

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NW	28/02/2022
Planning Development Manager authorisation:	JJ	28/02/2022
Admin checks / despatch completed	ER	02/03/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	02.03.2022

Application: 21/01302/FUL **Town / Parish:** Elmstead Market Parish Council

Applicant: Mr D Shaikly - Lanswood Ltd

Address: Lanswood Park Broomfield Road

Development: Variation of condition 2 of application 20/00239/FUL to include amendments to the previously approved layout drawing and some house types.

1. Town / Parish Council

No Comments Received

2. Consultation Responses

Natural England
17.09.2021

Thank you for your consultation.

Natural England currently has no comment to make on the variation of condition 2.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

ECC SuDS Consultee
03.02.2022

Thank you for your email which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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 15th 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:

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.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.

<https://www.essex.gov.uk/protecting-environment>

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented as agreed.

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 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.
- 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.

Essex County Council
Archaeology
25.08.2021

There are no objections to the above application for variation of Condition 2 as all archaeological fieldwork for this site has been completed. A final report and post-excavation analysis is currently being undertaken and this will need to be submitted and approved to fulfil the archaeological condition on application 20/00239/FUL.

Should this application replace the 2020 application then this condition will need to be transferred and applied to the above application.

The following recommendations are made in line with the National Planning Policy Framework:

RECOMMENDATION:

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

The Gardens Trust
25/08/2021

Thank you for consulting the Gardens Trust in its role as Statutory Consultee on the above application which affects Beth Chatto Gardens, an historic designed landscape of national importance which is included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade II.
We have considered the information provided in support of the

application and liaised with our colleagues in Essex Gardens Trust. On the basis of this we confirm we do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals. If you have any further queries, please contact us, and we would be grateful to be advised of the outcome of the application in due course.

ECC Highways Dept
24/02/2022

I would be happy for the original conditions that I first recommended to be reinstated (with the updated/ revised plan numbers). There is no reason why not to keep the same conditions.

ECC Highways initial
comment
21.10.2021

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

1. Prior to the occupation of any unit, the associated internal road, footway layout and parking shall be provided in principle and accord with drawing number:

- 468-01-02 Site Layout Plan P6

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.

Note: It has been agreed with the developer that the proposed internal road layout, footway layout, surface water drainage will not be adopted by the Highway Authority.

2. Prior to the commencement of any phase of the 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 DM1 and DM6.

3. The development of any phase shall not be occupied until such time as a car parking and turning area has been provided in accord with drawing no. 468-01-02 P6. 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 and 8.

4. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and each tandem

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

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

5. All single garages should have a minimum internal measurement of 7m x 3m and all double garages should have a minimum internal measurement of 7m x 5.5m

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

6. Prior to the commencement of any phase of the development, a comprehensive traffic calming scheme (including the type, number, layout, levels, gradient, surfacing and means of surface water drainage of these traffic calming features) shall be submitted to the Local Planning Authority. The Local Planning Authority shall, in conjunction with Essex County Council Highways Department, formally approve these details. The approved traffic calming measures shall be fully implemented before first occupation of any of the dwellings hereby approved and retained in the agreed form at all times unless otherwise agreed with by the Local Planning Authority.

Reason: To ensure that traffic in the development is kept to a speed of no greater than 20mph. In the interests of highway safety and in accordance with Policy DM1 and DM6.

7. Any new boundary planting shall be planted a minimum of 1 metre back from the carriageway/ footway and any visibility splay.

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

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

Informative:

1: Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme.

2: The areas directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway.

In paved areas, whether the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway.

3: General note: areas where there is no footway being provided adjacent to the carriageway, a half a metre 'no build zone' will need to be provided and hard surfaced.

4: 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 or by post to:

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

5: 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.

ECC Schools Service	No response.
UU Open Spaces 07.09.2021	No further comments from Open Spaces, an off site contribution has already been requested.
Housing Services	No Response.
Regeneration	No Response.
Essex County Council Ecology 31.08.2021	Thank you for consulting Place Services on the above application. Condition 2 requires: 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Layout plan: PA_10_10 E. House types: PA_20 01, PA_20 02, PA_20 03, PA_20 04, PA_20 04, PA_20 06, PA_20 07, PA_20 08, PA_20 09, PA_20 10, PA_20 11, PA_20 12, and PA_20 13. Garages: PA_20 20, PA_20 21, PA_20 22, and PA_20 23. Street scenes: PA_30 01 A and PA_30 02 A. Section: PA_40 01 A

Transport Assessment dated February 2020 and Transport Assessment Addendum dated 21/07/2020 by Richard Jackson Ltd.

Preliminary Ecological Appraisal dated February 2020 by Hybrid-Ecology Ltd.

Landscape and Visual Appraisal dated February 2020 by SES. Arboricultural Impact Assessment and Preliminary Method Statements dated 10/02/2020 by Tree Planning Solutions.

Site Specific Flood Risk Assessment dated February 2020 and Flood Risk Assessment Addendum dated 21/07/2020 by Richard Jackson Ltd.

Contaminated Land and Geotechnical Assessment dated 07/02/2020 by Nott Group.

Development Viability report by Fenn Wright dated January 2020 and addendum letter dated 07/04/2020.

Summary

We have reviewed the documents submitted in support of this variation of condition. We note that the proposed amendments relate to changes in the layout of the development and housing types. The Site Plan identifies that the green space to the south of the site will still be retained. The ecological mitigation measures have already been included in a Construction Environmental Management Plan, secured as a condition of consent for 20/00239/FUL and subsequently discharged.

We therefore have no ecological objections to the variation of condition 2.

Essex County Council
Heritage
01.09.2021

Built Heritage Advice pertaining to an application for: Variation of condition 2 of application 20/00239/FUL amendments to the previously approved layout drawing and some house types.

The variations to the previously approved proposals result in no change to the scheme in terms of its impact on the historic built environment.

As such I have no heritage objections to the application and recommend that any relevant conditions attached to the previous applications concerning development at this site are re-attached to any decision notice issued.

Tree & Landscape
Officer
17.08.2021

The proposed amendment to the layout does not include details of soft landscaping and the application is not otherwise supported by soft landscaping proposals.

Consequently it is not clear to what extent, if any the current proposal, affects the planting proposals for the application site.

It is not possible to confirm that soft landscaping proposals are acceptable from the information provided.

Waste Management
11.08.2021

No comments

Environmental Protection
23.08.2021

I can confirm that EP have no comments to make in relation to the change of layout and variation of condition 2 for the above application.

Building Control and Access Officer
11.08.2021

No adverse comments at this time.

Anglian Water Services Ltd
24.02.2022

Our engineers have reviewed the documents sent via email and these appear to be the same documents already submitted with a condition application. Therefore, our response will be the same response which was sent to you earlier under our reference number PLN-0141722.

Foul Water Comments: Anglian Water have reviewed the drainage documents for this site, it is unclear from these documents Drainage general arrangement - sheet 1 of 5, Drainage general arrangement - sheet 2 of 5, Drainage general arrangement - sheet 3 of 5, Drainage general arrangement - sheet 4 of 5, Drainage general arrangement - sheet 5 of 5, where a connection will be made to Anglian Waters network, and the regime for connection (pumped or gravity), and the rate of discharge. At this time we do not recommend the discharge of planning condition 26 under reference 21/01030/DISCON. We would wish to be reconsulted once this is available.

Surface Water Comments: Anglian Water have reviewed the drainage documents for this site, it is unclear from these documents Drainage general arrangement - sheet 1 of 5, Drainage general arrangement - sheet 2 of 5, Drainage general arrangement - sheet 3 of 5, Drainage general arrangement - sheet 4 of 5, Drainage general arrangement - sheet 5 of 5, it is not clear on whether the swales and infiltration basin will be offered for adoption or to remain private. At this time we do not recommend the discharge of planning condition 27. We would wish to be reconsulted once this is available.

NHS East Essex CCG No response

3. Planning History

20/00239/FUL Hybrid planning application Approved 27.01.2021
comprising Outline Application for up to 10,000sqm of new mixed use (B1, B2, B8) commercial space and 14 houses, and Full Permission for 71 houses. Existing access amended and new residential access to Clacton Road.

21/00405/DETAIL	Reserved Matters approval sought for Appearance, Landscaping, Layout and Scale for 14 dwellings granted outline approval under application reference 20/00239/FUL (Hybrid Application).	Approved	12.08.2021
21/00970/NMA	Non-Material Amendment to Planning Application ref: 20/00239/FUL (Hybrid planning application comprising Outline Application for up to 10,000sqm of new mixed use (B1, B2, B8) commercial space and 14 houses, and Full Permission for 71 houses. Existing access amended and new residential access to Clacton Road). Amendments required to site layout	Withdrawn	16.07.2021
21/00971/NMA	Non-Material Amendment to Planning Application ref: 20/00239/FUL (Hybrid planning application comprising Outline Application for up to 10,000sqm of new mixed use (B1, B2, B8) commercial space and 14 houses, and Full Permission for 71 houses. Existing access amended and new residential access to Clacton Road). Amendments required to house types and garages	Withdrawn	16.07.2021
21/01030/DISCON	Discharge of condition 19 (Archaeology Mitigation Strategy), 20 (Archaeology Fieldwork), 22 (Construction Management Plan), 24 (Construction Method Statement), 25 (Noise Impact Assessment), 26 (Foul Water Drainage), 27 Surface Water Drainage Scheme), 28 (Off site Flooding), 31 (Details of Site Levels) and 33 (Preliminary Ecological Appraisal) of approved application 20/00239/FUL		03.08.2021
21/01179/DISCON	Discharge of conditions 10, (Hard and Soft Landscaping) 34, (Construction Environmental		25.08.2021

Management Plan) and 35
(Biodiversity Enhancement
Layout) of approved application
20/00239/FUL.

21/01302/FUL Variation of condition 2 of Current
application 20/00239/FUL
amendments to the previously
approved layout drawing and
some house types.

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond Section 1 (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs

SP5 Providing for Employment

SP6 Infrastructure & Connectivity

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

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

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 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, Paragraph 11 d) of the Framework requires granting 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 (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The site comprises vacant agricultural land and lies to the east of the existing Lanswood Park Business Centre which obtained planning permission for a significant expansion via application 20/00239/FUL.

The approved application 20/00239/FUL was a hybrid application for outline planning permission (access included with appearance, landscaping, layout and scale reserved for later consideration) for up to 10,000 square metres of employment floor space within use classes B1 (business), B2 (general industrial) and B8 (storage and distribution); and 14 houses. Separately, the application included a full planning permission element for 71 houses.

Notwithstanding this decision, the site remains outside the settlement boundary of Elmstead Market in the Local Plan.

To the north-eastern site boundary lies Clacton Road (A133). The residential part of the proposal is separated from Clacton Road by an office development and dwellings at Grange Farm Close. The eastern and southern boundary of the host site will become the residential development for the 71 dwellings. The northern and western boundary will link into the commercial Office expansion of Lanswood Park.

The host site has a flat to gently sloping gradient towards the south west. The site is not subject to any landscape designations. Although to the west of the site outside the red line boundary is Beth Chatto Gardens, a historic designed landscape of national importance which is included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade II.

The context of the site has changed significantly over recent years with development and extant permissions for residential and commercial development occupying the southern side of Clacton Road.

There are no protected trees on site or heritage assets. The listed buildings in closest proximity of the site are Hill Farmhouse (Grade II) located approximately 350m to the south east. To the south of Hill Farmhouse on the verge at the junction of Church Road is a late C19 cast iron metal Guide Post for the Parish of Frating (Grade II). Grove Farmhouse (Grade II) is located 800m to the west.

Proposal

The approved application 20/00239/FUL was a hybrid application for outline planning permission (access included with appearance, landscaping, layout and scale reserved for later consideration) for up to 10,000 square metres of employment floor space within use classes B1 (business), B2 (general industrial) and B8 (storage and distribution); and 14 houses. Separately, the application included a full planning permission element for 71 houses.

The decision notice included 37 Planning Conditions, these included conditions relating to

- the full application elements (The 71 residential dwellings - Conditions 1 to 11)
- the outline elements of the approval (The employment floor space and 14 residential dwelling houses - Conditions 12 to 18)
- both the full and outline together (Conditions 19 to 37)

This application seeks a variation to the 'Plans' condition 2, that relates only to the approved 71 residential dwellings approved as part of the 'full' planning application only. The application involves amendments to the previously approved layout drawing and some house types used on site.

The approved housing mix for the 71 dwellings currently includes 6 two bed houses, 44 three bed houses, 7 three bed bungalows, 11 four bed houses and 3 five bed houses.

The proposed mix (subject of this application) includes 71 dwellings 6 two beds, 40 three beds houses, 5 three bed bungalows, 20 four beds houses.

The proposed layout change provides for a more formalised circular road arrangement around three areas distinct clusters of development. The proposed change is most apparent in the south eastern corner.

Relevant Background

Further to the original approval 20/00239/FUL, the following two discharge of Condition applications have been submitted.

- 21/01179/DISCON Discharge of conditions 10, (Hard and Soft Landscaping) 34, (Construction Environmental Management Plan) and 35 (Biodiversity Enhancement Layout) of approved application 20/00239/FUL.

Outcome - Conditions 34 and 35 of planning permission 20/00239/FUL were discharged.

- 21/01030/DISCON Discharge of condition 19 (Archaeology Mitigation Strategy), 20 (Archaeology Fieldwork), 22 (Construction Management Plan), 24 (Construction Method Statement), 25 (Noise Impact Assessment), 26 (Foul Water Drainage), 27 (Surface Water Drainage Scheme), 28 (Off site Flooding), 31 (Details of Site Levels) and 33 (Preliminary Ecological Appraisal) of approved application 20/00239/FUL.

Outcome - Conditions 19, 20 and 33 of planning permission 20/00239/FUL were discharged.

As a result of the above, the approved Conditions do not require to be included in full in the event this current application is approved.

Guidance on Section 73 (Variation of Condition Applications)

What is the effect of a grant of permission under section 73?

Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact

and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.

A decision notice describing the new permission should clearly express that it is made under section 73. It should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect. Further information about conditions can be found in the guidance for use of planning conditions.

As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation.

Paragraph: 015 Reference ID: 17a-015-20140306

Revision date: 06 03 2014

Principle of Development

The principle of residential development on this site has been established by the granting of the hybrid planning application 20/00239/FUL.

In view of the above, officers raise no objection to the proposals on principle grounds.

Housing mix

Existing Housing Mix

The housing mix for the 71 dwellings currently approved includes 6 two bed houses, 44 three bed houses, 7 three bed bungalows, 11 four bed houses and 3 five bed houses.

Proposed Housing Mix

The proposed mix includes 71 dwellings 6 two beds, 40 three beds houses, 5 three bed bungalows, 20 four beds houses.

The revised housing mix is similar to the initial approval, is broadly in line with the expectations of the latest Strategic Housing Market Assessment for the area therefore there are no objections.

Appearance

There is a variety of house types proposed which are all well proportioned with attractive design features such as brick detailing and plinths, projecting gables, chimneys, glazing bars, and porches. The materials comprise a traditional mix of red, orange and buff brick, with black slate, and Clay Pantiles. The doors and windows will be white UPVC and the rainwater goods will be Black UPVC. The details have been included in the following plans:

- 468-01-40 (1) b Colour and material schedule - sheet 1
- 468-01-40 (2) b Colour and material schedule - sheet 2
- 468-01-40 (3) b Colour and material schedule - sheet 3

The original application 20/00239/FUL included the following condition for the 'full' elements of the approval:

9. *Prior to commencement of any above ground works details of the proposed facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.*

Reason – Insufficient details have been provided with the application, in the interests of visual amenity.

Officers consider that the details submitted satisfy this condition, therefore this condition is not recommended to be included in the decision notice, other than to reference the above plans.

No topographical survey has been received, therefore it is not possible to confirm that the fencing would be required height to adequately control residential amenity. Therefore, Officers cannot accept the height of the fencing at this stage although the materials of the buildings are acceptable. As such Conditions 10 (Landscaping) and Condition 31 (Land Levels). Are recommended to be retained in full.

Given the previous recent approval on site contained no specific renewable energy provision, it is not considered reasonable to insist upon such measures in this variation application.

Layout

The layout changes create three distinct clusters of housing with road access around two of these areas. The site is accessed from Grange Farm Close to the North (as it was previously), and from this access point views through to the woodland in the south of the site are retained. The layout also retains the benefits of the existing woodland to the south.

The layout is considered spacious in nature, reflecting the location of the site. There are areas to the sides of corner plots given over to landscaping. This helps soften the development. This is shown on the 'Surface Finishes and fencing' plans, however as these plans include the fencing details these cannot be included in the list of approved plans. The details can be further controlled via the Landscaping (hard and soft) condition of this approval.

The access serving the residential element has not changed from the original application so no objection is raised. The road is being used as a 'shared surface' for pedestrians and vehicles, only the entrance to the development has its own bespoke pavement. The internal roads are not being adopted by ECC Highways. A similar shared surface arrangement was proposed for the original development. ECC Highways have not objected to the layout as outlined in the Highways section below. The internal layout is considered safe and convenient for both drivers and pedestrians with turning areas to avoid the need for vehicles to reverse onto a highway.

The garden size schedule shows a site with near complete compliance with the Essex Design Guide. There are 5 plots with slightly below standard sizes however the other plots comply and some significantly exceed standards. Also, the original approval on site approved 6 plots with undersized gardens. The provision of private amenity space is therefore acceptable.

The general principle set out within the Essex Design Guide (EDG) is that where the rear facades of properties face each other, a minimum spacing of 25m is required. The plans demonstrate an adequate rear separation is provided.

The layout confirms that each dwelling is provided with adequate private amenity space, off street parking and separation to prevent the development appearing cramped or overdeveloped. Soft landscaping of public areas around the site softens the appearance of the dwellings in the streetscene.

In terms of the future occupiers residential amenity, the layout and house types provide for acceptable levels of private residential amenity in terms of loss of light, outlook, privacy and over dominance.

Environmental Pollution have considered the proposal and raise no objections.

Within the original assessment, an outline Contaminated Land Assessment indicated that the risk of encountering contamination during development would be low. As a result, no further work is recommended with respect to soil contamination.

However, there was a Construction Management Plan (Condition 22) and Construction Method Statement (Condition 24). Within the most recent application 21/01030/DISCON these conditions were not recommended to be discharged due to the hours of use were not agreed. Therefore, Officers recommend these conditions remain.

Further to this, the original outline application required a Noise Impact Assessment (Condition 25) to be submitted to assess the implications of the commercial buildings adjacent to the residential dwellings.

25. Prior to commencement of any above ground works a Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Noise Impact Assessment shall assess the impact of the proposed commercial units upon the neighbouring dwellings hereby granted full and outline planning permission. Any necessary mitigation measures shall be detailed within the Noise Impact Assessment and implemented prior to occupation of the affected dwellings and retained as approved thereafter.

Reason - Due to the residential areas close proximity to the proposed commercial units.

Again, during the discharged of conditions application 21/01030/DISCON this condition was not discharged. The applicant has said:

'As drafted the condition is set for prior to commencement of any above ground works. Its original intention was to deal with the commercial to residential relationship. Without knowledge of the incoming commercial operations our hands are tied in terms of discharge of condition – for this reason we previously provided you with an explanation and measured baseline data.

My suggestion is the condition is re-issued under the current application with revised wording to state no commercial occupation or no commercial construction until..... The applicant envisages any construction or operation controls being placed upon the commercial element, this would be in use terms (type or operation), or physical build (openings/insulation) or a combination of – this would achieve the same aim and allow the residential to proceed. This would be deliverable once the intended first occupation is known.'

Officers accept this explanation and have changed the wording to the condition accordingly to 'no commercial construction until', thus allowing the residential element to be built out.

Scale

The proposed mix includes 71 dwellings 6 two beds, 40 three beds houses, 5 three bed bungalows, 20 four beds houses.

The development comprises predominantly two storey dwellings, in keeping with the scale of existing dwellings and commercial buildings in the locality. The site is on a slope, at the lowest part of the site (east) there are bungalows. However, no topographical survey showing finished floor and ground levels has been submitted. Therefore, although the layout and building types are considered acceptable. Officers cannot say with certainty if the walls and fencing would be the required height to overcome a loss of amenity. Therefore, Conditions 10 (Landscaping) and Condition 31 (Land Levels) are recommended to be retained in full.

Highway Safety/Parking

Essex County Council Highways has commented on the proposal and have no objection subject the reinstatement of the original conditions and additional conditions relating to the building in accordance to the approved layout, the details of the estate roads and footways, car parking turning areas in accordance with the proposed plan, parking to be retained for that use, size of parking spaces, garage sizes and planting back from the carriageway.

Officers accept the reinstalment of the original Highway conditions for the proposed layout changes, and consider the additional conditions as necessary as they help with the 'detail' of the parking and highway arrangements. After speaking with the ECC Highways about the proposal, Officers also recommend a condition to ensure the shared surface road is a minimum of 6m wide to enable safe movement of cars and pedestrians.

Each dwelling is provided with two off street parking spaces, either on the driveway or in a garage, in accordance with the parking standards. 13 visitor car parking spaces are proposed and ECC Highways have no objections to this.

The legal agreement relating to Highway improvements shall be transferred into the legal agreement (Deed of Variation of the original S106 agreement) associated with this application.

Landscaping

The indicative details have been shown in on the 'Surface Finishes Details' plans.

The details have been submitted with the application 21/01179/DISCON, (Condition 10 Landscaping of the original approval). At the time of writing, the 'soft' landscaping is accepted (subject to Highways approval) however, the details for the 'hard' landscaping have not been agreed. Also, topographical survey has not been received. The 'hard' landscaping details (that includes, walls, fences and ground level changes) are linked into the topographical details, these have not been submitted. Therefore, the Landscaping

condition (10) is recommended to be retained. Furthermore, existing Condition 31 (Details of Site Levels) is retained as a topographic survey has not been submitted.

The woodland to the south of the site is not affected by this proposal.

Subject to planning Conditions there is no objection to the development on the grounds of landscaping.

Legal RAMS, Public Open Space off site Highway Improvements

The original legal agreement associated with this application via application 20/00239/FUL that included RAMS, Public Open Space and Off-Site Highway Improvement payments shall be transferred into this application via a Deed of Variation to the original S106 agreement. There is not considered to be any significant change to the viability of the scheme from the original approval. The number of dwellings is staying the same in this proposal and the housing mix is very similar to the original approval.

The original application saw no contribution towards, Affordable Housing, Education or NHS as the scheme would not be viable. Given the relatively minor nature of changes proposed, the viability off the scheme is not considered to have been altered via this application.

Therefore, subject to the signing of the Deed of Variation linking this application to the original application, there is no objection.

Drainage

Essex County Council SUDS as Lead Local Flood Authority have reviewed the submitted Flood Risk Assessment and have no objection subject to a condition in relation to 'Off Site Flooding', this was condition 28 of the original approval. Therefore, this condition shall be retained and is included in the recommendation.

Anglian Water has responded to the details submitted and said their response will be the same response which was sent to application 21/01030/DISCON as the information provided is the same.

The Anglian Water response stated that it is unclear from the drainage documents for this site, where a connection will be made to Anglian Waters network, and the regime for connection (pumped or gravity), and the rate of discharge. Therefore, they do not recommend the discharge of planning condition 26 (Foul water drainage works) under reference 21/01030/DISCON. Furthermore, this condition is recommended to be retained in full in this application and the drainage plans omitted from the list of approved plans associated with this approval.

Anglian Water also responded with regards to Condition 27 (Surface Water Drainage Scheme). Anglian Water confirmed it is not clear on whether the swales and infiltration basin will be offered for adoption or to remain private. Therefore, at this time they do not recommend the discharge of planning condition 27 or removed from this decision notice.

Subject to the recommended conditions relating to foul and surface water the drainage aspects of the development are acceptable.

Biodiversity

Essex County Council Ecology have reviewed the proposal, they note that the Site Plan identifies that the green space to the south of the site will still be retained. The ecological mitigation measures have already been included in a Construction Environmental Management Plan, secured as a condition of consent for 20/00239/FUL and subsequently discharged.

Subject to the relevant original biodiversity conditions being reapplies the application is acceptable in relation to ecology and biodiversity.

Heritage and Garden

Essex County Council Heritage have been consulted on the proposal and raise no objection.

Subject to the original conditions being reapplies the application is acceptable in relation to ecology and biodiversity.

Archaeology and Heritage

ECC Archaeology confirmed there are no objections to the application for variation of Condition 2 as all archaeological fieldwork for this site has been completed. A final report and post-excavation analysis is currently being undertaken and this will need to be submitted and approved to fulfil the archaeological condition on application 20/00239/FUL. Officers recommend the original will need to be transferred and applied to the current application.

Furthermore, the Heritage Officer has recommended the following additional condition.

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

However, this condition was condition 21 of the original approval and remains in place for within this decision notice.

With regards to Heritage Impacts the Conservation Officer has said the variations to the previously approved proposals result in no change to the scheme in terms of its impact on the historic built environment.

As such there are no heritage objections to the application, it is recommended that any relevant conditions attached to the previous applications concerning development at this site are re-attached to any decision notice issued.

Other Considerations

There are no comments from the Parish or any comments from members of the public.

6. Recommendation

Approval

7. Conditions

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Layout plan: PA_10_10 E.

House types: PA_20 01, PA_20 02, PA_20 03, PA_20 04, PA_20 04, PA_20 06, PA_20 07, PA_20 08, PA_20 09, PA_20 10, PA_20 11, PA_20 12, and PA_20 13.

Garages: PA_20 20, PA_20 21, PA_20 22, and PA_20 23.

Street scenes: PA_30 01 A and PA_30 02 A.

Section: PA_40 01 A

Transport Assessment dated February 2020 and Transport Assessment Addendum dated 21/07/2020 by Richard Jackson Ltd.

Preliminary Ecological Appraisal dated February 2020 by Hybrid-Ecology Ltd.

Landscape and Visual Appraisal dated February 2020 by SES.

Arboricultural Impact Assessment and Preliminary Method Statements dated 10/02/2020 by Tree Planning Solutions.

Site Specific Flood Risk Assessment dated February 2020 and Flood Risk Assessment Addendum dated 21/07/2020 by Richard Jackson Ltd.

Contaminated Land and Geotechnical Assessment dated 07/02/2020 by Nott Group.

Development Viability report by Fenn Wright dated January 2020 and addendum letter dated 07/04/2020.

468-01-02 rev p6 Amended site plan

Flood risk assessment Received 01 Feb 2022

Flood risk assessment Received 27 Jan 2022

Surface water drainage calculations Received 08 Dec 2021

T6a-02-11 a House type 6a (t6a) general arrangement floor

Amended garden sizes Received 20 Sep 2021

Det-02-01 Details - elevations

Gar-02-01 Garages - general arrangement floor plans

Gar-02-02 Garages - general arrangement elevations

- 468-01-40 (1) b Colour and material schedule - sheet 1
- 468-01-40 (2) b Colour and material schedule - sheet 2
- 468-01-40 (3) b Colour and material schedule - sheet 3

- T13-02-01 a Amended house type 13 (t13) general arrangement floors
- T7-02-01 a Amended house type 7 (t7) general arrangement floor and roof plans
- T12-02-01 a Amended house type 12 (t12) general arrangement floor and plans
- T13-02-02 a Amended house type 13 (t13) general arrangement floors
- T2-02-01 a Amended house type 2 (t2e & t2m) general arrangement floor and roof plans
- T1-02-10 a Amended house type 1 (t1, t1a & t1b) general arrangement floor plans
- T3-02-10 a House type 3 & 3a (t3 & t3a) general arrangement ground and first floor
- T5-02-10 a Amended house type 5 (t5) general arrangement ground floor and roof plans
- T6-02-10 a House type 6 (t6) general arrangement floor
- T1-03-01 House type 1 (t1 and t1a) general arrangement elevations - plots 1,2, and 3
- T1-03-02 House type 1 (t1, t1a and t1b) general arrangement elevations - plots 69, 70 and
- T2-03-01 House type 2 (t2) general arrangements elevations
- T3-02-01 House type 3 and 3a (t3 and t3a) general arrangements ground floor plans
- T3-02-01 House type 3 and 3a (t3 and t3a) general arrangements ground floor plan
- T3-02-02 House type 3 and 3a (t3 and t3a) general arrangements first floor plan
- T3-02-02 House type 3 and 3a (t3 and t3a) general arrangement first floor plan
- T3-03-01 b House type 3 (t3) general arrangement elevations
- T3-03-02 b House type 3a (t3a) general arrangement elevations
- T6a-03-03 handed a House type 6a (t6a) general arrangement elevations (option c) (handed)
- T7-02-01 House type 7 (t7) general arrangement ground floor plans
- T7-03-02 House type 7 (t7) general arrangement elevations (left handed)
- T12-03-02 House type 12 (t12) general arrangement elevations (right handed)
- T3-02-03 House type 3 and 3a (t3 and t3a) general arrangement ground floor plan (right ha
- T3-02-04 House type 3 and 3a (t3 and t3a) general arrangement first floor plan (right han
- T3-03-02 handed b House type 3a (t3a) general arrangement elevations handed
- T6-03-03 a House type 6 (t6) general arrangement elevations (option c)
- T6-03-03 handed a House type 6 (t6) general arrangement elevations (option c) (handed)
- T6a-03-02 handed a House type 6a (t6a) general arrangement elevations (option b) (handed)
- T7-03-01 House type 7 (t7) general arrangement elevations (right handed)
- T12-03-01 House type 12 (t12) general arrangement elevations (left handed)
- T1-06-01 (p) House type 1 (t1 and t1a) general arrangement roof plans
- Ht2-02-02 (p) House type t2 (t2e and t2m) general arrangements floor and roof plans
- T5-03-01(p) House type 5 (t5) general arrangement elevations
- T6-03-02 handed a House type 6 (t6) general arrangement elevations (option b) (handed)
- T13-03-01 House type 13 (t13) general arrangement elevations
- T13-03-02 House type 13 (t13) general arrangement elevations (right handed)
- T3-06-01 (p) House type 3 and 3a (t3 and t3a) general arrangement roof plans
- T6-03-02 a House type 6 (t6) general arrangement elevations (option b)
- T6a-03-02 a House type 6a (t6a) general arrangement elevations (option b)
- T7-02-02 House type 7 (t7) general arrangement first floor plans
- T3-06-02 a House type 3 and 3a (t3 and t3a) general arrangement roof plans

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

3. No occupation of the development shall take place until the following have been provided or completed:

- a) A preliminary design and Stage 1 Road Safety Audit outlining the proposed junction proposal for the residential development with Grange Farm Close. Details of which shall have been previously agreed in writing with the Local Planning Authority prior to commencement of the development.
- b) An affective 2 metre footway shall be provided from the development to the two new bus stops on A133 Clacton Road.
- c) Two new bus stops on A133 Clacton Road to be provided near Grange Farm Close junction to include but not restricted to shelter (x2) with bus stop flag, Kassel Kerbs and bus timetables.
- d) Alterations to the existing refuge island near the Grange Farm Close junction to provide a crossing point for pedestrians to the new bus stop on the south-eastbound side with drop kerbs/ tactile paving and an affective 2-metre-wide footway to the bus stop.
- e) The upgrade of the two closest bus stops (known as Beth Chatto Gardens) on the A133 Clacton Road near Lanswood Park the improvements to include but not restricted to: bus stop flags, bus timetables, Kassel Kerbs and drop kerbs/tactile paving (x2) for the pedestrian crossing points.

Reason - To make adequate provision within the highway for the movement and safety of the additional pedestrian traffic generated as a result of the proposed development.

4. Prior to occupation the vehicle parking area (garage and/or driveway) serving that dwelling as indicated on the approved plans, shall have been provided. The vehicle parking area and associated turning areas and visitor parking shall thereafter be retained in the approved form. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

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

5. Details of cycle parking for every dwelling without a garage shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

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

6. Prior to occupation the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, the details of which shall have been previously submitted to and approved in writing by the Local Planning Authority. The travel packs shall include six one day travel vouchers for use with the relevant local public transport operator.

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

7. Prior to commencement of any above ground works precise details of the provision, siting, design and materials of screen walls and fences shall have been submitted to and approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the dwellings to which they relate being occupied and thereafter be retained in the approved form. Boundary treatments facing the highway or open spaces will be expected to be of high quality e.g. brick walls. This shall include rear access lockable gates for plots 1-9 and 68-70 which have rear parking courtyards.

Reason - In the interests of visual and residential amenity.

8. Details of the infrastructure improvements serving the business park expansion hereby granted outline planning permission shall be submitted to and approved in writing by the Local Planning Authority. The infrastructure improvements, as approved, shall be completed in accordance with the provisions of the S106 legal agreement.

Reason – The dwellings are approved in association with viability evidence on the basis that they fund the infrastructure improvements to serve the business park expansion.

9. The above ground works details of the proposed facing and roofing materials shall be carried out in accordance with the approved details contained within the following plans:

- 468-01-40 (1) b Colour and material schedule - sheet 1
- 468-01-40 (2) b Colour and material schedule - sheet 2
- 468-01-40 (3) b Colour and material schedule - sheet 3

Reason – In the interests of visual amenity.

10. No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 - Trees in relation to design, demolition and construction "

Reason - This is a publicly visible site where an appropriate landscaping scheme is a visually essential requirement.

11. All changes in ground levels, 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 the adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character of the surrounding area.

8.4 Outline planning permission

12. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

13. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

14. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the appearance, landscaping, layout and scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

15. The development hereby permitted in relation to access only shall be carried out in accordance with the following approved plans and documents:

Layout plan: PA_10_10 E.

Transport Assessment dated February 2020 and Transport Assessment Addendum dated 21/07/2020 by Richard Jackson Ltd.

Preliminary Ecological Appraisal dated February 2020 by Hybrid-Ecology Ltd.

Landscape and Visual Appraisal dated February 2020 by SES.

Arboricultural Impact Assessment and Preliminary Method Statements dated 10/02/2020 by Tree Planning Solutions.

Site Specific Flood Risk Assessment dated February 2020 and Flood Risk Assessment Addendum dated 21/07/2020 by Richard Jackson Ltd.

Contaminated Land and Geotechnical Assessment dated 07/02/2020 by Nott Group.

Development Viability report by Fenn Wright dated January 2020 and addendum letter dated 07/04/2020.

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

16. No occupation of the development shall take place until the following have been provided or completed:

a) Alterations to the existing refuge island near the Grange Farm Close junction to provide a crossing point for pedestrians to the new bus stop on the south-eastbound side with drop kerbs/ tactile paving and an affective 2-metre-wide footway to the bus stop.

b) The upgrade of the two closest bus stops (known as Beth Chatto Gardens) on the A133 Clacton Road near Lanswood Park the improvements to include but not restricted to: bus stop flags, bus timetables, Kassel Kerbs and drop kerbs/tactile paving (x2) for the pedestrian crossing points.

Reason - To make adequate provision within the highway for the movement and safety of the additional pedestrian traffic generated as a result of the proposed development.

17. Prior to occupation a workplace travel plan shall have been submitted to and approved in writing by the Local Planning Authority. Such approved travel plan shall be actively implemented for a minimum period of 5 years.

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

18. No goods, materials or containers shall be stored, stacked or deposited on the site outside the buildings, nor shall any commercial/manufacturing activities or processes (except for the loading and unloading of vehicles) be carried on outside the buildings, unless otherwise agreed in writing with the Local Planning Authority.

Reason - To protect the character and appearance of the area in the interests of visual amenity and the amenity of residents in the locality.

Both full and outline planning permissions

19. Unless otherwise agreed in writing with the Local Planning Authority, the Archaeology Mitigation Strategy shall be in accordance with the details approved in the following discharge of conditions application:

21/01030/DISCON

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

Reason – Because the proposal has the potential to harm non-designated heritage assets with archaeological interest.

20. Unless otherwise agreed in writing with the Local Planning Authority, the Archaeology Fieldwork shall be in accordance with the details approved in the following discharge of conditions application:

21/01030/DISCON

Reason - Because the proposal has the potential to harm non-designated heritage assets with archaeological interest.

21. A post excavation assessment shall be submitted to the local planning authority for approval (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Local Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report

Reason - Because the proposal has the potential to harm non-designated heritage assets with archaeological interest.

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities
- v. 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.

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.

23. There shall be no discharge of surface water onto the Highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

24. Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The Construction Method Statement shall provide for:

- measures to control the emission of dust and dirt during demolition and construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of hours of deliveries relating to the demolition and construction of the development;
- details of hours of site clearance and construction;
- a scheme to control noise and vibration during the demolition and construction phase, including details of any piling operations.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason - In the interests of residential amenity and highway safety and to reduce the likelihood of complaints of statutory nuisance.

25. No commercial construction shall take place until a Noise Impact Assessment is submitted to and approved in writing by the Local Planning Authority. The Noise Impact Assessment shall assess the impact of the proposed commercial units upon the neighbouring dwellings hereby granted full and outline planning permission. Any necessary mitigation measures shall be detailed within the Noise Impact Assessment and implemented prior to occupation of the affected dwellings and retained as approved thereafter.

Reason - Due to the residential areas close proximity to the proposed commercial units.

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

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

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

- Limiting discharge to 3.3 l/s (greenfield 1 in 1 year rate which should be confirmed by greenfield calculations) for the residential site, for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.

- Discharge via infiltration for the commercial site for all storm events up to and including the 1 in 100 year rate plus 20% allowance for climate change.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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.

28. 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.

29. Prior to occupation of any phase a maintenance plan detailing the maintenance arrangements for that phase including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall have 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.

30. 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.

31. Prior to commencement of any above ground works precise details of the existing site levels, proposed site levels and finished floor level and eaves and ridge heights of the hereby permitted buildings in relation to site levels within adjacent sites and floors, eaves and ridge levels of neighbouring property shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented as approved unless the Local Planning Authority first gives written approval to any variation.

Reason - In the interests of visual amenity and privacy.

32. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Hybrid Ecology, February 2020). 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 UK Habitats Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

33. Unless otherwise agreed in writing with the Local Planning Authority, the Preliminary Ecological Appraisal shall be in accordance with the details approved in the following discharge of conditions application:

21/01030/DISCON

Reason: To conserve Protected species and allow the LPA to discharge its duties under the Badger Protection Act 1992 and s17 Crime & Disorder Act 1998.

34. Unless otherwise agreed in writing with the Local Planning Authority, the Construction Environmental Management Plan shall be in accordance with the details approved in the following discharge of conditions application:

21/01179/DISCON

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

35. Unless otherwise agreed in writing with the Local Planning Authority, the Biodiversity Enhancement Layout shall be in accordance with the details approved in the following discharge of conditions application:

21/01179/DISCON

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).

36. Prior to occupation a lighting design scheme for biodiversity shall have been 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 UK Habitats Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

37. Works shall be carried out in full accordance with the Arboricultural Impact Assessment and Preliminary Method Statements dated 10/02/2020 by Tree Planning Solutions unless otherwise agreed in writing by the Local Planning Authority.

Reason – To protect existing mature vegetation on site.

Additional Highway Conditions for the 71 Dwelling Full Approval Element

38. Prior to the occupation of any unit, the associated internal road, footway layout and parking shall be provided in principle and accord with drawing number:

- 468-01-02 rev p6 Amended site plan

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

Note: It has been agreed with the developer that the proposed internal road layout, footway layout, surface water drainage will not be adopted by the Highway Authority.

39. The development of any phase shall not be occupied until such time as a car parking and turning area has been provided in accord with drawing no. 468-01-02 rev p6. 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.

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

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

41. All single garages should have a minimum internal measurement of 7m x 3m and all double garages should have a minimum internal measurement of 7m x 5.5m

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

42. Prior to the commencement of any phase of the development, a comprehensive traffic calming scheme (including the type, number, layout, levels, gradient, surfacing and means of surface water drainage of these traffic calming features) shall be submitted to the Local Planning Authority. The Local Planning Authority shall, in conjunction with Essex County

Council Highways Department, formally approve these details. The approved traffic calming measures shall be fully implemented before first occupation of any of the dwellings hereby approved and retained in the agreed form at all times unless otherwise agreed with by the Local Planning Authority.

Reason: To ensure that traffic in the development is kept to a speed of no greater than 20mph. In the interests of highway safety.

43. Any new boundary planting shall be planted a minimum of 1 metre back from the carriageway/ footway 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.

44. Notwithstanding the details on the approved plans. All shared surfaces must have a minimum width of 6m.

Reason: To ensure vehicle and pedestrian safety within the development in accordance with highway safety.

8. Informatives

Positive and Proactive Statement

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

Legal Agreement Informative

This application should be read alongside the original approval on site 20/00239/FUL. The legal agreement in place for the original application 20/00239/FUL remains in place for this grant of permission.

Highway Informatives

1. Prior to any works taking place in the highway the developer should enter into an S278 agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.
2. All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)
3. Where possible any new section of footway adjacent to the A133 should be set back from the edge of carriageway so pedestrians don't have to walk adjacent to the carriageway.

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.

Anglian Water informatives

1. 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. 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. 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. 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. 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.
6. An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.
7. In relation to the foul water condition the following will be required: Feasible drainage strategy agreed with Anglian Water detailing the discharge solution including: Development size. Proposed discharge rate (Should you require a pumped connection, please note that our minimum pumped discharge rate is 3.8l/s). Connecting manhole discharge location (No connections can be made into a public rising main). Notification of intention to connect to the public sewer under S106 of the Water Industry Act. Feasible mitigation strategy in agreement with Anglian Water (if required).

SUDS Informatives

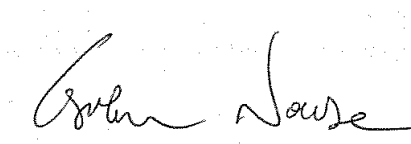
1. Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
2. Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
3. 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.

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) financial contribution, open space financial contribution, highway works including work place travel

plan monitoring fee, and phased restriction on occupancy until infrastructure improvements are complete.

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

Signed



Graham Nourse
Assistant Director Planning
28/02/2022