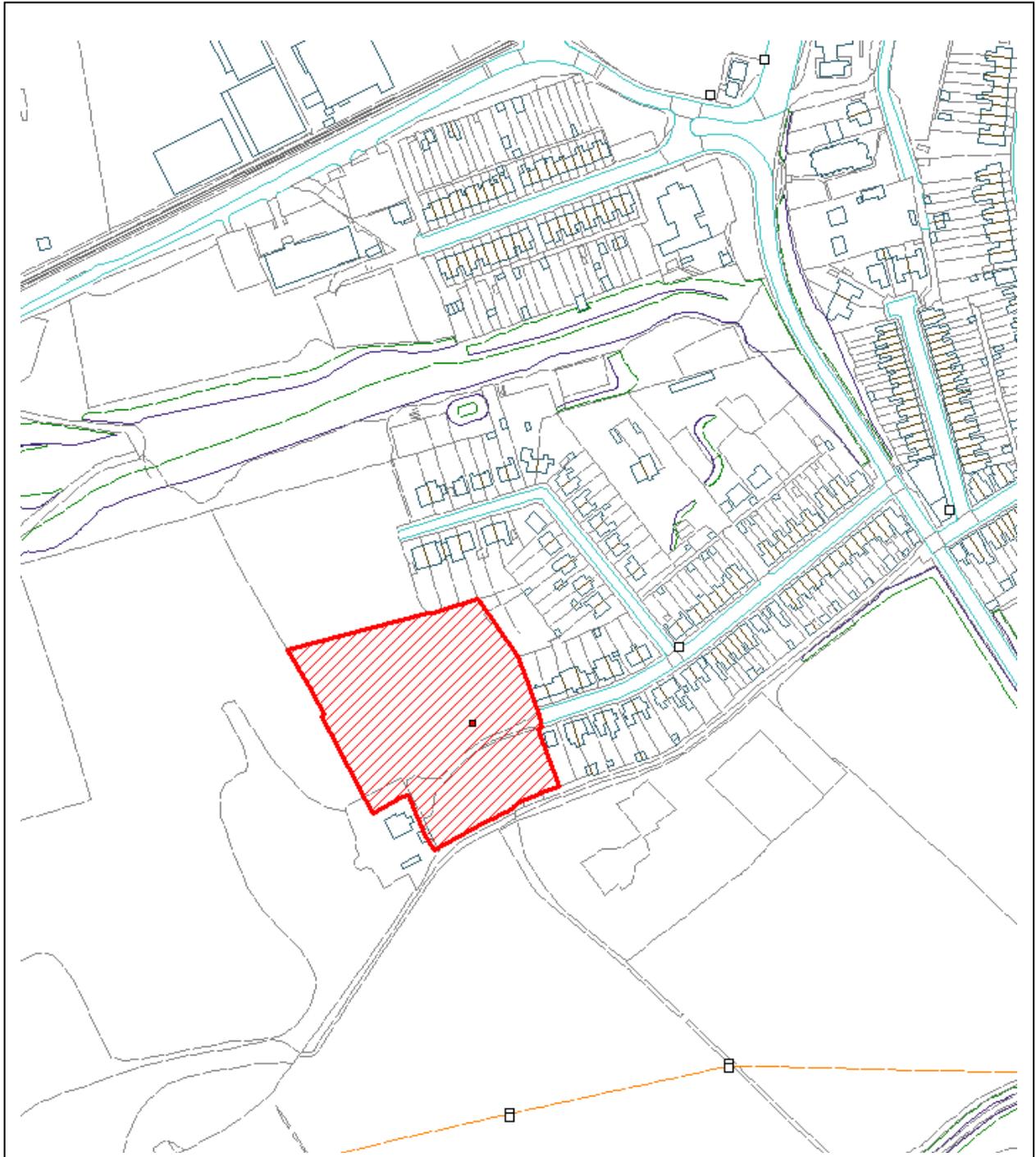


**PLANNING COMMITTEE**

**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**



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**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.

Waste Management  
18.01.2021

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.

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

5195/1/227

Semi detached house type 3abc - section b-b

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.