members were informed that, in the opinion of Officers, the proposal would not result in harm to the host dwelling or wider street scene in general in regards to the siting, scale or external appearance of the development, nor any material harm to residential amenity nor highway safety.



The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council’s Planning Manager (TF) in respect of the application.

Adam Devaux, an Officer of the Council, spoke on behalf of Tendring District Council, in support of the application.

<b>Matters raised by a Committee Member:-</b>	<b>Officer’s response thereto:-</b>
A member of the Committee asked if the property became vacant, would it remain as Council stock?	The Planning Officer advised that this would be the case due to the design for disabled needs.
Can you confirm that there is enough amenity space after the extension?	The Planning Officer confirmed that the garden area will be reduced, however the amenity space is still sufficient.
Is there an opportunity for a wet room?	It would be designed as a wet room for that particular type of accommodation.

Following discussion by the Committee, it was moved by Councillor Alexander, seconded by Councillor Bray and unanimously **RESOLVED** that the Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following:

Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plan:- A2021/11/01; received 4th May 2021.

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

Informatives:

*“Application Approved Without Amendment*

*The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.”*

**138. A.3 PLANNING APPLICATION 21/01028/FUL – 24 BAY VIEW CRESCENT, LITTLE OAKLEY, HARWICH CO12 5EG**

It was reported that this application was before Members as an Ownership Certificate had been served on Tendring District Council as the Council owned the freehold of the flats.

The Committee was advised that the proposed extension would be located to the rear of the property and would be largely shielded from the street scene by the existing dwelling. The extension was of a single storey nature and was considered by Officers to be of a size and scale appropriate to the existing dwelling with the application site retaining adequate private amenity space. The use of matching materials would blend the development with the host dwelling and was not thought to have any significant adverse effect on visual amenity.

Officers also felt that the proposed rear extension would not result in any significant loss of light or undue loss of privacy to the adjacent (and above) neighbouring properties and was therefore considered to be acceptable in terms of residential amenities.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (JJ) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting in relation to the following:

*“Further discussions had been held with the applicant’s agent and it had been agreed that a further condition could be added that required that the roof lights to the proposed flat roof be obscure glazed to ensure privacy to the occupiers and the flat above.*

*Proposed additional condition:*

*Before the first occupation of the extension hereby permitted the proposed roof lights should be fitted with obscured glazing and should be permanently retained in that condition thereafter.*

*Reason: In the interests of the private amenities of the occupiers and the flat above.”*

<b>Matters raised by a Committee Member:-</b>	<b>Officer’s response thereto:-</b>
A member of the Committee asked if the extension would fall within the lease of the property.	The Planning Officer confirmed that it would be controlled with the leaseholder with the consent of the freeholder.
Are residents in the flat above going to experience light pollution?	There would be some light elevations. In terms of noise, this would decrease.
Would the possibility of the flat above building an extension cause concern?	In usual circumstances, an extension cannot be built above, this would result in a legal case.
Can the Committee seek for removal of obscure roof lights?	The Planning Officer confirmed.

Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor Bray and unanimously **RESOLVED** that, the Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following:

- Delegated officers agreeing with the applicant for the removal of obscure roof lights.

Conditions and Reasons:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plan: 2101.3/B.

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

Informatives

*“Positive and Proactive Statement*

*The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour.”*

The meeting was declared closed at 8.43 pm

**Chairman**

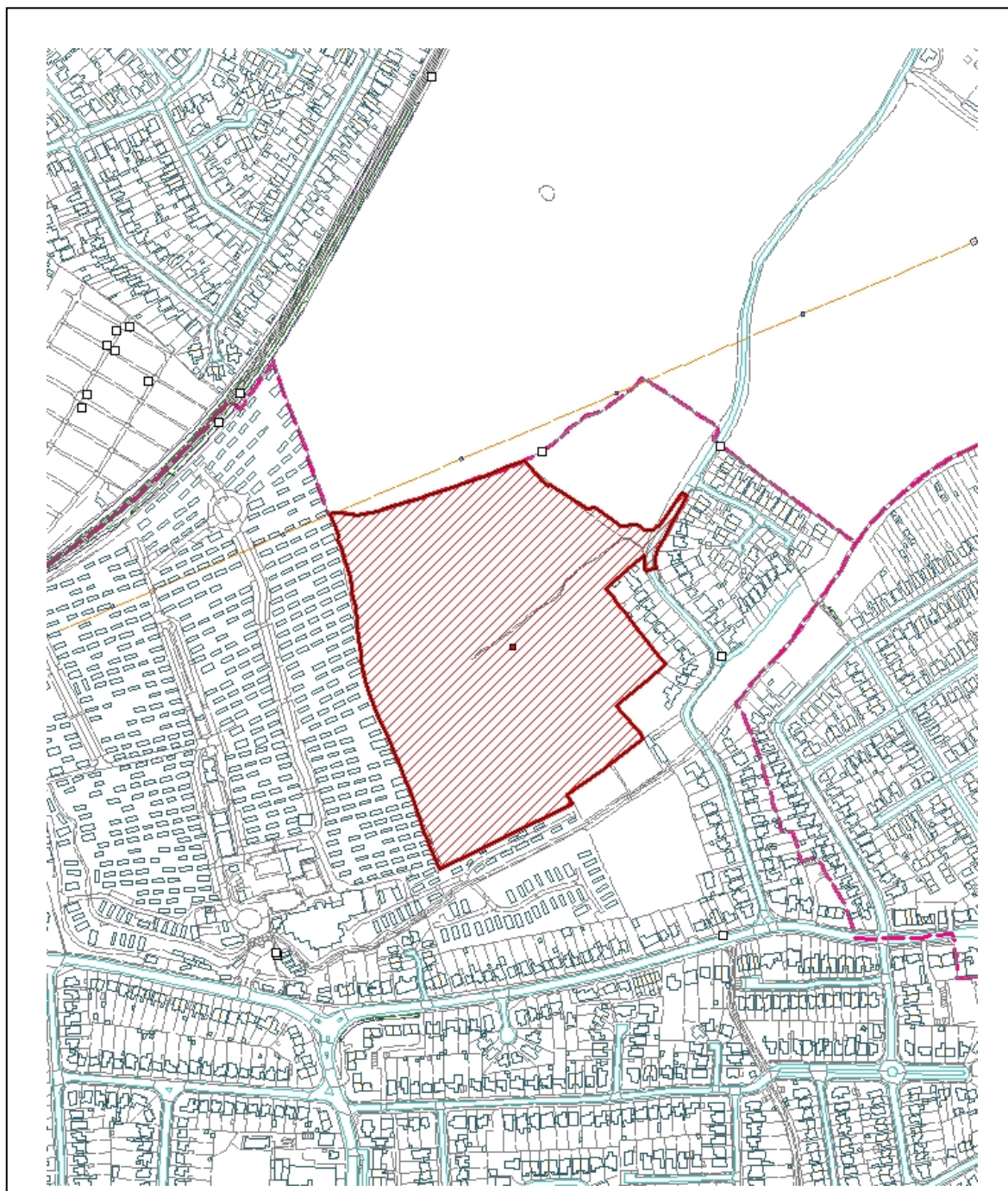
This page is intentionally left blank

## PLANNING COMMITTEE

1<sup>st</sup> September 2021

### REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

#### **A.1 & 2 PLANNING APPLICATION – 20/01416/DETAIL AND 21/00042/DISCON – LAND NORTHWEST OF SLADBURYS LANE CLACTON ON SEA ESSEX CO15 6NU**



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

**Application:** 20/01416/DETAIL

**Town / Parish:** Clacton Non Parished

**Applicant:** Mr R Giles

**Address:** Land Northwest of Sladburys Lane Clacton On Sea Essex CO15 6NU

**Development:** Reserved matters application for residential development up to 132 dwellings with associated open space, landscaping, drainage, parking, servicing and utility infrastructure, with new vehicular access via Sladbury's Lane.

**Application:** 21/00042/DISCON

**Town / Parish:** Clacton Non Parished

**Applicant:** Mr R Giles

**Address:** Land to The North West of Sladburys Lane Clacton On Sea Essex CO15 6NU

**Development:** Discharge of condition 10 (Surface Water Drainage) of the planning application 15/01351/OUT approved on appeal APP/P1560/W/17/3169220.

## 1. **Executive Summary**

- 1.1. **These applications were originally brought before Planning Committee on 8<sup>th</sup> June 2021. Updates to the report are shown in bold text throughout.**
- 1.2. **The applications were deferred on the following grounds:**
  - **To seek amendments to the layout to ensure that all dwellings comply with the Council's adopted minimum Private Amenity Standards**
  - **To seek amendment to ensure that the affordable housing is in clusters of no more than 10 units**
  - **To provide clarification on Housing Standards in terms of Accessibility and Adaptability**
  - **To seek further clarification from Essex County Council SUDS and the Environment Agency on surface water drainage and flood risk issues.**
- 1.3. It was requested that this application be referred to Committee for a decision by Cllr. Stephenson for the following reasons:

- Several garden sizes amongst the many plots do not comply with Policy in that they are too small
- Only 1 bungalow is to be made wheelchair adaptable – a request was made by the Councillor that it should be all of the proposed bungalows
- The SUDs report does not mitigate for the flood risk that is possible

- 1.4. The site is on the north-eastern edge of Clacton, it is divided into two fields by a line of trees and existing vegetation. To the north of the site beyond an agricultural field is the Colchester to Clacton railway line. To the east and south of site are the residential properties of Sladbury's Lane and the Happy Valley Bowls and Tennis Club.
- 1.5. The current application seeks approval of the reserved matters (access, appearance, landscaping, layout and scale) relating to outline planning permission 15/01351/OUT, which was allowed at appeal, for the erection of up to 132 dwellings and open space, including provision for a new sports field, new vehicular access and access via Sladbury's Lane. This application includes details of access, appearance, landscape, layout and scale which were not included as part of the outline application.
- 1.6. As established through the granting of outline application 15/01351/OUT, at appeal, the principle of residential development for up to 132 dwellings on this site is acceptable. The appeal decision also deals with matters of impact on protected species, biodiversity and flood risk.
- 1.7. The detailed design, layout, access, landscaping and scale are considered acceptable. The proposal would result in no material harm to residential amenity or highway safety.
- 1.8. The flood risk details submitted in the form of a SuDS Design and Management Report are sufficient to discharge condition No. 10 (Surface Water) of Planning Application 15/01351/OUT approved on appeal APP/P1560/W/17/3169220.

**Recommendation:**

That the Head of Planning be authorised to grant planning permission for the development subject to:-

20/01416/DETAIL

- a) Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):

- Financial Contribution toward RAMS

- b) Subject to the conditions stated in section 8.2

21/00042/DISCON

That the Head of Planning be authorised to approve discharge of Condition No. 10

(Surface Water Drainage) of Planning Application 15/01351/OUT approved on appeal APP/P1560/W/17/3169220.

## 2. **Planning Policy**

The following Local and National Planning Policies are relevant to this planning application.

*NPPF National Planning Policy Framework February 2019*

*National Planning Practice Guidance*

*Tendring District Local Plan 2007*

- QL1 Spatial Strategy
- QL2 Promoting Transport Choice
- QL3 Minimising and Managing Flood Risk
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- QL12 Planning Obligations
- HG1 Housing Provision
- HG4 Affordable Housing in New Developments
- HG7 Residential Densities
- COM1 Access for All
- COM2 Community Safety
- COM6 Provision of Recreational Open Space for New Residential Development
- COM21 Light Pollution
- COM22 Noise Pollution
- COM23 General Pollution



- COM26 Contributions to Education Provision
- COM29 Utilities
- COM31A Sewerage and Sewage Disposal
- EN1 Landscape Character
- EN2 Local Green Gaps
- EN4 Protection of the Best and Most Versatile Agricultural Land
- EN6 Biodiversity
- EN6A Protected Species
- EN6B Habitat Creation
- EN11A Protection of International Sites European Sites and RAMSAR Sites
- EN11B Protection of National Sites SSSI's, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites
- EN11C Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites
- EN12 Design and Access Statements
- EN13 Sustainable Drainage Systems
- TR1A Development Affecting Highways
- TR1 Transport Assessment
- TR3A Provision for Walking
- TR4 Safeguarding and Improving Public Rights of Way
- TR5 Provision for Cycling
- TR7 Vehicle Parking at New Development

*Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)*

Section 1: North Essex Authorities' Shared Strategic Section 1 Plan, adopted January 2021

- SP1 Presumption in Favour of Sustainable Development
- SP2 RAMS

- SP4 Meeting Housing Needs
- SP6 Infrastructure & Connectivity
- SP7 Place Shaping Principles

Section 2: Emerging

- SPL1 Managing Growth
- SPL3 Sustainable Design
- HP5 Open Space, Sports & Recreation Facilities
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP5 Affordable and Council Housing
- PPL1 Development and Flood Risk
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL6 Strategic Green Gaps
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network

*Local Planning Guidance*

*Essex Design Guide*

*Essex County Council Car Parking Standards - Design and Good Practice*

**Status of the Local Plan**

- 2.1 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are

unresolved objections to relevant policies and the degree of consistency with national policy. In this latter regard, as of 26<sup>th</sup> January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

- 2.2 Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10<sup>th</sup> December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.
- 2.3 The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26<sup>th</sup> January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.
- 2.4 The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.
- 2.5 Where emerging policies are particularly relevant to a planning application and can be given weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices.
- 2.6 In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

### 3. Relevant Planning History

15/01351/OUT	Outline planning application for residential development up to 132 dwellings and open space, including provision for a sports field and a new vehicular access via Sladbury's Lane.	Refused and Allowed at Appeal	11.08.2016
--------------	---	-------------------------------	------------

### 4. Consultations

TDC Environmental Protection 12.01.2021	Noise Impact Assessment
--	-------------------------

With reference to the formal noise report, dated 21st December 2020; it does confirm the need for mitigation measures in order to achieve compliance with the relevant standards and guidelines values. In light of this we have the following comments to make -

Mitigation as laid out in section 5, page 23 of the submitted document confirms that in order to ensure required internal noise levels, as laid out in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings). Glazing should be designed to achieve a minimum of 22dBR, W + Ctr, in accordance with BS8233:2014.

Due to the inability to achieve the standards as laid out in BS8233 for noise levels both during day time and night time periods, with the windows open, the report proposes attenuated background ventilators, with a minimum sound reduction performance of 24dB, will be required, if acoustic trickle vents are to be utilised.

The report also states that the external noise measured is that of 54dB. In accordance with the standards laid out in BS8233:2014, this value is within the threshold for the upper guideline value of 55dB; therefore negating the need for any mitigation to be undertaken within these areas.

In line with these findings, if the applicant is able to provide suitable evidence of the proposed materials, glazing and ventilation, confirming its effectiveness for compliance with the relevant British Standards, we have no reason to object to this proposal, providing the above evidence is submitted and

approved in writing prior to the commencement of any development.

#### Contaminated Land

There is some indication of potential contamination from our contaminated land database. The proposed site is also situated near a railway line and cemetery. The applicant is advised to undertake a suitable and sufficient site investigation and any necessary risk assessment to ensure proposed site is free from contamination. Therefore the standard contaminated land condition is to be applied.

#### Playground Equipment

Any playground equipment and impact absorbing surfaces, to comply with BS EN 1176 and BS EN 1177 respectively.

#### Construction Method Statement

In order to minimise potential nuisance to nearby existing residents caused by construction, Environmental Protection ask that the following is conditioned.

Prior to the commencement of any construction works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, Environmental Protection Team. This report should include, but is not limited to, the following information -

#### Noise Control

- The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard

5228:2014.

- Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Environmental Protection prior to the commencement of works.

#### Emission Control

- All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- No materials produced as a result of the site development or clearance shall be burned on site.
- All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

#### Dust Control

- Dust suppression methods to be employed during construction so as to minimize likelihood of nuisance being caused to neighbouring properties. A scheme of measures for the control and suppression of dust emissions shall be submitted.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental

Protection. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

ECC SuDS Consultee  
13.11.2020

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

The information provided as part of this application is sufficient to discharge condition 10 of 15/01351/OUT.

#### Informatives

- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

**In response to the deferral a further consultation has taken place with ECC SuDS as the Lead Local Flood Authority in July 2021 however they have not provided any further comments to those set out above**

TDC Waste Management  
10.11.2020

All access roads to be constructed to suitable standard to allow access and withstand weight of 32 tonne refuse vehicles to collect waste as part of the kerbside collection service from all properties.

Anglian Water Services Ltd  
12.11.2020

We have reviewed the applicant's submitted surface water drainage information (SudS design and management report) and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge.

TDC Building Control and  
Access Officer  
06.11.2020

Agent will need to show how access for a fire fighting appliance is to be provided in accordance with Approved Document B.

ECC Highways Dept  
06.04.2021

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.

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

- No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - the parking of vehicles of site operatives and visitors
  - loading and unloading of plant and materials
  - storage of plant and materials used in constructing the development
  - wheel and underbody washing facilities

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.

- Prior to the occupation of any of the proposed development the internal road site access



and footway layout shall be provided in principal and accord with Drawing Numbers:  
929 PL 01 Rev. D - Amended Site Layout Plan.

R984-008 Rev. C - Proposed access arrangements

929 PL 04 Rev. C - Amended parking provision

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

- Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 & 6.

- The development shall not be occupied until such time as a car parking and turning area has been provided in accord with current Parking Standards. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 & 8.

- Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

- All single garages should have a minimum internal measurement of 7m x 3m.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8.

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

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

- Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

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

Informatives:

- Prior to occupation, the development shall be served by a system of operational street lighting (excludes the shared surface areas) of design approved from the Highway Authority along the Primary route, which shall thereafter be maintained in good repair.
- Areas where there is no footway being provided adjacent to the carriageway and the

intention is for these areas to be adopted a half a metre 'no build zone' will need to be provided and hard surfaced.

- The areas directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway.
- In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.
- 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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester,  
CO7 7LT

- 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.

Environment Agency  
16.02.2021

In line with our comments to the outline application 15/01351/OUT it appears that all of the build development will be situated in Flood Zone 1 - please refer to advice note 8 of the Local Flood Risk Standing Advice.

If this is not the case please re-consult us with an FRA.

Environment Agency  
26.04.2021

The discharge rate will fall within the remit of the Lead Local Flood Authority so the Environment Agency will not be providing comment.

Environment Agency  
28.07.2021

### **Flood Risk**

**Our planning remit relates to providing advice on fluvial and tidal sources of flooding. We do not therefore comment on flooding related to surface water, reservoirs, sewers and groundwater.**

**The application site is predominately within flood zone 1, the low probability zone, with a small part of the site, associated with Pickers Ditch, sitting in flood zone 3, the high probability zone. All the built development is sequentially sited in flood zone 1 and as such the application is covered by our Local Flood Risk Standing Advice. We therefore have no bespoke comments to make in relation to the flooding issues that fall within our remit and request that you follow the guidance in our flood risk standing advice.**

### **Water Discharge**

**Whilst we acknowledge that the proposed development plans to discharge water into Picker's Ditch (a designated main river), as our e-mail of 26 April 2021 indicated, the level of discharge into Pickers Ditch, falls in the remit of the Lead Local Flood Authority. We therefore have no further comments regarding water discharge.**

### **Watercourse Maintenance**

**We are the flood risk management authority for the main river Colne. As such we oversee any work carried out on and around the river, but each section is managed by the riverside owner and the responsibility usually lies with them. We have rights to assist landowners in their responsibilities, depending on the availability of funding, although normally this is only where such work provides a sufficient benefit for flood risk to people and property to justify the cost. We must spend public money responsibly by investing in those activities that contribute most to reducing flood risk per pound of funding. In assessing flood risk, priority is given to reducing the risk to homes, businesses and infrastructure, as this has the greatest impact on people and on the economy.**

**The powers we have, under the Water Resources Act 1991, are discretionary, a permissive power in nature, meaning we are not generally under any obligation to maintain watercourses. This is because the primary responsibility sits with the riverside landowner, unless there are other local agreements. Details of these responsibilities can be found on our online [guide](https://www.gov.uk/guidance/owning-a-watercourse) <https://www.gov.uk/guidance/owning-a-watercourse>. We can confirm that we do not own any land at this location.**

### **Pickers Ditch**

**In relation to Pickers Ditch, we carry out maintenance around Sladburys Lane. This is because the road floods, as it is lower than the level of the watercourse. Downstream from this area is a reclaimed tidal creek, so the channel is wider than the flow it normally receives, causing it to silt up. It can get quite vegetated, but as it is also pretty level, clearing the vegetation to encourage flow downstream doesn't greatly impact on river flows. During a flood event, if it got to the point that water had come out of the banks of the channel, the vegetation clearance wouldn't make a difference. The flood risk for that stretch is managed by the operation of Holland Haven Sluice. The only other section we maintain on Pickers Ditch is around Burrsville Park, where the properties are near to the watercourse.**

Natural England  
06.05.2021

No objection subject to appropriate mitigation being secured.

We are satisfied that the mitigation described in the Appropriate Assessment is in line with our strategic-level advice. The mitigation should rule out an 'adverse effect on the integrity of the European designated sites that are included within the Essex Coast RAMS from increase recreational disturbance.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure the on-site mitigation measures, including links to footpaths in the surrounding area. The financial contribution should be secured through an appropriate and legally binding agreement, in order to ensure no adverse effect on integrity.

## 5. Representations

19 letters of objection and a petition with 812 signatures have been received which raise the following concerns:

- The local roads are not suitable for the increase in traffic
- The proposal will result in an increase in road accidents
- Narrow roads are not suitable for HGV's or large lorries
- The adverse impact of the drainage ponds on neighbouring properties
- Increase in flooding
- Surface water and drainage issues
- Surface water will be discharged into Pickers Ditch which is never maintained and already floods
- The sustainable drainage ponds and swales lie within Flood Zone 3
- Increase pressure on doctor's surgery, schools, dentists and hospitals
- Loss of wildlife
- There are far more suitable areas to build on
- Loss of privacy
- Noise from construction, vehicles, building works and subsequent house occupancy
- Using agricultural land for housing will increase the import of food
- Lack of private amenity space
- No easy access to a bus stop

## 6. Assessment

### Site Context

- 6.1 The site is on the north-eastern edge of Clacton, it is divided into two fields by a line of trees and existing vegetation. To the north of the site beyond an agricultural field is the Colchester to Clacton railway line. To the east and south of site are the residential properties of Sladbury's Lane and the Happy Valley Bowls and Tennis Club. Further

residential development lies to the north-east of the site on the opposite side of Sladbury's Lane. Immediately adjacent to the west of the site is the Valley Farm Holiday Park.

- 6.2 The surrounding area is generally characterised by a mixture of one, one and a half and two storey properties. The materials used in the area is generally brick and render with clay and concrete roof tiles.

### Planning History

- 6.3 Planning Application 15/01351/OUT sought planning permission for a residential development of up to 132 dwellings and open space, including provision for a sports field, new vehicular access via Sladbury's Lane. This application was refused by Planning Committee in August 2016, but later allowed on Appeal in October 2017.

### Proposal

- 6.4 The current application seeks approval of the reserved matters (access, appearance, landscaping, layout and scale) relating to outline planning permission 15/01351/OUT, which was allowed at appeal, for the erection of up to 132 dwellings and open space, including provision for a new sports field, new vehicular access and access via Sladbury's Lane. This application includes details of access, appearance, landscape, layout and scale which were not included as part of the outline application.
- 6.5 The proposal seeks permission for 132 new dwellings; ~~3 no.~~ **8 no.** 1 bed dwelling; ~~48 no.~~ **43 no.** 2 bed dwellings; ~~62 no.~~ **69 no.** 3 bed dwellings and ~~19 no.~~ **12 no.** 4 bed dwellings.
- 6.6 The majority of the proposed dwellings are two storey in height with 19 of the proposed dwellings being single storey.
- 6.7 Public Open Space is proposed to the southern part of the site, in accordance with the parameter plan approved at appeal.
- 6.8 Vehicular access to the site is proposed by a new roundabout on Sladbury's Lane. This access will provide the sole point of vehicular access to the site.

### Principle of Development

- 6.9 The principle of development has been established by the granting of outline planning permission for up to 132 dwellings on this site at appeal.
- 6.10 Condition No. 4 of the appeal decision states that 'the reserved matters shall be in general conformity with the indicative site layout plan Drawing No. 256.201.02 and the proposed built development parameters plan Drawing No. 256.213.02'. These drawings show a new roundabout on Sladbury's Lane; the built development to the northern part of the site; the open space to the southern part of the site and a landscape buffer around the proposed built development.
- 6.11 The proposed plan complies with the above condition; therefore there can be no 'in principle' objection to the proposed development.

### Appearance

- 6.12 All of the proposed dwellings address the street, to create an active street frontage. There are some dwellings which also have side elevations that face onto the street; these elevations are either set back from the street or in less prominent locations within the development and are therefore considered to be acceptable and not result in any adverse impact.
- 6.13 In terms of materials, the plans show a mixture of red brick, red tiles, render and boarding. No specific details of these materials have been provided at this stage; however, the use of acceptable materials can be secured by condition. The mix shown will ensure variety and visual interest across the development.
- 6.14 It is therefore considered that the detailed design and appearance of the proposed dwellings is acceptable.

### Layout

- 6.15 Condition No. 4 of the outline consent, granted at appeal requires the reserved matters application to be in general conformity with the indicative site layout plan Drawing No. 256.201.02 and the proposed built development parameters plan Drawing No. 256.213.02'. The proposed development is in general conformity with this plan and therefore meets this condition. The Inspector considered that development in general conformity to this plan is acceptable subject to detailed considerations.
- 6.16 Each of the proposed dwellings, have their own private amenity space. Policy HG9 of the Saved Plan requires 50 sq.m for 1 bed dwellings, 75 sq.m for 2 bed dwellings and 100 sq.m for dwellings with 3 or more beds.

Plot No.	Policy Requirement (sq.m)	Amenity Space Provision (amended scheme) (sq.m)
33	<del>75</del> 50	64
34	75	75
46	75	76
47	75	77
64	75	79
108	50	50
109	75	75
119	50	53
120	75	75
122	50	69
123	50	68

- 6.17 In the previous scheme, out of the 132 dwellings proposed 11 of the 2 bedroom units did not fully meet the minimum standards. The scheme has been amended in part by changing some of the affected plots from 2 bed units to 1 bed units, and in part (plots 46-47) by a minor adjustment to the layout to increase the garden sizes by altering the alignment of the rear access path.



- 6.18 The new 1 bed house type proposed for Plots 33, 108, 119, 122 and 123 has a bedroom and study at first floor level. The study is well below the National Space Standards for a bedroom, and moreover is designed in a way that precludes use as a bedroom (i.e. not large enough for a bed). Therefore on the basis that the house type is a 1 bedroom unit it is considered that the scheme now meets the requirements of Policy HG9 of the Saved Plan.
- 6.19 It is also considered that given the scale of development proposed and the level of provision of on-site public open space, that the proposed provision of public open spaces is acceptable. **In terms of the new proposed housing mix (8 no. 1 bed dwelling; 43 no. 2 bed dwellings; 69 no. 3 bed dwellings and 12 no. 4 bed dwellings), this revised housing mix is considered to be acceptable as it remains in accordance with Planning Policy.**
- 6.20 Parking is provided either to the front or sides of the dwellings, they are situated in small clusters, in appropriate locations throughout the site and therefore do not dominate the proposed development.
- 6.21 In conclusion, there is no objection to the layout of the proposed development.

#### Scale

- 6.22 The proposed dwellings are predominately two storey in height with some single storey dwellings along the rear boundary and towards the centre of the site. In terms of the 'parameters' set down at outline stage this allowed for development of up to two storeys. It is, therefore considered that no objection can be raised to the scale of the proposed development.

#### Access/Highway Safety

- 6.23 Concerns have been raised regarding the impact of increase traffic; however, this was an issue which was considered at outline stage when it was concluded that subject to Highway Improvements secured by conditions that *'overall the impacts in traffic and transport terms would be acceptable and in accord with relevant policy'*.
- 6.24 Access is a consideration for this application, however, conditions imposed on the Appeal Decision state that the development shall be in accordance with a parameter plan, which shows a roundabout on Sladbury's Lane (Condition No. 4) and Condition No. 7 states that No dwelling shall be occupied until the following have been provided or completed in complete accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority:
- a roundabout in Sladbury's Lane to provide access to the proposal site as shown in principle on the planning application drawings;
  - upgrades to the two bus stops on the B1032 Holland Road to the west of its junction with Sladbury's Lane;
  - the widening (and provision of dropped kerbs/tactile paving crossing points) of the footway on both sides of Sladbury's Lane to a minimum of 2 metres where possible between the proposed site access roundabout and the B1032 Holland Road; and
  - residential travel information packs.

Given this condition, it is considered that there can be no objection to the provision of a roundabout to provide access to the site.

6.25 Furthermore, Essex County Council Highways have been consulted on the application and have advised that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions to cover the following:

- A Construction Method Statement;
- The development being in accordance with the submitted plans;
- Details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage);
- Provision of car parking and turning areas prior to occupation;
- The size of car parking spaces and garages;
- Provision of cycle parking;
- Provision of Residential Travel Packs

All of the above conditions are included within the recommendation below, with the exception of the Construction Method Statement and the provision of Residential Travel Packs as these are already covered by conditions on the outline consent.

6.26 Essex County Council Parking Standards state that for one bedroom dwellings 1 off-street parking space is provided and for dwellings with 2 or more bedrooms a minimum of 2 off-street parking spaces are provided. Furthermore, 0.25 spaces per dwelling should be provided for visitor parking. Each parking space should measure 5.5 metres by 2.9 metres and if a garage is to be relied on it should measure 7 metres by 3 metres internally. The plans show compliance with the above standards with all dwellings having at least 2 parking spaces and the large units having 3 parking spaces, plus visitor parking throughout the site.

6.27 For the above reasons the proposal is considered acceptable in highway safety terms.

#### Impact on Residential Amenity

6.28 The nearest residential dwellings are those in Sladbury's Lane. These properties lie adjacent to the proposed Public Open Space and on the opposite side of Sladbury's Lane adjacent to the proposed roundabout. It is accepted that the proposal will result in some impact in terms of general noise and disturbance both during construction and subsequent occupation. However, at the time of the appeal, the Inspector was satisfied that it would be possible to provide a detailed scheme for 132 dwellings which would not adversely affect the living conditions of neighbouring occupiers.

6.29 As the proposed dwellings are located away from the neighbouring properties, it is considered that there would be no adverse impact on the neighbour's amenities in terms of overlooking.

6.30 In terms of the residential amenity of the proposed residents, the noise report confirms the need for mitigation measures in order to achieve compliance with the relevant standards and guidelines due to the proximity of the railway line. The mitigation measures include specialised glazing and attenuated background ventilators, if acoustic trickle vents are to be utilised, which can be secured by condition, as set out in the recommendation. The Council's Environmental Health Team also recommend

conditions relating to contaminated land, which is included in the recommendation and a Construction Method Statement which is secured by a condition on the outline consent.

- 6.31 The majority of the proposed dwellings do not have a direct back-to-back relationship, but where there is it meets the required standards as set out in the Essex Design Guide of 25 metres, with the exception of the relationship between Plots 115 and 116 and Plots 122-125, where the distance is 20 metres. Plots 115 and 116 are single storey, so on balance this relationship is considered acceptable.
- 6.32 It is considered that a condition to remove permitted development rights for dormer windows is necessary across the whole of the site to ensure that adequate residential amenity is retained.

#### Landscaping/Biodiversity

- 6.33 The Appeal Inspector stated that the *'negative impacts on the Local Green Gap would be minimal and capable of being offset by the landscape strategy'*. A condition was then added to the appeal decision to require, details of hard and soft landscaping and a landscape management plan. The proposal is in accordance with the landscape strategy and further landscaping details will be dealt with via conditions.
- 6.34 The impact on biodiversity and protected species was detail with at the outline stage; the Inspector concluded that based on the successful implementation of the mitigation and enhancement measures detailed in the Ecological Report and Ecological Addendum, no significant adverse effects are predicted.
- 6.35 The Inspector then imposed a condition to ensure that development is carried out in accordance with the recommendations of the reports. This condition still applies.
- 6.36 Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. The contribution is secured by unilateral undertaking.
- 6.37 The application site lies within the Zone of Influence (Zol) of the Essex Estuaries Special Area of Conservation; the Colne Estuary Ramsar Site and the Hamford Water Ramsar Site. New housing development within the Zol would be likely to increase the number of recreational visitors at these sites and, in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.
- 6.38 A proportionate financial contribution of **£127.30** per dwelling would need to be secured in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements. The applicant has agreed to pay this and provide the following on site:
- A series of bound gravel surfaced paths which would provide routes around and through the public open space, supplemented by more informal mown paths.

- Two circular walks, each approx. 690m long, giving a combined total length of 1,380m
- A proposed public open space which would incorporate a 'dogs off lead' area and three dog waste bins

Natural England have been consulted and raise no objection to the proposal subject to appropriate mitigation being secured. They confirm that they are satisfied with the above mitigation, which should rule out an adverse effect on the integrity of the European designated sites that are included within the Essex Coast RAMS from increase recreational disturbance.

### Drainage/Flood Risk

6.39 A number of concerns have been raised with regard to flooding and the fact that the development will exacerbate an existing localised flooding problem.

6.40 However, at the appeal stage a surface water scheme had been proposed which demonstrates that surface water management is achievable in principle and conditions have been imposed requiring further details; these details have been submitted as part of this current application and a separate discharge of condition application (21/00042/DISCON).

6.41 Essex County Council Flood and Water Management Team have been consulted on the application and raise no objection to the discharge of condition application. Following the letters of objections further clarification was sought from them, the response can be summarised as follows:

- The development under current legislation only has to deal with the flood risk produced by the development and the developer is not responsible for reducing existing flood risk in the area. The proposal is seeking to discharge at a maximum rate of 4.5 l/s, which is the 1 in 1 greenfield rate for the site. This will improve flood risk by reducing the run off rate into the ditch for larger storm events. For a 1 in 100 year storm event for example the pre development discharge rate would be 18.6 l/s and the post development discharge rate will be 4.5 l/s. Therefore considerably reducing the discharge rate for larger storm events and therefore reducing flood risk.
- In terms of the construction phase. We would expect the same discharge rate as approved as part of the proposed development. This should be managed during the construction phase and it should be ensured that fine soils and silt are captured and not discharged into the ditch. This should be dealt with as part of the construction management plan.
- A flood compensation area is not something we can ask for. As stated previously the developer has a responsibility to deal with flood risk from the development and not to compensate for existing flood risk in the area.
- As part of the planning application a maintenance plan has been provided. If the surface water drainage system is maintained as stated within the report a blockage should not occur. It is the duty of the local planning authority to ensure suds features are being maintained as stated.
- As part of this development they are diverting part of an existing ditch. They therefore need to ensure that they have section 23 consent, which has not been submitted.

6.42 It was also advised that as the discharge point is a main river that the Environment Agency should be consulted. The Environment Agency has responded saying that the discharge rate falls within the remit of the Lead Local Flood Authority so they will not be providing comment.

6.43 **Since deferral of the application further consultation has taken place with the Environment Agency and the Lead Local Flood Authority; and a Non-Technical Drainage Note has been provided by the Agent.**

6.44 **The Local Lead Flood Authority have not provided any further comments to those set out above. However, the Environment Agency have provided the following comments:**

- **The application site is predominately within Flood Zone 1, the low probability zone, with a small part of the site, associated with Pickers Ditch, sitting in Flood Zone 3, the high probability zone. All the built development is sequentially sited in Flood Zone 1 and as such the application is covered by Local Flood Risk Standing Advice. We therefore have no bespoke comments to make in relation to the flooding issues that fall within our remit and request that you follow the guidance in our Flood Risk Standing Advice.**
- **Whilst we acknowledge that the proposed development plans to discharge water into Pickers Ditch (a designated main river), the level of discharge into Pickers Ditch, falls in the remit of the Lead Local Flood Authority. We therefore have no further comments regarding water discharge.**
- **We are the flood risk management authority for the main river Colne. As such we oversee any work carried out on and around the river, but each section is managed by the riverside owner and the responsibility lies with them. We have rights to assist landowners in their responsibilities, depending on the availability of funding, although normally this is only where such work provides a sufficient benefit for flood risk to people and property to justify the cost. We must spend public money responsibly by investing in those activities that contribute most to reducing flood risk per pound of funding. In assessing flood risk, priority is given to reducing the risk to homes, businesses and infrastructure, as this has the greatest impact on people and on the economy.**
- **In relation to Pickers Ditch, we carry out maintenance around Sladburys Lane. This is because the road floods, as it is lower than the level of the watercourse. Downstream from this area is a reclaimed tidal creek, so the channel is wider than the flow it normally receives, causing it to silt up. It can get quite vegetated, but as it is also pretty level, clearing the vegetation to encourage flow downstream doesn't greatly impact on river flows. During a flood event, if it got to the point that water had to come out of the banks of the channel, the vegetation clearance wouldn't make a difference. The flood risk for that stretch is managed by the operation of Holland Haven Sluice. The only other section we maintain on Pickers Ditch is around Burrsville Park, where the properties are near to the watercourse.**

6.45 **The purpose of the Non-Technical Guidance Note produced by the agent is to explain why the Local Lead Flood Authority are able to confirm that the**

development decreases the risk of flooding. It also raises the following key points:

- When there is a storm event, new developments which feature swales and attenuation ponds can store the excess surface rainwater on site near where the new homes are built. The rainwater is then discharged to nearby streams and rivers (in this case Pickers Ditch) at a controlled rate thus helping reduce flooding nearby as water that would otherwise have flowed in to the ditch is held back for longer. In the existing situation, rainwater flows uncontrollably over fields, and therefore has a greater impact on Pickers Ditch than would be the case with the new development and the new drainage.
- Water is flowing into Pickers Ditch from a very wide catchment, and the Sladbury's Lane site is only a small part. The reduction in the speed of flow at high storm events as a result of the sustainable drainage system proposed will not cure flooding problems in Pickers Ditch, but the relevant point for the Council, in determining this application, is that existing problems of flooding will not be made any worse, in fact there will be an improvement.
- The policy requirement for new development of greenfield sites is that the rate of discharge of water off-site is limited so that it is no greater than the current rate. This is referred to as the 'greenfield run-off' rate, and for the 1 in 1 year storm event, this is set at a rate of 4.5 litres per second (which equates to 16,200 litres per hour). The below table, in the second and third columns shows how much more water flows off the site at present. The last two columns show the effect on the amount of water that flows off the site with the development added. Because of the effect of the storage water in the on-site attenuation areas, and because the rate of discharge is still limited back to 4.5 litres per second, the effect of the new development is that it reduces water run from the site in the 1 in 30 year storm event by 64.3%, and by 75.8% in the 1 in 100 year event.

Event	Greenfield l/s	Greenfield l/hr	Development with SUDS l/s	Development with SUDS l/hr
1 in 1	4.5	16,200	4.5	16,200
1 in 30	12.6	45,360	4.5	16,200
1 in 100	18.6	66,960	4.5	16,200

6.46 Given the above, it is considered that the proposed surface water drainage system is sufficient to ensure that the proposed development will not cause additional flooding. It is accepted that there is a current issue but the developer only has to deal with the surface water from the proposed development and cannot be held accountable to solve an existing issue. As the Environment Agency and Essex County Council Lead Local Flood Authority raise no objection to the proposal it is considered that a refusal on this basis cannot be substantiated and that 21/00042/DISCON should be approved.

#### **Accessibility and Adaptability**

6.47 One of the reasons that the applications were deferred was for Officers to seek clarification on Housing Standards in terms of Accessibility and Adaptability. Modified Policy LP3 of the Emerging Plan which is currently out to public

consultation states that ‘on housing developments of 10 or more dwellings, 10% of market housing should be to Building Regulations Part M4(2) ‘adaptable and accessible’ standard. For affordable homes, 10% should be to Building Regulations Part M4(2) and 5% should be to Part M4(3) ‘wheelchair-user’ standards’.

- 6.48 2 out of the 40 affordable homes are to be of ‘wheelchair-user’ standard which meets the required 5% in the policy above.
- 6.49 The original scheme did provide 10% of the both market housing and affordable housing as ‘adaptable and accessible’ standard in accordance with the above policy. However, the plans have been updated so that now the scheme proposes 12 Market units being ‘adaptable and accessible’ which equates to 13% and 5 affordable units, which equates to 12.5%. The proposal therefore exceeds the requirements of Modified Policy LP3.

Section 106 of the Town and Country Planning Act 1990

- 6.50 A legal agreement was secured at outline stage requiring: an education contribution for primary education; provision of 30% affordable housing; on-site provision of open space and a healthcare contribution of £241.21 per dwelling. This legal agreement and all conditions on the outline consent, granted at appeal, will still apply. **To address the concerns of the Planning Committee the proposal has been amended to comply with Policy LP5 of the Emerging Plan which states that ‘to avoid an over-concentration of council housing in one location, no single group of council houses will exceed ten dwellings.’**

**7. Conclusion**

- 7.1 As established through the granting of outline application 15/01351/OUT, at appeal, the principle of residential development for up to 132 dwellings on this site is acceptable. The appeal decision also deals with matters of impact on protected species, biodiversity and flood risk.
- 7.2 The detailed design, layout, access, landscaping and scale are considered acceptable. The proposal would result in no material harm to residential amenity or highway safety.
- 7.3 The flood risk details submitted in the form of a SuDS Design and Management Report are sufficient to discharge condition No. 10 (Surface Water) of Planning Application 15/01351/OUT approved on appeal APP/P1560/W/17/3169220.
- 7.4 The application is therefore recommended for approval subject to a legal agreement to secure the necessary financial contribution towards RAMS.

**8. Recommendation**

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives and the prior completion of a Section 106 legal agreement with the agreed Heads of Terms, as set out in the table below:

CATEGORY	TERMS
----------	-------

Financial contribution towards RAMS.	<b>£127.30</b> per dwelling
---	-----------------------------

## 8.2 Conditions and Reasons

1. The development hereby permitted shall be carried out in accordance with the following approved Drawing Nos:

929-PL-01 **G**  
929-PL-02 **E**  
929-PL-03 **E**  
929-PL-04 **E**  
929-PL-05 **E**  
929-PL-06 **E**  
929-PL-07 **E**  
929-PL-08 **E**  
929-PL-07 **F**  
929-PL-10 **A**  
929-PL-11 **A**  
929-PL-12  
929-PL-13 **B**  
929-PL-14 **B**  
929-PL-15 **B**  
929-PL-16 **B**  
929-PL-17 **B**  
929-PL-18 **B**  
929-PL-19  
929-PL-20 **A**  
929-PL-21 **A**  
929-PL-22  
929-PL-23 **A**  
929-PL-24 **A**  
929-PL-25  
929-PL-26 **A**  
929-PL-27 **A**  
929-PL-28 **A**  
929-PL-29 **A**  
929-PL-30 **A**  
929-PL-31 **A**  
929-PL-32 **C**  
929-PL-33 **A**  
929-PL-34 **A**  
929-PL-36  
929-PL-37 **A**  
929-PL-38 **G**  
**929-PL-40 A**  
**929-PL-41 A**  
E17840-TLP-001

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



2. Prior to the commencement of development evidence of the proposed materials, glazing and ventilation, confirming its effectiveness for compliance with BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason – To ensure a suitable level of amenity for proposed residents.

3. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until **sections i) to iv)** have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

i) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

ii) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

iii) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

iv) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

V) Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

4. Prior to the occupation of any of the proposed development the internal road site access and footway layout shall be provided in principal and accord with Drawing Numbers:

929 PL 01 Rev. G - Amended Site Layout Plan.

R984-008 Rev. C - Proposed access arrangements  
929 PL 04 Rev. E - Amended parking provision

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

5. Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

6. Any dwelling hereby permitted shall not be occupied until such time as a car parking and turning area has been provided. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

7. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

8. All single garages should have a minimum internal measurement of 7m x 3m.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety.

9. Prior to the first occupation of any dwelling hereby permitted details of the proposed cycle parking shall be submitted to and approved in writing. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

10. No development shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials 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.

Reason - To ensure that materials of an acceptable quality appropriate to the area are used and insufficient information has been submitted in this regard.

11. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Class B of the Town and Country Planning (General Permitted Development) Order 2016 (or any Order

revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interest of amenities of the occupants of the neighbouring and proposed properties.

### Informatives

1. Any playground equipment and impact absorbing surfaces, shall comply with BS EN 1176 and BS EN 1177 respectively.
2. Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
3. Changes to existing water courses may require separate consent under the Land Drainage Act before works take place.
4. It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
5. Prior to occupation, the development shall be served by a system of operational street lighting (excludes the shared surface areas) of design approved from the Highway Authority along the Primary route, which shall thereafter be maintained in good repair.
6. Areas where there is no footway being provided adjacent to the carriageway and the intention is for these areas to be adopted a half a metre 'no build zone' will need to be provided and hard surfaced.
7. The areas directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway.
8. In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.
9. 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.
10. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester,  
CO7 7LT

11. 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.

9. **Additional Considerations**

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the 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 to:
  - 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
  - 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.

- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

#### Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

#### 10. **Background Papers**

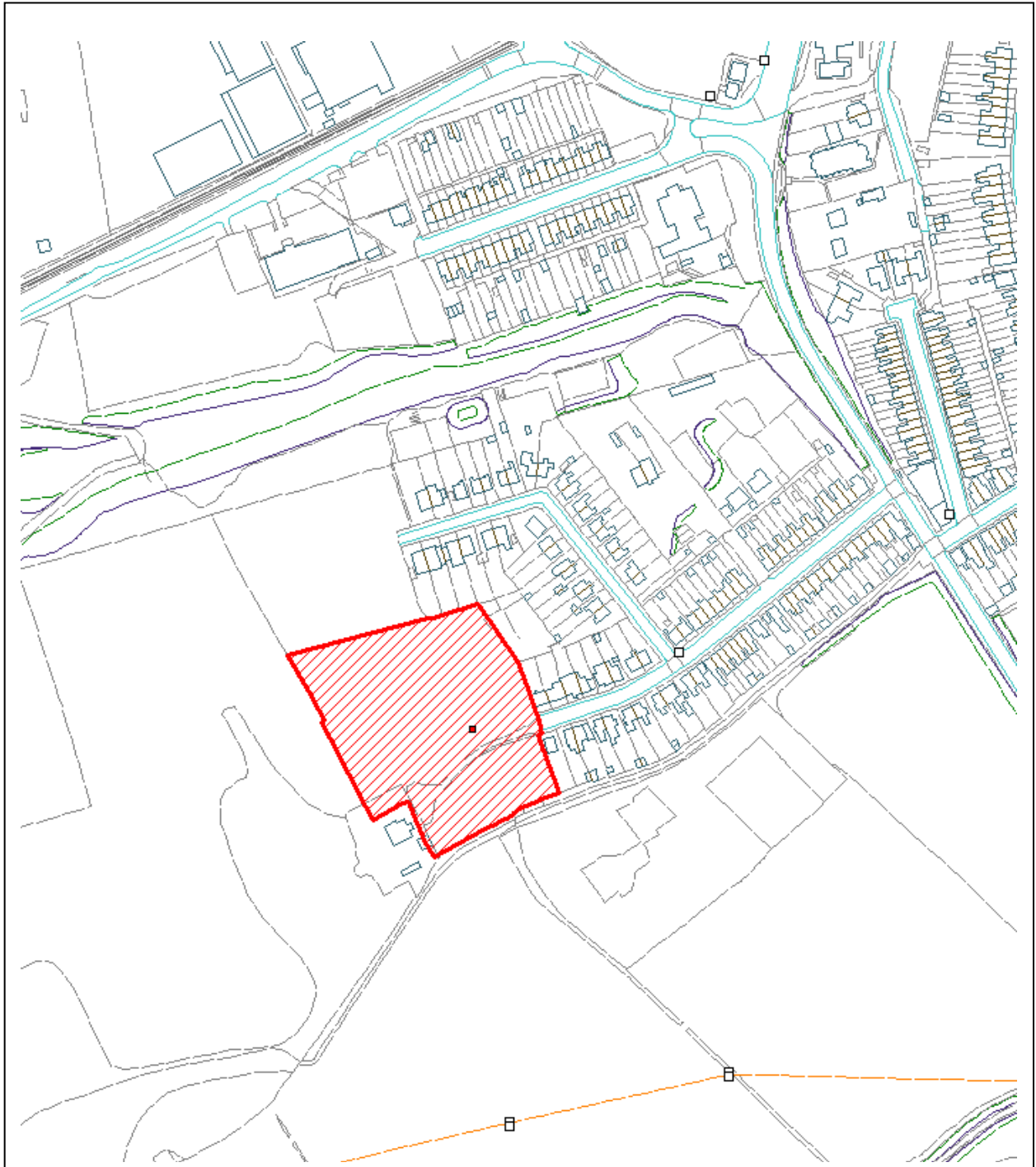
- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

## PLANNING COMMITTEE

1 SEPTEMBER 2021

### REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

#### **A.3 PLANNING APPLICATION – 20/01798/FUL – LAND REAR OF UNA ROAD PARKESTON CO12 4PS**



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

**Application:** 20/01798/FUL

**Town / Parish:** Ramsey & Parkeston  
Parish Council

**Applicant:** Mr Jason Drane - MOEGM

**Address:** Land rear of Una Road Parkeston CO12 4PS

**Development:** Proposed construction of thirty houses and associated parking, access and landscaping. This application seeks to modify the existing planning consent (19/00406/DETAIL) in terms of layout to comply with Essex Highways Technical Standards.

## 1. Executive Summary

- 1.1 This application has been referred to Planning Committee at the request of Councillor Davidson due to concerns relating to; the design and street scene impact, impact on the neighbours, highway safety, general safety due to proximity to the Oil Refinery and parking concerns.
- 1.2 The site lies within the defined Settlement Development Boundary of the existing and emerging local plans.
- 1.3 In 2013 Planning permission (11/01172/OUT) was refused for the construction of 30 houses and associated parking, access and landscaping works. The reasons for refusal were due to the proximity to Carless Refinery and the increase in vehicular traffic along both Edward Street and Una Road. This decision was appealed; the appeal was allowed and planning permission granted. However, this approval was never implemented.
- 1.4 In 2015 the application site obtained a further outline planning approval for 30 dwellings, via application (Ref: 15/01792/OUT), the associated Reserve Matters approval was issued via application (Ref: 19/00406/DETAIL). Further to this, the site to the immediate north, for which the applicant is also the freeholder, has planning permission for 12 dwellings via (Ref: 16/02128/OUT) and approved Reserve Matters via (Ref 20/00460/DETAIL).
- 1.5 This application involves the construction of thirty houses and associated parking, access and landscaping. This application seeks to modify the existing planning consent (19/00406/DETAIL) in terms of layout to comply with Essex Highways Technical Standards.



- 1.6 For the reasons outlined in this report Officers consider the scheme before members, subject to planning conditions, to be an acceptable development proposal as it is in accordance with the relevant policies in the development plan, as well as emerging policies in section 2 of the emerging Local Plan, and on a site that has recent planning history approval for a similar number of dwellings.
- 1.7 A legal agreement is required for this application to secure a financial contribution towards Essex Coast Recreational Disturbance and Avoidance and Mitigation Strategy (RAMS).
- 1.8 In conclusion, the proposed development would not result in any harmful impact upon visual amenity or neighbouring amenities and provides appropriately designed additional housing and sufficient additional parking spaces to serve the proposed units.

**Recommendation:**

That the Head of Planning be authorised to grant planning permission for the development subject to:-

- a) **Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing to include the following matters (where relevant):**
  - **Financial Contribution towards RAMS**
- b) Subject to the conditions stated in section 8.2
- c) That the Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

**2. Planning Policy**

The following Local and National Planning Policies are relevant to this planning application.

*NPPF National Planning Policy Framework February 2021*

*National Planning Practice Guidance*

*Tendring District Local Plan 2007 (part superseded)*

QL2	Promoting Transport Choice
QL3	Minimising and Managing Flood Risk
QL11	Environmental Impacts and Compatibility of Uses (part superseded)
HG3	Residential Development within Defined Settlements
HG3A	Mixed Communities
HG4	Affordable Housing in New Developments
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
HG14	Side Isolation
COM6	Provision of Recreational Open Space for New Residential Development
COM19	Contaminated Land
COM26	Contributions to Education Provision
EN1	Landscape Character
EN2	Local Green Gaps
EN6	Biodiversity
EN11A	Protection of International Sites European Sites and RAMSAR Sites
EN13	Sustainable Drainage Systems
EN29	Archaeology
TR1A	Development Affecting Highways
TR2	Travel Plans
TR3A	Provision for Walking
TR4	Safeguarding and Improving Public Rights of Way
TR5	Provision for Cycling
TR6	Provision for Public Transport Use
TR7	Vehicle Parking at New Development

*Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Part adopted)*

• Section 1: Adopted

SP1	Presumption in Favour of Sustainable Development
SP2	RAMS
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles

• Section 2: Emerging

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP3	Green Infrastructure
HP5	Open Space, Sports & Recreation Facilities
LP1	Housing Supply
LP2	Housing Choice
LP3	Housing Density and Standards
LP4	Housing Layout
LP5	Affordable and Council Housing
PPL1	Development and Flood Risk
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
PPL6	Strategic Green Gaps

PPL7 Archaeology

CP1 Sustainable Transport and Accessibility

*Local Planning Guidance*

*Essex County Council Car Parking Standards - Design and Good Practice*

*Essex Design Guide*

### **Status of the Local Plan**

- 2.1 Planning law requires that decisions on planning 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 2021 (the Framework).
- 2.2 The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26<sup>th</sup> January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.
- 2.3 Paragraph 48 of the Framework allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and the degree of consistency with the policies of the Framework. In this regard 'Proposed Modifications' to emerging Section 2 of the 2013-33 Local Plan which contains more specific policies and proposals for Tendring has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29<sup>th</sup> June 2021. The Council is holding a six week public consultation on the Main Modifications and associated documents, which began on 16<sup>th</sup> July 2021. The consultation will run for just over 6 weeks, closing at 5pm on 31<sup>st</sup> August 2021, following which adoption is expected later this year. Section 2 will join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.
- 2.4 In relation to housing supply:  
The Framework requires Councils boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or if housing delivery

over the previous three years has been substantially below (less than 75%) the housing requirement, the 'tilted balance' at paragraph 11 d) ii) of the Framework in engaged. This requires applications for housing development be granted permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Following the adoption of Section 1 of the 2013-33 Local Plan and the Council's 'Objectively Assessed housing Need' of 550 dwellings per annum there is no housing shortfall. The Council is able to report a comfortable surplus of housing land supply over the 5 year requirement. The 'tilted balance' at paragraph 11 d) ii) of the Framework does not therefore apply to applications for housing.

### 3. Relevant Planning History

00/01248/FUL	Erection of 76 No. houses on land currently vacant	Withdrawn	21.03.2005
00/01811/OUT	Residential development - Renewal of Planning permission TEN/96/0848	Approved	14.08.2002
88/01539/OUT	(Land at the end of Una Road and Edward Street, Parkeston) Residential Development (revised application)	Refused	17.11.1992
96/00848/OUT	(Land at the rear of Una Road and Edward Street, Parkeston) Renewal of outline planning permission TEN/1539/88 residential development	Approved	27.01.1998
02/01614/FUL	77 residential dwellings with associated parking, landscaping and open space and parking court for 20 unallocated parking spaces.	Refused	19.02.2003
02/01635/DETAIL	77 residential dwellings with associated parking, landscaping and open space	Withdrawn	06.01.2009
04/02094/FUL	Relaxation of Conditions 6 and 9 of planning permission 00/01811/OUT of 14 August 2002	Withdrawn	06.01.2009
04/02096/DETAIL	Erection of 30 dwellings with associated parking and open space.	Approved	24.09.2008
05/01080/DETAIL	Reserved matters application for the erection of 50 dwellings	Refused	17.07.2007

	pursuant to outline planning permission 00/01811/OUT.		
11/01172/OUT	Construction of thirty houses with associated parking, access and landscaping works.	Refused	05.04.2013
15/00348/OUT	Variation of condition 4 of planning permission 11/01172/OUT (allowed at appeal under reference APP/P1560/A/13/2196059) substituting drawing number 8088/200 Rev B for 8088/300, to allow an amendment to the approved site plan, with the addition of an internal road between the north and south of the site.	Refused	24.04.2015
15/30158/PREAPP	Proposed development of 30 dwellings.	Refused	09.09.2015
15/01792/OUT	Construction of thirty houses with associated parking, access and landscaping.	Approved	13.06.2016
16/01267/OUT	Construction of eight houses with associated parking, access and landscaping.	Approved	04.10.2016
16/02128/OUT	Construction of twelve houses with associated parking, access and landscaping (alternative scheme to application ref 16/01267/OUT).	Approved	28.06.2017
19/00381/DISCON	Discharge of Conditions 5) Construction Materials, 6) Hard and Soft Landscaping, 8) Screen Walls, Fences and Bin enclosures, 9) Floor Levels, 11) Driveways and Parking Areas, 12) Flood response plan, 14) Estate roads, footways and vehicle access, 16) Ecological Mitigation Strategy, 17) Storage of bicycles, 20) Surface water drainage scheme and 21) Scheme to minimise risk of offsite flooding - to	Withdrawn	28.05.2019

	approved Planning Application 15/01792/OUT.		
19/00406/DETAIL	Construction of thirty houses with associated parking, access and landscaping.	Approved	28.08.2019
19/01665/DETAIL	Variation of condition 1 (approved plans) of reserved matters application 19/00406/DETAIL.	Approved	
20/00460/DETAIL	Reserved matters application (details of appearance, landscaping, layout and scale) for approval 16/02128/OUT.	Approved	22.07.2020
20/01798/FUL	Proposed construction of thirty houses and associated parking, access and landscaping. This application seeks to modify the existing planning consent (19/00406/DETAIL) in terms of layout to comply with Essex Highways Technical Standards.	Current	
21/00696/DISCON	Discharge of condition 10 (Construction Method Statement) of Planning Permission ref: 19/00406/DETAIL	Approved	15.06.2021
21/00697/DISCON	Discharge of conditions 5 (Materials), 6 (Hard and Soft Landscaping), and 8 (Details of Siting, Design and Materials of Screen Walls and Fences), 12 (Flood Response Plan), 13 (Construction Method Statement), 14 (Details of Roads, Footways and Vehicular Access), 15 (Site Characterisation, Remediation Scheme, Implementation of Approved Remediation Scheme & Reporting of Unexpected Contamination), 17 (Bicycle Storage) and 18 (Construction Traffic Management Plan) of Planning Permission ref: 15/01792/OUT		09.06.2021
21/00808/DISCON	Discharge of conditions 20, (Surface Water Drainage), 21	Current	

(Minimize the risk of off-site flooding) and condition 22 (Maintenance Plan) of approved planning application 15/01792/OUT.

21/00818/DISCON Discharge of conditions 9 (Site Current Levels) of approved planning application 15/01792/OUT

#### 4. Consultations

ECC Highways Dept  
13.08.2021

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.

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

- Prior to the occupation of any of the proposed development the internal road site access and footway layout shall be provided in principle and accord with Drawing Number: 5195/1/100 Rev. P-1 Amended site layout.

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

- Prior to occupation of the development a 1.5 metre x 1.5 metre clear visibility above a height of 600mm, as measured from and along the boundary, shall be provided on both sides of the vehicular accesses. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.



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

- Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 & 6.

- The proposed 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.

- The development shall not be occupied until such time as a car parking and turning areas has been provided in accord with current Parking Standards. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 & 8.

- Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

- Each vehicular parking space which is bounded by walls or other construction shall have minimum dimensions of 3.4 metres x 5.5 metres.

Reason: To encourage the use of off-street parking and to ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

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

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

- Prior to occupation of the proposed dwelling(s), the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

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.

- No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement 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

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.

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

Informative:

- 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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester, CO7 7LT

- There should be a 'no build zone' of 0.5 metres from the back of the proposed/ future high boundary.

- The proposed internal estate road will form part of a 20 MPH speed limit zone and will require supporting measures at regular intervals to ensure drivers adhere to the speed limit.

- 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.

- 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.

Health and Safety Executive  
18.01.2021

HSE is a statutory consultee on relevant developments within the consultation distance of a hazardous installation or a major accident hazard pipeline. Planning Authorities should use HSE's Planning Advice Web App to consult HSE on such applications and produce a letter confirming HSE's advice. This service replaces PADHI+ HSE's on-line software decision support tool.

The Web App can be found here;

<http://www.hsl.gov.uk/planningadvice>

All planning authorities were contacted prior to the launch of the Web App with log in details to set up an administrator. This administrator will be able to set up other users within the organisation. If you require details of the administrator for your organisation please contact us.

Planning Authorities should use the Web App to consult HSE on certain developments including any which meet the following criteria, and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline.

- residential accommodation;
- more than 250m<sup>2</sup> of retail floor space;
- more than 500m<sup>2</sup> of office floor space;
- more than 750m<sup>2</sup> of floor space to be used for an industrial process;
- transport links;
- or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.

There are additional areas where HSE is a statutory consultee. For full details, please refer to annex 2 of HSE's Land Use Planning Methodology: [www.hse.gov.uk/landuseplanning/methodology.htm](http://www.hse.gov.uk/landuseplanning/methodology.htm)

There is also further information on HSE's land use planning here: [www.hse.gov.uk/landuseplanning/](http://www.hse.gov.uk/landuseplanning/)

Updated Comment - 23 June  
2021

I have had a look at the updated report and can confirm that the advice you have now received is correct for planning application 20/01798/FUL - HSE does not advise against this proposal.

Officer Comment: The consultation distance (CD) for a proposed residential development from a major hazard site or major hazard pipeline is 260 metres. There has not any objection from the HSE to this application or any other historic application on this site.

UU Open Spaces  
10.02.2021

Response from Public Realm Open Space & Play

Site Address: Land rear of Una Road  
Parkeston Harwich Essex

#### Current Position

There is currently a deficit of -2.70 hectares of equipped play in Ramsey and Parkeston and -0.93 hectares of formal open space.

#### Recommendation

Due to the current deficit a contribution towards play and formal open space is justified and relevant to the planning application, and all previous applications relating to this site. There is only one play area in Parkeston located in Garland Road, this is a well-used play area by the residents of Parkeston and the wider community, should there be further development in Parkeston these facilities will need to be increased.

Tree & Landscape Officer  
22.01.2021

The site is overgrown with rank and ruderal vegetation and brambles are rapidly colonising the whole site. Some recent site clearance has been carried out

The site contains thickets of Myrobalan Plum and Blackthorn as well individual scrubby trees and

bushes comprising Hawthorn, Elder, Goat Willow and Buddleia. Some larger trees have become established comprising Sycamore, Ash and Oak.

The applicant has provided a Tree Survey and Report in order to show the extent to which the trees on the site and immediately adjacent land are a constraint on the development of the land.

The report is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction: Recommendations and accurately describes the health and condition of the trees on the land.

It identifies those trees to be felled in order to facilitate the development proposal and contains both a Tree Constraints Plan (TCP) and Tree Protection Plan (TPP). These plans show how retained trees will be physically protected for the duration of the construction phase of any approved planning permission. This information is sufficient to secure the protection of retained trees.

None of the trees in the main body of the land merit protection by means of a tree preservation order. The largest trees with the greatest visual amenity value are those on, or close to, the southern boundary and will not be affected by the development proposal.

It should be noted that whilst the information contained in the tree report is accurate and acceptable in terms of the details relating to trees; the Tree Protection Plan (TPP) shows a different site layout to that on both the Block Plan and the Planting Plan. The TPP shows additional dwellings on what is public open space on the other plans.

New tree, shrub and hedgerow planting will be a key element in the design and layout of the site and will be required to soften and enhance the appearance of the development including the open space to the north.

The information provided on the Planting Plan showing new soft landscaping is acceptable.

Officer Comment: Updated Plans have been received, the tree layout is the same, the drafting

error has been corrected. No change to the landscaping was made.

Anglian Water Services Ltd  
19.01.2021

## ASSETS

### Section 1 - Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

## WASTEWATER SERVICES

### Section 2 - Wastewater Treatment

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

### Section 3 - Used Water Network

This response has been based on the following submitted documents: Flood Risk Assessment. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) INFORMATIVE -

Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

#### Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

ECC Ecology  
26/07/2021

No objection subject to securing biodiversity mitigation and enhancement measures

Summary



We have reviewed the Ecological Statement (Abrehart Ecology, November 2020) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats. We have also reviewed the Extended Phase 1 Habitat Survey (SES, 2015), the Phase 2 Ecological Surveys & Assessment (SES, 2015) and the Ecological Mitigation Strategy (SES, 2016) submitted in support of 15/01792/OUT, the Outline application for this site. We are satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

We note that this application is for the revision of the layout approved under 19/00406/DETAIL, and the amended proposals will not further functionally affect the ecological value of the site. The Ecological Statement (Abrehart Ecology, November 2020) details that the ecological mitigation detailed in the Ecological Mitigation Strategy (SES, 2016) is being implemented, and that appropriate licences have already been sought and a translocation exercise has already been completed. The Ecological Statement (Abrehart Ecology, November 2020) also states that Natural England licences for badgers and hazel dormice have been sought for the development.

The mitigation measures identified in the Ecological Statement (Abrehart Ecology, November 2020) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species.

We note that Tendring DC have prepared a project level HRA Appropriate Assessment which identifies that the development is approximately 800m from the Stour and Orwell Estuary SPA and Ramsar site. Therefore, this site lies within the Zone of Influence (ZOI) for the Essex Coast RAMS and delivery of mitigation measures in perpetuity will therefore be necessary to ensure that this proposal will not have an adverse effect on the integrity of the above Habitats sites from recreational disturbance, when considered 'in combination' with other plans and projects. We also note that Tendring DC will secure

the Essex Coast RAMS contribution per dwelling under a legal agreement.

We also recommend that, to secure measurable net gains for biodiversity, as outlined in the National Planning Policy Framework, reasonable biodiversity enhancement measures will need to be provided. A Biodiversity Enhancement Strategy for protected and Priority Species should be secured as a condition of any consent. This should include details of the compensatory and enhancement measures for protected and Priority species.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS  
“All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Statement (Abrehart Ecology, November 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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).

## 2. PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

“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 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).

## 3. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

“A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

ECC SuDS Consultee  
08.02.2021

Reason: To 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)

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15<sup>th</sup> April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

As this application is adopting the same principles as the drainage strategy approved as part of application 19/00381/DISCON we would recommend the following conditions:

Condition 1

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.

Reason

- 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.

#### Condition 2

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.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

### Condition 3

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.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

### Condition 4

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.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this

advice, we request that you contact us to allow further discussion and/or representations from us.

### Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan,

temporary refuge and rescue or evacuation arrangements);

- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development. In all circumstances where warning and emergency response is fundamental to

managing flood risk, we advise local planning authorities to formally consider the 3

emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

### INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).

- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15<sup>th</sup> of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

#### Appendix 1 - Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- Safety of People (including the provision and adequacy of an emergency plan, temporary



refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications 'Preparing for Floods' and 'Improving the flood performance of new buildings'.

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

Housing Services  
22.02.2021

I have been asked to comment on the affordable housing requirements for the above application and please accept my apologies for the delay in replying.

I have previously advised that whilst this application would trigger a requirement for on-site affordable housing, we have always had issues in letting or nominating to housing in the Parkeston area of Harwich and as such, our preference was for an off-site financial contribution. This remains the case. I understand that a viability assessment was examined as part of the reserved matters application 19/00406/DETAIL and concluded that the development was not viable if a contribution was required towards affordable housing.

In light of this, I would advise that our position remains to seek an off-site contribution in lieu of on-site provision. If it is shown not to be viable to make a contribution then we will have to accept the assessment.

Environmental Protection  
19.01.2021

Environmental Protection have no comments to make relating to changes to the layout, however we will refer to our previous comments associated with this proposal, as specified in the 2015 Outline planning permission for this development

(15/01792/OUT), and conditions 13 and 15 respectively, relating to the need for a Construction Method Statement, and requirements for further investigation into Contaminated Land; on the approved decision notice, dated 13th June 2016.

Building Control and Access Officer  
15.01.2021

No adverse comments at this time.

All access roads to be constructed to suitable standard to allow full access to 26 tonne waste collection vehicles (2.5 metres wide) and to withstand weight of vehicles.

Waste Management  
18.01.2021

Bin storage compartments for all properties to be constructed to allow storage and free movement of a standard dimension 180L wheeled bin for fortnightly residual waste collections, alternate weekly collection of dry recycling from 55L boxes and weekly collection of food waste from 23L food caddy.

ECC Schools Service  
05.03.2021

Thank you for providing details of the above detailed planning application for up to 30 new homes. From the information I have received, I have assessed the application on the basis that they will all be 2+ bed houses. A development of this size can be expected to generate the need for up to 2.7 Early Years and Childcare (EY&C) places; 9 primary school, and 6 secondary school places.

Please note that any developer contribution figures referred to in this letter are calculations only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation.

#### Early Years and Childcare

Essex County Council has a statutory duty under the Childcare Act 2006 to ensure that there is sufficient and accessible high-quality early years and childcare provision to meet local demand and parental choice. This includes provision of childcare places for children aged between 0-5 years as well as wrap around provision for school aged children (5-11 or up to 19 with additional needs).

According to the latest available data, although provision in the area is limited, a developers' contribution towards new childcare places will not be

requested at this time as it falls below the threshold for contributions.

#### Primary Education

It is considered that there will be sufficient school places within Harwich to meet the additional demand; therefore a contribution toward primary education will not be sought at this time.

#### Secondary Education

It is considered that there will be sufficient school places within Harwich to meet the demand; therefore a contribution toward secondary education will not be sought at this time.

#### School Transport

Essex County Council will not be seeking a school transport contribution at this time. However, the developer should ensure that safe direct walking and cycling routes to local primary and secondary schools are available

#### Libraries

ECC may seek contributions to support the expansion of the library service to meet customer needs generated by residential developments of 20+ homes. The provision of a Library Service is a statutory duty under the 1964 Public Libraries and Museums Act and it's increasingly become a shared gateway for other services such as for accessing digital information and communications.

In this case the suggested population increase brought about by the proposed development is expected to create additional usage of Harwich library. In accordance with the Essex County Council Developers' Guide to Infrastructure Contribution (Revised 2020), a contribution is therefore considered necessary to improve the services provided, at a cost of £322.72 per unit. Improvements could include, but is not limited to, refurbishment of existing facilities, additional furniture, provision of learning equipment / play equipment for younger children, additional stock, improved access, external works such as parking and bike racks and IT.

Taking the above into account, it is calculated that a contribution of £9,681.60 is requested and should be included in any Section 106 Agreement should the Council be minded to grant permission.

In view of the above, I request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on libraries.

The contributions requested have been considered in connection with the CIL Regulations 2010 (as Amended) and are CIL compliant. Our standard formula s106 agreement clauses that ensure the contribution would be necessary and fairly and

reasonably related in scale and kind to the development are available from Essex Legal Services.

If your council were minded to turn down the application, I would be grateful if the lack of surplus library provision in the area to accommodate the proposed new homes can be noted as an additional reason for refusal, and that we are automatically consulted on any appeal or further application relating to the site.

Thank you for consulting this authority in respect of this application.

Essex Wildlife Trust

No response

Natural England  
09.02.2021

Thank you for your consultation on the above dated 01 February 2021 which was received by Natural England on 01 February 2021

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### SUMMARY OF NATURAL ENGLAND'S ADVICE - European designated sites<sup>1</sup>

It has been identified that this development falls within the 'Zone of Influence' (Zoi) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS); see our recent advice to your authority on this issue (our ref: 244199, dated 16th August 2018) for further information.

In the context of your duty as competent authority under the provisions of the Habitats Regulations<sup>2</sup>, it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Tendring District Council, working together to mitigate the effects arising from new residential development.

Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.

We therefore advise that you consider, in line with our recent advice, whether this proposal falls within scope of the RAMS as 'relevant development'. Where it does, this scale of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

#### Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](https://data.gov.uk) website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Environment Agency	No response
Regeneration	No response

## 5. **Representations**

5.1 60 letters of objection have been received which raise the following concerns;

- Exacerbate existing parking problems.
- Noise and fumes from increased traffic.
- Crime is a problem in the area
- The Land is contaminated
- Noise, disturbance, obstruction and fumes from construction traffic.
- Access for emergency and refuse vehicles will be worsened.
- No disabled parking bays.
- Detrimental to residential amenities
- The road is too narrow for emergency vehicles
- Overdevelopment of the site.
- Drains/Sewage would not cope with the demands of further flats.
- Existing garages too small.
- Leaseholders not notified of proposed development.
- Overlooking and harm to privacy.
- Too high and out of character.
- Loss of light.
- Access to new spaces blocked by existing garages and parked vehicles.
- Loss of property values.
- Existing amenities will not cope with the increase of housing in this area.
- Area cannot cope with the additional traffic
- Noise Pollution during construction
- Lack of Infrastructure (School Places, GP Surgeries ect)
- To close to the nearby Carless Oil Refinery with a risk to life
- Loss of wildlife habitat
- The land is unstable

5.2 The Parish Council have made the following comments on the application

The view of the Ramsey and Parkeston Parish Council is to strongly object and to re-iterate comments previously submitted in relation to this site with concerns of feeder roads not being able to support the development.

## 6. **Assessment**

6.1 The Assessment section of this report is divided into the follow sub headings:

- Site Context;
- Proposal;
- Principle of Residential Development;
- Housing Mix
- Design and Appearance;

- Layout;
- Scale;
- Highways Safety and Parking;
- Residential Amenity;
- Landscaping;
- Proximity to Carless Refinery;
- Biodiversity and Ecology;
- Highway Safety and Parking Provision;
- Legal Agreement;
- Financial Contribution – Recreational Impact;
- Flood Risk;
- Contamination and
- Other Issues

### Site Context

- 6.2 The application site is situated on the western side of the village of Parkeston, within the defined Settlement Development Boundary of the existing and emerging local plans. The site measures 1.16 hectares in size; it was previously used as a brickworks but now does not contain any buildings and has become overgrown.
- 6.3 The site slopes downwards from north to south. The boundaries of the site are for the most part delineated by hedging. Access to the site is gained from Una Road which lies to the east of the application site. Una Road is a residential street with dwellings fronting the full length; the dwellings are predominately two storey in height and semi-detached or terraced properties. Most of these properties do not have off-street parking; therefore on-street parking occurs. To the south-west of the application site is an isolated detached single storey dwelling; this is accessed through the application site. To the north-east of the site are the residential properties in Edward Street, which are a mixture of two storey, semi-detached dwellings and bungalows. Edward Street slopes steeply upwards from south to north, meaning that the dwellings to the north of Edward Street are at a significantly higher level than the application site. To the west of the application site is Ramsey Ray Local Wildlife Site. The host site is within flood zone 1. The site is not in a conservation area and does not contain listed buildings. Finally, there are no tree TPOs on the site.
- 6.4 There is a detailed planning history to the site, the most relevant and recent cases are as follows. In 2013 Planning permission (11/01172/OUT) was refused for the construction of 30 houses and associated parking, access and landscaping works. The reasons for refusal were due to the proximity to Carless Refinery and the increase in vehicular traffic along both Edward Street and Una Road. This decision was appealed; the appeal was allowed and planning permission granted. However, this approval was never implemented.
- 6.5 In 2015 the application site obtained a further planning permission approval for 30 dwellings, via application (Ref: 15/01792/OUT), the associated Reserve Matters approval was issued via application (Ref: 19/00406/DETAIL). Further to this, the site to the immediate north, for which the applicant is also the freeholder, has planning permission for 12 dwellings via (Ref: 16/02128/OUT) and approved Reserve Matters via (Ref 20/00460/DETAIL).



## Proposal

- 6.6 The proposal involves the construction of thirty houses and associated parking, access and landscaping. This application seeks to modify the existing planning consent (19/00406/DETAIL) in terms of layout to comply with Essex Highways Technical Standards.
- 6.7 Effectively, the road layout and houses have been rearranged from the extant consent in order to comply with the Essex Highways Technical Manual while at the same time conserve the number of houses on the site and leave sufficient open space.
- 6.8 The proposal site is slightly larger than assessed under application 19/00406/DETAIL as the proposed site includes a narrow strip of land within 20/00460/DETAIL approval. However, the space is used as open public land in this proposal as it was in the 20/00460/DETAIL approval. Nevertheless, this explains why the site area is 1.14 ha on the 15/01792/OUT application and the site area is 1.16 ha on this application.
- 6.9 The overall housing mix is based on a mix of two- and three-bedroom houses, all are semi-detached. The site will accommodate 6 x 2-bedroom semi-detached houses and 24 x 3-bedroom semi-detached houses of five different yet similar styles. The density of the development is 26 dwellings per hectare.

## Principle of Development

- 6.10 The principle of residential development on this site has been established by the granting of the outline application 15/01792/OUT and associated reserve matters approval 19/00406/DETAIL (albeit these approvals relate to a slightly smaller site than the current application site – see paragraphs above). Furthermore, the site is within both the adopted and emerging settlement boundary locations.
- 6.11 The previous approval on site (Ref: 15/0192/OUT) did not include any contribution towards affordable housing. On that application, the applicant demonstrated that the development was not viable by the submission of a Viability Report. This report was independently assessed and concluded that even based on no affordable housing being provided, the development would return a deficit. On this basis no legal agreement was previously sought.
- 6.12 With the current application, the applicant has concluded the same circumstances remain on site with an updated vitality report and supplementary addendum that has concluded the same. The applicant is committed to paying the RAMS payment however the viability report demonstrates that no extra contributions can be requested.
- 6.13 Officers accept these findings and request no additional financial mitigation.
- 6.14 In view of the above, officers raise no objection to the proposals on principle grounds.

## Housing mix

6.15 The overall housing mix is based on a mix of two- and three-bedroom houses.

The site will accommodate:

- 6 x 2-bedroom semi-detached houses of three different types.
- 24 x 3-bedroom semi-detached houses of two different types

6.16 The previous application approved 18 x 2 bedroom houses, 11 x 3 bedroom houses and 1 x 4 bed houses. In total 18 were semi detached, 5 detached and 1 block of 3 in a terrace.

6.17 Although the mix is different to the previous (recent) approval, it is considered that the latest proposed mix is broadly consistent with the requirements of the Strategic Housing Market Assessment Update 2015 that requires 42.2% of new owner-occupied dwellings to be three bedroom properties, with 32.4% containing two bedrooms. As such, having regard to the scale of the development proposal (30 dwellings) Officers have no objection to this housing mix.

## Design and Appearance

6.18 The design and appearance of the dwellings are very similar to the previously approved house types via reserved matters approval (19/00406/DETAIL). The proposed dwellings have a modern appearance, with varied roof forms, timber cladding, double soldier brick courses over the windows and external brick patterning. There are no porches proposed however, that was the case in the recently approved reserve matters application on the site. The elevational details indicate the proposed houses as being of two storeys in height with pitched roofs and no rooms in the roof space.

6.19 There is a combination of Red Burn Multi Stock bricks and Sandstone Weathered Buff Bricks on the elevations. The roof tiles are either Marley Modern Concrete Red tiles or Marley Modern Gray (Anthracite) tiles. With elements of vertical pre-treated redwood cladding.

6.20 Most of the proposed dwellings have two ground floor windows and one first floor window on the front elevation with a decorative element (cladding or brick patterning) in the space where the second window would be. This is due to there being a single habitable room on the front, often with an en-suite to the side. These decorative brick features are either protruding detailing in Flemish bond or recessed detailing in stretcher bond. Bin storage areas are incorporated to the front of the dwellings.

6.21 The surrounding area comprises of mainly semi-detached and terrace dwellings, most of them rendered, all fairly typical of an inter war building style. Officers consider that the design of the proposed dwellings are in keeping with the character of the area, indeed the more modern appearance provides an interesting modern twist within the streetscape.

6.22 Overall, the proposed dwellings are largely indistinguishable from what is approved and can be built out. Officers raise no objection to the proposed design or appearance of the dwellings proposed.

### Layout

6.23 Paragraph 130 of the National Planning Policy Framework 2021 states that planning should involve good architecture, layout and landscaping. Policy H7 of the adopted Tendring District Local Plan (2007) states that development should be designed so as to incorporate suitable outdoor amenity space, so as to have no unduly adverse impact on the character of the area or neighbouring residential amenity. Emerging Policies SPL3 and LP3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)\_supports these objectives.

6.24 Each of the proposed dwellings have their own private amenity space. Policy HG9 of the Saved Local Plan requires 75sqm for 2 bedroom dwellings and 100sqm for dwellings with 3 or more bedrooms. All the dwellings are provided with garden areas which meet or exceed these standards.

6.25 All of the proposed dwellings respond positively to the newly created streetscene and create an active street frontage. In relation to the gaps between dwellings (side by side), no objection is raised. There is a positive spacious feel between dwellings. This is helped by the semi-detached nature of the designs.

6.26 Parking is provided mostly to the sides of the dwellings meaning parked cars do not dominate the proposed development. Adequate visitor parking is also included.

6.27 In conclusion there is no objection to the layout of the proposed development.

### Scale

6.28 The proposed dwellings have a ridge height and eaves level every similar that of the approved scheme. Typically, the eaves level is 5.6m and the ridge 9.6m. This is commensurate with the neighbouring residential dwellings to the north and east on Una Road and Edward Road. Equally, the depth of the proposed dwellings is similar to those on the neighbouring roads. No objection is raised to the scale of the dwellings proposed.

### Highway Safety/Parking

6.29 There have been a number of objections raised with regards to highways issues and the narrow nature of Una Road that provides access to the site. However, the previous permission which also allowed for 30 dwellings (albeit in a different layout), but nevertheless all accessed via Una Road could be implemented at any time. Also, the earlier application approved at appeal, 11/01172/OUT for construction of thirty houses with associated parking, access and landscaping works, granted permission for 22 dwellings to be accessed from Una Road and 8 to be accessed via Edward Street. In the appeal decision the Inspector considered that 'although equally heavily parked Una Road is straight and level. As a result there is good forward visibility of oncoming

traffic. With opportunities at the junction with Parkeston Road and Edward Street for vehicles to pull over there would be comparatively few instances of cars generated by the development using Una Road that would come into conflict with other vehicles'.

6.30 In addition, the Inspector on the 11/01172/OUT decision also considered that 'the provision of a turning head within the appeal site at the end of Una Road would improve safety by removing the need for larger vehicles to reverse along its length'. The Inspector noted the highway authority and emergency services did not object to the proposal and that planning permission was granted for the same number of houses in 2008 (04/02096/DETAIL). Overall, it was concluded that the proposed development would be acceptable in terms of its effect on highway safety.

6.31 Since the time of the earlier decisions there has been no significant change in the character of the area. Una Road remains straight and level and continues to be heavily parked. The proposed development has a circular layout allowing vehicles to leave Una Road in a forward gear. This a public benefit to the proposal. Ultimately all 30 dwellings will still use Una Road to access Station Road to the east. It is therefore considered that there has been no significant change in circumstances insofar as general highways conditions and parking on Una Road are concerned.

6.32 Essex County Council Highways have been consulted on the application and raise no objection to the proposals subject to the imposition of the following conditions to cover the following:

- timings of internal road and footways;
- details of the estate roads and footways;
- provision and retention of car parking and turning areas;
- sizes of parking spaces and garages and provision of cycle parking in accordance with the Essex Parking Standards.
- Residential travel packs
- visibility splays
- location of boundary planting

6.34 In terms of parking, and in acknowledgement that this is one of the key issues raised by nearby residents, Essex County Council Parking Standards state that for one bedroom dwellings 1 off-street parking space is provided and for dwellings with 2 or more bedrooms a minimum of 2 off-street parking spaces are provided. Furthermore, 0.25 space per dwelling should be provided for visitor parking. Each parking space should measure 5.5 metres by 2.9 metres and if a garage is to be relied on it should measure 7 metres by 3 metres internally. The plans show that the proposal provides parking in accordance with the adopted standards.

6.35 Provision for cycle storage has not been shown on the plans. However, the gardens are of a sufficient size to provide cycle parking in sheds to the rear. Therefore, it is considered that adequate cycle parking can be provided, this will be conditioned as part of the planning recommendation.

6.36 The proposal is therefore acceptable in terms of highway safety and parking provision.

Impact on Residential Amenity

- 6.37 The Essex Design Guide states that 'with rear-facing habitable rooms, the rear faces of opposite houses approximately parallel and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be acceptable'.
- 6.38 This distance has been achieved and surpassed internally within the proposed layout.
- 6.39 The closest existing residential properties (62, 69 and 75 Una Road) have been carefully considered in the proposed layout. Parking spaces have been provided to the sides of proposed plot 1 and 30, this increases the separation between existing dwellings 62 and 69 Una Road. Officers consider obscured glazing to the first floor side facing windows facing these existing dwellings is not necessary as views are very oblique.
- 6.40 Equally, the distance and orientation of proposed plot 12 from the existing dwelling 75 Una Road in the south west corner of the site is sufficient to mitigate against any significant loss of residential amenity. To the north and east of the site, there is sufficient distance between the proposed dwellings and 1 to 29 Edward Street to conclude no significant impact on residential amenity.
- 6.41 Overall, no existing or future residents are likely to suffer any significant loss of light, privacy or residential amenity as a result of the proposals.

#### Landscaping

- 6.42 The land subject to this application does not contain any significant trees other than those on the southern boundary. The trees, hedgerows and hedges are associated with the adjacent residential area and do not merit formal legal protection. As part of the application detailed landscaping plans have been submitted; the soft landscaping proposals are comprehensive and sufficiently detailed to enhance the appearance of the development.
- 6.43 There is an area of open space in the north east corner that helps break up the built form and lessen any perceived loss of residential amenity. Also there is a significant strip of Open Space to the west of the site both respecting 75 Una Road and provide an excellent level of natural visual amenity.
- 6.44 The Landscape Officer concludes the information provided on the Planting Plan showing new soft landscaping is acceptable in this this instance. Officers agree with this verdict.

#### Proximity to Carless Refinery

- 6.45 The site is located within the middle zone of the catchment area for the Carless Refinery. Previous applications for residential development have been granted on the site, for the same number of dwellings proposed, where the relationship between the refinery and residential development was considered acceptable.

6.46 The Health and Safety Executive does not advise on safety grounds, against the granting of planning permission in this case. Indeed, when specifically asked about this application, the HSE Officer responded:

*'the advice you have now received is correct for planning application 20/01798/FUL - HSE does not advise against this proposal'.*

The HSE have not objected to this or any other historic application on site. Officers consider an Emergency Evacuation Plan as a Planning Condition is appropriate in this case. Such a plan should be given to all future occupiers of the site, so residents know what to do in times of emergency. On this basis the development is considered acceptable.

### Biodiversity and Ecology

6.47 The approval of the Reserve Matters application in 2019 (Ref: 19/00406/DETAIL) effectively means that the approved development can be built out. That application involved an initial a Phase 1 Habitat Survey and a further Phase 2 survey undertaken from SES (Southern ecological Solutions) used for the Natural England mitigation licence application which recommended the following works:

- Bat activity survey
- Badger survey
- Dormouse survey (presence or likely absence) and;
- Reptile survey (presence or likely absence)

6.48 In response to this an Ecological Mitigation Strategy was submitted, which sets out the appropriate mitigation to protect the long term conservation status of the ecological features on site, through habitat creation, sensitive management and appropriate timings of works. These include measures such as habitat creation for badgers, closing of the sett under Natural England licence; enhancement of habitat for reptiles, bats and dormice and translocation of reptiles.

6.49 There has been an additional Ecological Update submitted with this application from Abrehart Ecology who confirm the mitigation measures of the previous and current approval remain in place. In summary:

Badgers – A subsidiary outlier sett has been closed under Natural England Licence (2020 – 47617 – SPM-WLM) after the completion of surveys

Bats – As per recommendations within the ecological mitigation strategy by SES

Reptiles – Semi – permanent reptile fencing has been installed in the south section of the site and translocation of reptiles has been carried out over the last year. Semi – permanent reptile fencing is to be installed for the top section across the site and animals are to be translocated to an enhanced habitat in neighbouring land

Hazel Dormouse – An enhanced green wildlife area and new hedge has been planted. In addition, the enhance of areas of adjacent land (woodland) has been carried out. Dormouse nesting boxes will be put out under Natural England Licence.

Nesting Bird – Survey Areas before works are carried out.

6.50 ECC Ecology has reviewed this information and concluded no objection subject to securing biodiversity mitigation and enhancement measures via planning condition. Officers therefore consider that the proposal, subject to planning conditions, would not result in any significant adverse impact on protected species.

#### Legal Agreement

6.51 The National Planning Policy Guidance states in Paragraph 58, that all viability assessments, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

6.52 The NPPG says the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case.

6.53 In this case the applicant has sought to demonstrate that the development is not viable by the submission of a Viability Report. This report has been independently assessed by DVS who have published two reports. The initial findings were questioned by the agent as the BCIS build costs were not used instead. Smaller 'Adopted Rate' build cost was used. The second addendum from DVS assessed Build Costs via a more widely used BCIS default rate.

6.54 In the initial viability review the BCIS 5 year median rate for two-storey semi-detached housing was adopted at the rate of £1,178 /m<sup>2</sup> (size of sample 35) based on advice of the VOA Quantity Surveyor. However, since the onset of the Covid-19 pandemic sample sizes have reduced resulting in the 5 year rate being less reflective of current build costs. So, the BCIS default rate for two-storey semi-detached housing was used. As of 19 July 2021 that figure was £1,253 /m<sup>2</sup> (size of sample 273), this has increased the overall build costs from £4,410,040 to £4,671,246.

6.55 The updated DVS appraisal, taking into account the updated building costs, results in the Residual Land Value of now £359,919, showing a deficit of £32,887 on the Benchmark Land Value. This update shows that the current scheme of wholly private housing does not produce a surplus in order to provide an affordable contribution.

6.56 On this basis no legal agreement is being sought to secure any financial contribution other than the RAMS payments. This same conclusion was reached during the 2015 application. Therefore, no contributions are being sought for Affordable Housing, Public Open Space, Health or Education facilities (libraries) on this occasion on the basis that it has been demonstrated that such contributions will make the scheme unviable.

#### Financial Contribution – RAMS

6.57 Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation); within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

- 6.58 Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be a proportionate financial contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Sites.
- 6.59 A unilateral undertaking (or in this case a S106 Agreement) can secure this legal obligation to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

#### Flood Risk

- 6.60 The site is Flood Zone one, and no sequential test is required. The Lead Local Flood Authority has reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, they do not object to the granting of planning permission as this application is adopting the same principles as the drainage strategy approved as part of application 19/00381/DISCON. (related to the 19/00406/DETAIL approval) They recommend a series of Conditions aimed at providing an updated Surface Water Drainage Strategy. Officers agree with this approach and have included the suggested conditions in the decision notice.

#### Site Contamination

- 6.61 Historical records indicate that this land had a former contaminative land use, as a brickworks with associated worksheds, pits, kilns etc. The Council's Environmental Health Officer has been consulted on the application and is satisfied that contamination issues can be dealt with by the imposition of a condition. This is the approach that has previously been taken by appeal Inspectors.

#### Other Issues

- 6.62 The issue of lack of GP facilities has been raised; NHS England have advised that they only wish to be consulted on application for 50 or more dwellings. Therefore, no comments have been received with regard to the health facilities and no financial contribution has been requested.
- 6.63 Concerns have been raised regarding the loss of views; this is not a material planning consideration. Matters relating to Construction Traffic can be carefully controlled via a Construction Management Plan. There are some heavily sloping areas to the site. The



detailed finished levels achieved on the site is something that will be considered at planning condition stage. An associated planning condition has been added to the decision notice.

6.64 All the other issues raised by third parties that are material the consideration of this development proposal have been covered in this report in the paragraphs above.

## **7 Conclusion**

- 7.1 In conclusion, the site is inside the built up area with the benefit of an extant permission therefore policy compliant in terms of adopted policies SP1 and SP3, and emerging policies SPL1 and SPL2.
- 7.2 The proposal is considered a good design and would not result in any harmful impact upon visual amenity or neighbouring amenities and provides a site layout and sufficient additional parking spaces to serve the proposed units, the development is also considered acceptable in terms of biodiversity and landscape matters.
- 7.3 All other material planning considerations taken into account and subject to conditions, the scheme is overall policy complaint and therefore comprise sustainable development.

## **6. Recommendation**

6.1 The Planning Committee is recommended to grant planning permission subject to the following recommended conditions and informatives and the prior completion of a section106 legal agreement with the agreed Heads of Terms, as set out in the table below and to include (but not necessarily limited to) the following:

<b>CATEGORY</b>	<b>TERMS</b>
Financial contribution towards RAMS.	RAMS Only

### **6.2 Conditions and Reasons**

1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason - The time limit condition is imposed in order 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 approved plans:

5195/01/100 p1	Amended block plan
5195/01/102 p2	Amended proposed block plan (coloured)
5195/01/101	Proposed block plan (materials)
5195/01/103	Proposed block plan (technical)
201014/a	Amended tree protection plan
210730	Amended road layout plan
5195/01/228 p1	House type 4 (2b special) - proposed ground floor plan
5195/01/229 p1	House type 4 (2b special) - proposed first floor plan

5195/0/102/a	Existing site plan with topography
5195/0/101/a	Existing site plan
5195/0/100/a	Site location plan
5195/1/222	Semi detached house type 3abc - roof plan
5195/1/223a	Semi detached house type 3a - front elevation

5195/1/105-106	Material palettes
5195/1/202	Semi detached house type 1 - first floor plan
5195/1/205	Semi detached house type 1 - rear elevation
5195/1/211	Semi detached house type 2a
5195/1/215	Semi detached house type 2a - side elevation
5195/1/223b	Semi detached house type 3b - front elevation
5195/1/225	Semi detached house type 3ab - side elevation
5195/1/301	External finishes schedule
5195/1/201	Semi detached house type 1 - ground floor plan
5195/1/203	Semi detached house type 1 - roof plan
5195/1/212	Semi detached house type 2a
5195/1/214	Semi detached house type 2a
5195/1/215b	Semi detached house type 2b - side elevation
5195/1/216	Semi detached house type 2a
5195/1/217	Semi detached house type 2a

5195/1/220	Semi detached house type 3abc - ground floor plan
5195/1/226	Semi detached house type 3abc - section a-a
201014/01 a	Tree constraint plan
P03	Planting plan
5195/1/204	Semi detached house type 1 - front elevation
5195/1/206	Semi detached house type 1 - side elevation
5195/1/207	Semi detached house type 1 - section a-a
5195/1/210	Semi detached house type 2a
5195/1/213b	Semi detached house type 2b - front elevation
5195/1/208	Semi detached house type 1 - section b-b
5195/1/213	Semi detached house type 2a - front elevation
5195/1/221	Semi detached house type 3abc - first floor plan
5195/1/223c	Semi detached house type 3c - front elevation
5195/1/224	Semi detached house type 3abc - rear elevation
5195/1/225c	Semi detached house type 3c - side elevation

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

3. Prior to the occupation of any of the proposed development the internal road site access and footway layout shall be provided in principle and accord with Drawing Number:

5195/1/100 Rev. P-1      Amended site layout.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

4. Prior to occupation of the development a 1.5 metre x 1.5 metre clear visibility above a height of 600mm, as measured from and along the boundary, shall be provided on both sides of the vehicular accesses. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

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

5. Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

6. The proposed 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.

7. The development shall not be occupied until such time as a car parking and turning areas has been provided in accord with current Parking Standards. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

8. Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

9. Each vehicular parking space which is bounded by walls or other construction shall have minimum dimensions of 3.4 metres x 5.5 metres.

Reason: To encourage the use of off-street parking and to ensure adequate space for parking off the highway is provided in the interest of highway safety.

10. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

11. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

12. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

the parking of vehicles of site operatives and visitors;

- i. the loading and unloading of plant and materials;
- ii. storage of plant and materials used in constructing the development;
- iii. details of noise, dust, emission and lighting control measures;
- iv. wheel and under-body washing facilities;
- v. hours of construction
- vi. prior to the commencement of any work on the site, a joint inspection of the route to be used by construction vehicles should be carried out by the Applicant and the Highway Authority, including photographic evidence.

#### Emission Control

- vii. All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- viii. No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- ix. All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

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

13. 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.

Reason:

- 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.

14. 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: To ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

15. 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.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

16. 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.

17. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Statement (Abrehart Ecology, November 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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).

18. “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 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).

19. A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.



All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To 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)

20. No development shall commence until details of existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed scheme before any dwelling is first occupied.

Reason - Due to the change in site levels over the site, in relation to residential amenity and impact on neighbouring properties.

21. No building hereby permitted shall be occupied until a landscape management plan setting out how the communal open space and landscaping will be carried out and by whom, has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved landscape management plan for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure appropriate landscaping of the communal areas is provided by the development.

22. No development shall commence until precise details of lighting and refuse storage/collection points have been submitted to and approved, in writing, by the Local Planning Authority. Such lighting, refuse points and materials so approved shall be those used in the development.

Reason: To ensure a satisfactory development in relation to external appearance and in the interests of residential amenity.

23. All changes in ground levels in relation to the soft landscaping, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out 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 agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason: To ensure that the development provides a satisfactory setting, in the interests of the character and appearance of the landscape and the visual amenity of the site.

24. Each dedicated parking space shall be provided with an electric vehicle charging point. The charging point shall be provided prior to occupation of each such dwelling.

Reason: To enhance the sustainability of the proposed development.

25. No development shall commence until a foul water strategy has been submitted to and approved in writing by the local planning authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.

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

26. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

#### A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater's and surface waters, ecological systems, archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

27. The development shall be carried out in accordance with the Tree Survey and Tree Constraints Plan dated 11th November 2020 and the Tree Constraints Plan 201014/01 a, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To enable existing landscaping to be protected and retained in the interests of visual amenity.

28. Prior to the commencement of the development a Emergency Evacuation Plan (EEP) shall be submitted to and approved, in writing, by the Local Planning Authority. The approved details shall be incorporated into the development and retained thereafter. All residential dwellings within the development hereby approved shall be provided with a copy of the approved details.

Reason - Due to the siting of the residential development in close proximity to a major hazard site / major hazard pipeline, namely the Haltermann Carless Oil refinery. The plan is required to show how end users would evacuate the site during times of emergencies at the nearby oil refinery.

29. Prior to commencement of the proposed development, details of the provision for the storage of bicycles for each dwelling, shall be submitted to and approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.

Reason - To promote the use of sustainable means of transport.

30. There shall be no use of Edward Street for any construction traffic whatsoever.

Reason - To ensure the continued safe passage of all highway users, in the interests of highway safety

31. The hereby permitted development shall not be occupied until a fibre optic broadband connection installed on an open access basis and directly accessed from the nearest British Telecom exchange, incorporating the use of resistant tubing, has been installed at the site, in accordance with details that shall be submitted and approved, in writing, by the Local Planning Authority.

If the applicant is unable to achieve this standard of connection, and can evidence through consultation with British Telecom, that this would not be possible, practical or economically viable an alternative super fast (i.e. will provide speeds greater than 24mbps) wireless service will be considered acceptable.

Reason - To ensure the development is able to be equipped with high speed broadband

a. Informatives

Positive and Proactive Statement

1. 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 these 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.

2. The applicant is reminded, where the Local Planning Authority has removed Permitted Development Rights as detailed in the Planning Conditions above. There shall be no planning fee (zero fee) incurred if future homeowners submit applications for such works that would have fallen within the Permitted Development allowance criteria of that removed.

Highways Informative:

- 1 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Development Management Team  
Ardleigh Depot,

Harwich Road,  
Ardleigh,  
Colchester, CO7 7LT

There should be a 'no build zone' of 0.5 metres from the back of the proposed/ future high boundary.

2. The proposed internal estate road will form part of a 20 MPH speed limit zone and will require supporting measures at regular intervals to ensure drivers adhere to the speed limit.
3. On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.
4. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
5. All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.

#### Suds Informative

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

#### Refuse Collection Informative

1. All access roads to be constructed to suitable standard to allow full access to 26 tonne waste collection vehicles (2.5 metres wide) and to withstand weight of vehicles.
2. Bin storage compartments for all properties to be constructed to allow storage and free movement of a standard dimension 180L wheeled bin for fortnightly residual waste collections, alternate weekly collection of dry recycling from 55L boxes and weekly collection of food waste from 23L food caddy.