

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AN	14/09/22
Planning Development Manager authorisation:	JJ	15/09/2022
Admin checks / despatch completed	ER	15/09/2022
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Application: 21/01130/FUL **Town / Parish:** Ramsey & Parkeston Parish Council

Applicant: Harrison UK Limited

Address: Land at Makins Road And Collier Road Dovercourt

Development: Proposed erection of terrace of 9 x two-bedroom units with private amenity space and parking.

1. Town / Parish Council

Ramsey & Parkeston
Parish Council
06.08.2021

The view of the Ramsey & Parkeston Parish Council is to fully support the development to enhance the area that has become rundown over the years and attracted fly-tipping. It is requested that all S106 funding is set aside for projects in the Parkeston Welfare Park.

2. Consultation Responses

ECC Highways Dept
08.09.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated November 2015. The site is situated off a local road that also forms a cul-de-sac. It is noted that there is a significant amount of planning history associated with the site, the most recent planning application: 16/00084/FUL that was approved in 2016 and is similar to the current application. The current proposal retains adequate parking for the proposed dwellings, given these considerations:

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 occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. 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.

2. Prior to first occupation of the proposed development, each individual proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.7m and each

shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.
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.

3. No unbound materials shall be used in the surface treatment of the proposed vehicular accesses throughout.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM1.

4. 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 to ensure accordance with policy DM1.

5. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay and retained free of obstruction above 600mm at all times.

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.

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

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

7. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and 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 ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

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

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

9. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel

vouchers for use with the relevant local public transport operator free of charge.

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

10. 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. vehicle routing,
- ii. the parking of vehicles of site operatives and visitors,
- iii. loading and unloading of plant and materials,
- iv. storage of plant and materials used in constructing the development,
- v. wheel and underbody washing facilities.
- vi. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense when caused by developer/ development.

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:

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 or by post to:

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

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3: In main urban areas with frequent and extensive public transport, cycling and walking links, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A reduced parking standard provision level can be applied to this proposal as it is located very close to regular

public transport services and public car parking facilities.

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.

Tree & Landscape Officer
18.08.2021

The application site is overgrown with coarse grasses as well as other rank and ruderal vegetation. Seedling vegetation comprising Sycamore, Field Maple, Dog Rose and Gorse has gradually colonised the area with some Sycamore on the perimeter of the site reaching a height of approximately 6m.

There is a large Sycamore situated in the north eastern corner of the application site that is the dominant natural feature on the application site and in the surrounding area. However a close inspection of the tree reveals extensive decay in approximately 50% of the main stem. The decay comprises the health and stability of the tree and consequently it is not a suitable specimen for retention

With regard to the character of the application site, in some respect it forms a pleasant natural 'oasis' in an otherwise built up area. However the trees and shrubs on the land do not meet the criteria under which they merit retention or formal legal protection by means of a Tending District Council Tree Preservation Order

UU Open Spaces
11.08.2021

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. 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.

Environmental Protection
06.08.2021

Construction Activities: In order to minimise potential nuisance caused by demolition/construction works, Environmental Protection recommend that the following below is conditioned;

- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

- No materials produced as a result of the site development or clearance shall be burned on site.

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

REASON: to protect the amenity of nearby residential premises

In addition to the above, the EP Team would also request the following Contaminated Land and Noise conditions be applied to any approval of the proposed development -

Contaminated Land: Given the sites proximity to the International Port of Harwich and a currently dis-used Petrol Service Station and having consideration that the land has also been subjected to the fly tipping of waste, the EP Team are requesting the submission of a Phase One risk assessment, in the form of a desktop study/site walkover report to be included within any further planning applications. This will include a review of previous investigations; previous uses; potential sources of contamination; and potential pathways and receptors. If necessary, this shall be followed up by a 'phase two' risk assessment that shall incorporate a detailed intrusive investigation referring to the phase one study. Individual risk assessments shall be submitted to Environmental Protection Team for approval on completion.

REASON: to protect the health of site workers and end users

Asbestos: Should any asbestos containing materials be present on the development site, or used within the original construction of the building in question, they must be safely removed by a qualified contractor, with relevant transfer notes being obtained to confirm safe and responsible removal and disposal.

REASON: to protect the health of site workers and end users

Noise: Given the sites proximity to the International Port of Harwich, the EP Team would also like to ensure that should the application be approved, prior to commencement of the development a scheme should be submitted to the Local Planning Authority showing the proposed residential units (with the windows closed) meet the following internal noise levels -
35dB(A) Leq 16 hours 07.00hrs -23.00hrs in Living rooms, while
30dB(A) Leq 8 hours in Bedrooms and no individual noise event to exceed 45dB(A) max (measured with F time weighting) 23.00hrs - 07.00hrs. External noise affecting gardens, balconies or amenity spaces shall not exceed 55dBLAeqt. (BS8233:2014). The scheme of sound insulation shall be submitted to and approved in writing by the Local Planning Authority.

Health and Safety
Executive
20.08.2021

Thank you for your email seeking HSE's observations on application 21/01130/FUL

HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines and has provided planning authorities with access to the HSE Planning Advice Web App - <https://pa.hsl.gov.uk/> - for them to use to consult HSE and obtain HSE's advice. If you require details of your organisation's web app account, then please contact us.

I would be grateful if you would ensure that the HSE Planning Advice Web App is used to consult HSE on 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 250m² of retail floor space;
- more than 500m² of office floor space;
- more than 750m² 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

H M Explosives
Inspectorate
06.06.2022

Thank you for your email of 18 May 2022 regarding the above planning application. From the information provided it appears that the proposed development falls within the SD3 distance of the nearby licensed explosives site, but outside SD2 distance. HSE therefore has no comment to make on the planning application provided that the development is not a vulnerable building.

"Vulnerable building" means a building or structure of vulnerable construction, that is to say—

(a) a building of more than three storeys above ground or 12m in height constructed with continuous non-load bearing curtain walling with individual glazed or frangible panels larger than 1.5m² and extending over more than 50% or 120m² of the surface of any elevation;

(b) a building of more than three storeys above ground or 12m in height with solid walls and individual glass panes or frangible panels larger than 1.5m² and extending over at least 50% of any elevation;

(c) a building of more than 400m² plan area with continuous or individual glazing panes larger than 1.5m² extending over at least 50% or 120m² of the plan area; or

(d) any other structure that, in consequence of an event such as an explosion, may be susceptible to disproportionate damage such as progressive collapse.

This advice is provided in relation to the proximity of the development to an HSE licensed explosives site. If the development is also in the proximity of any other major hazards site or pipelines then advice should be sought through HSE's WebApp in the first instance - <https://pa.hsl.gov.uk/>

If you require further advice on this matter, please e-mail explosives.planning@hse.gov.uk

UU Open Spaces
07.07.2022

There is only one area of open space and play area in the village of Parkeston. This is a charity & community run area and provides a location for local football teams. The proposed development is only 0.2 miles away from the open space and therefore will most likely see the biggest impact from the development. A contribution for future improvements is both relevant and justified to this application and directly related to the proposed development. A contribution is requested to carryout improvements at the play area known as Welfare Park.

Essex County Council
Ecology
15.08.2022

Thank you for consulting Place Services on the above application.

No objection subject to securing:

a) a proportionate financial contribution towards Essex Coast RAMS

b) biodiversity mitigation and enhancement measures

Summary

We have reviewed the Preliminary Ecological Appraisal (Open Spaces Landscapes & Arboricultural Consultants Ltd, June 2022), MAGIC maps (<https://magic.defra.gov.uk/>) and aerial photography relating to the likely impacts of development on designated sites, protected species and Priority species & habitats and identification of appropriate mitigation measures.

We are satisfied that there is sufficient ecological information available for determination of this application.

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

The site falls within 0.6km of the Stour and Orwell Estuaries Ramsar and SPA. Therefore, given the residential nature of this development is relevant to the Essex Coast RAMS, we note that the LPA has prepared a project level HRA Appropriate Assessment to secure a per dwelling tariff by a legal agreement for delivery of visitor management measures at the designated sites. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid adverse effects on the integrity of the relevant Habitats sites.

The mitigation measures identified in the Preliminary Ecological Appraisal (Open Spaces Landscapes & Arboricultural Consultants Ltd, June 2022) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly nesting birds and Badger.

We also support the proposed reasonable biodiversity enhancements of one bird box per dwelling, one bat box per dwelling, one invertebrate box per dwelling, four further bird boxes placed on trees, tree planting, hedgerow planting, wildlife friendly landscaping, and permeable boundaries/Hedgehog friendly fencing which have been recommended by the Preliminary Ecological Appraisal (Open Spaces Landscapes & Arboricultural Consultants Ltd, June 2022) to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

In addition, the Preliminary Ecological Appraisal (Open Spaces Landscapes & Arboricultural Consultants Ltd, June 2022) highlights that it is possible bats could be foraging/commuting within and around the site. Therefore, if any external lighting is to be proposed, it is recommended that a sensitive lighting scheme is developed to minimise any impacts. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <3000k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.

- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

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.

We recommend that 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 Preliminary Ecological Appraisal (Open Spaces Landscapes & Arboricultural Consultants Ltd, June 2022) 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 ANY WORKS ABOVE 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 following the details contained within Preliminary Ecological Appraisal (Open Spaces Landscapes & Arboricultural Consultants Ltd, June 2022).

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) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

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

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

and if any external lighting is to be proposed

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 plans, 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).

Please contact us with any queries.

3. Planning History

01/01952/OUT	Construction of 7 No. dwellings with gardens, garage and off street parking.	Approved	13.02.2002
07/00923/FUL	Development to build 9 dwelling units and construction of new vehicular access	Approved	11.05.2009
91/00458/OUT	Proposed development of houses and garages including road improvement.	Approved	06.08.0991
12/00514/FUL	Development to build 9 dwelling units and construction of new vehicular access (Extension of time on previously approved 07/00923/FUL)	Approved	03.10.2012
16/00084/FUL	Erection of 7 dwellings and associated access, parking, landscaping and ancillary works.	Approved	20.06.2016
19/00881/DISCON	Discharge of conditions 2 (Materials), 3 (Landscaping), 5 (Protected Species) and 9 (Construction Method Statement) of approved application 16/00084/FUL.	Approved	02.07.2019

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs

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

LP3 Housing Density and Standards

LP4 Housing Layout

PPL4 Biodiversity and Geodiversity

PPL10 Renewable Energy Generation

CP1 Sustainable Transport and Accessibility

DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

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

Tendring Provision of Recreational Open Space for New Development SPD 2008

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

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)

Proposal

Erection of a terrace of 9 x two-bedroom units with private amenity space and parking.

Site Description

This vacant 0.24ha site is a corner plot at the junction of Makins Road and Collier Road, to both of which it has frontages. The site, which is roughly rectangular in shape, measures about 66m long by about 26m deep, with its longer frontage to Makins Road, which is a short cul-de-sac that serves two houses on its eastern side, but which would also have served the two houses that previously stood on the application site. The rear of the St Paul's Church, which lies adjacent to the southern side of the two existing houses, closes off the south-western side of the road. The site is featureless and slopes down gently southwards towards Collier Road. It was previously occupied by two houses, which were demolished in the mid-1970's, since when it has remained unused. Although the site is immediately to the south of Harwich International Port the character of the area in the vicinity of the site is residential.

Relevant history

In 2009 planning permission was granted for the erection of 9 dwellings on the site (07/00923/FUL). This permission was renewed in 2012 (12/00514/FUL).

In 2016 16/00084/FUL approved Erection of 7 dwellings and associated access, parking, landscaping and ancillary works. This approval was for 2 no. two-bedroom houses and 5 no. three-bedroom houses.

Representations

Ramsey and Parkeston Parish Council confirm they: fully support the development to enhance the area that has become rundown over the years and attracted fly-tipping. It is requested that all S106 funding is set aside for projects in the Parkeston Welfare Park. (This is the case - see Legal Agreement section).

Principle of development

Although the site is currently vacant and has been so since the mid-1970's, it was previously occupied by two houses. The site lies within the settlement boundary of Parkeston so the principle for new dwellings is accepted subject to the detailed considerations below.

Design/Layout

Section 1 Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Section 2 Policy SPL3 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Section 2 Policy LP4 requires that the design and layout of new residential and mixed-use developments in the Tendring District will be expected to deliver new dwellings that are designed to high standards of architecture, which respect local character and which together with a well-considered site layout, create a unique sense of place. Paragraph 130 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

The proposed terraced development would back onto existing terraced residential development to the east. The development has been arranged to appropriately address both Collier Road to the north and Makins Road to the west. The slight set back of the dwellings from Makins Road allows for the introduction of some soft landscaping behind low red brick walls to the frontage parking areas to enhance the appearance of the development. The proposal comprises of a terrace of two-storey dwellings with some frontage parking bays and a larger parking and turning area to the south of the site. Each property benefits from a small but usable rectangular private rear garden of around 60 sq m.

The terrace of dwellings is in keeping with the prevailing height, materials (red brick and red tile) and built form of residential development in the area. The detailed design adds interest through modern detailing including curved soldier bond brickwork, front parapet wall, fenestration and sections of horizontal timber cladding. The rear elevation contains large rooflights set within a long sloping roof. The two end terraces are a slight variation including flank windows (house type A) on the mid terraces (house type B). All units are designed for two-bedroom three-person occupancy and have a net internal area of 83 square metres therefore exceeding the relevant space standard of 70 square metres. A condition will be imposed to secure details of the proposed external materials in the interests of visual amenity.

Therefore, in terms of density, height, scale, bulk and general form, the proposed development raises no objection. The result will be a development that would appear as a satisfactory feature in the surroundings and which would make a positive contribution to the appearance of the locality and a long-term vacant site.

Highway Safety

Paragraph 108 of the National Planning Policy Framework 2021 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Policy SPL3 Part B of Section 2 of the Tendring District Local Plan 2013-2033 and Beyond seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking.

Furthermore, Policy PPL10 of the Local Plan states that proposals for new development should consider the potential for renewable energy generation, appropriate to the site and its location, and should include renewable energy installations, or be designed to facilitate the retro-fitting of renewable energy installations. A condition will be imposed securing details of vehicle charging.

Six of the two bedroom units have two off street parking spaces and the remaining three have one parking space each. Given the sustainable location where there is good access to public transport links and shops/services, plus the low values in the area making these likely to be starter/lower cost housing this level of off street parking provision is considered acceptable.

Highways have no objections to the proposal subject to ten conditions as detailed above. The parking spaces are already the correct size so this condition is not required. The remaining conditions are considered reasonable and necessary in the interests of highway safety.

Residential amenity

Section 1 Policy SP7 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 Part C seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Furthermore, Policy LP 4 seeks to ensure that new dwellings are served by a private amenity space of a size and configuration that meets the needs and expectations of residents and which is commensurate to the size of dwelling and the character of the area.

There is around 30 metre separation to the rear of dwellings backing onto the site in Tyler Street. This exceeds the advice in the Essex Design Guide which states minimum back-to-back distances should be 25m to preserve neighbouring privacy. The dwellings are sufficiently separated from all neighbouring properties to prevent any material loss of light or outlook.

The proposed units all exceed the nationally described space standards and each property benefits from a small but usable rectangular private rear garden of around 60 sq m.

Environmental Protection recommend imposition of conditions relating to a construction management plan to minimise pollution and disturbance during construction; contamination due to the proximity to the Port, a dis-used petrol station and previous fly tipping on the site; they refer to asbestos however the site has already been cleared so this will be added as an informative; and submission of a noise assessment prior to commencement to confirm that sufficient insulation/window specification will be provided to comply with specified noise levels given the proximity to the Port. Subject to these matters being conditions there would be no material harm to the amenity of the proposed occupiers or the existing neighbours.

Ecology/landscaping

Paragraph 174 of the National Planning Policy Framework 2021 require that Local Planning Authorities contribute to and enhance sites of biodiversity or geological value whilst paragraph 179 requires Local Planning Authorities to safeguard components of local wildlife-rich habitats. Paragraph 99 of Circular 06/2005 states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision" it goes on to state "The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances".

Adopted Local Plan Policy PPL4 states that proposals for new development should be supported by an appropriate ecological assessments and, where relevant, provide appropriate mitigation and biodiversity enhancements to ensure a net gain.

At the time the application was submitted the site was overgrown and a long extension of time was secured to enable habitat surveys at the optimum time of year. As part of previous approvals on the site a reptile survey confirmed the presence of slow worms. However, the site was then cleared and a wildlife crime case was opened however due to lack of evidence it was then closed.

A habitat survey was submitted in June 2022 and subject to review by ECC Ecology. They confirm the survey is acceptable and the mitigation measures identified should be secured by condition. This is necessary to conserve and enhance protected and Priority species particularly nesting birds and Badger. They also support the proposed reasonable biodiversity enhancements of one bird box per dwelling, one bat box per dwelling, one invertebrate box per dwelling, four further bird boxes placed on trees, tree planting, hedgerow planting, wildlife friendly landscaping, and permeable boundaries/Hedgehog friendly fencing to secure net gains for biodiversity. Due to the possibility bats could be foraging/commuting within and around the site any external lighting also needs to be controlled to ensure it is sensitive. The recommended conditions have been included.

There is a large Sycamore tree situated in the north eastern corner of the application site that is the dominant natural feature on the application site and in the surrounding area. However a close inspection of the tree reveals extensive decay in approximately 50% of the main stem. The decay compromises the health and stability of the tree and consequently it is not a suitable specimen for retention.

The slight set back of the dwellings from Makins Road allows for the introduction of some soft landscaping behind low red brick walls to the frontage parking areas to enhance the appearance of the development. A condition has been imposed to secure details of the frontage hard and soft landscaping in the interests of visual amenity.

Hazardous Installations

HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites. The HSE Webapp was completed as required and a separate consultation undertaken due to the site lying within the consultation zone of the explosive facility at Harwich International Port. The applicant incorrectly stated the site area as being 0.16ha which originally generated an Advise Against response, as this exceeds 40 dwellings per hectare. However, the correct site area as confirmed by our own mapping is 0.24ha which represents a density below 40dph and a 'Do Not Advise Against response'.

HSE Explosives confirmed the proposed development falls within the SD3 distance of the nearby licensed explosives site, but outside SD2 distance. HSE therefore has no comment to make on the planning application provided that the development is not a vulnerable building (which it is not against the four criteria).

Flood Risk/drainage

Although the site is close to the flood plain, it is not actually within it. Indeed, the site is slightly elevated relative to the flood plain. As such no flood risk concerns are considered to arise from the development.

Paragraph 170 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 180 of the Framework states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment. Adopted Policy PPL5 of Section 2 of the Adopted Local Plan states that all new development must make adequate provision for drainage and sewerage.

The application form confirms that the development will be served by connection to the mains in compliance with the above-mentioned national and local plan policies.

Legal agreement

Financial Contribution - Recreational Disturbance

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. Mitigation measures must be secured prior to occupation.

This residential development lies within the Zone of Influence. The site is not within or directly adjacent to one of the European designated sites, but is sited approximately 660 metres from the Stour and Orwell Estuaries SPA and Ramsar. A unilateral undertaking has now been completed to provide the required RAMS contribution.

Financial Contribution - Open Space and Play Space

TDLP Section 2 Policy DI1 states that all new development should be supported by, and have good access to, all necessary infrastructure. Where a development proposal requires additional

infrastructure capacity to be deemed acceptable, mitigation measures must be agreed with the Local Planning Authority and the appropriate infrastructure provider. Such measures may include financial contributions towards new or expanded facilities and the maintenance thereof. For the purposes of this policy, the widest reasonable definition of infrastructure and infrastructure providers will be applied. Section 106 will remain the appropriate mechanism for securing financial contributions. The contribution would be used towards the delivery of improvements, expansion or new open spaces and/or sports facilities.

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

There is only one area of open space and play area in the village of Parkeston. The proposed development is only 0.2 miles away from the open space and therefore will most likely see the biggest impact from the development. A contribution for future improvements is both relevant and justified to this application and directly related to the proposed development. A contribution has therefore been secured under a UU to carry out improvements at the play area known as Welfare Park.

Conclusion

It is considered that the proposal represents an acceptable redevelopment of a long term vacant site within the settlement boundary and is recommended for approval subject to conditions and alongside the completed unilateral undertaking.

6. Recommendation

Approval - Full

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:

Drawing numbers 0580_01A, 0580_02_01, 0580_03_01, and 0580_04_01

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

- 3 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:

- vehicle routing;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel and underbody washing facilities;
- Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense when caused by developer/ development.
- 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.

- 4 No development shall take place until a Phase One risk assessment for investigating any contamination present on site has been submitted to and approved in writing by the Local Planning Authority. This shall include a review of previous investigations; previous uses; potential sources of contamination; and potential pathways and receptors. If necessary, this shall be followed up by a phase two risk assessment that shall incorporate a detailed intrusive investigation referring to the phase one study. Development and any required remediation shall be carried out in accordance with the approved details.

Reason: To protect the health of site workers and end users given the sites proximity to the International Port of Harwich, a currently dis-used Petrol Service Station and having consideration that the land has also been subjected to the fly tipping of waste.

- 5 Prior to commencement of any above ground works details of all facing and roofing materials shall have been submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of visual amenity.

- 6 Prior to commencement of any above ground works, a scheme shall have been submitted to and approved in writing by the Local Planning Authority showing that the proposed residential units (with the windows closed) meet the following internal noise levels: 35dB(A) Leq 16 hours 07.00hrs -23.00hrs in living rooms, 30dB(A) Leq 8 hours in bedrooms and no individual noise event to exceed 45dB(A) max (measured with F time weighting) 23.00hrs - 07.00hrs. External noise affecting rear gardens shall not exceed 55dBLAeqt. (BS8233:2014). The scheme as approved shall be implemented prior to occupation of any of the dwellings.

Reason - Given the sites proximity to the International Port of Harwich and its associated noise.

- 7 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Open Spaces Landscapes & Arboricultural Consultants Ltd, June 2022). This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

- 8 Prior to commencement of any above ground works a Biodiversity Enhancement Strategy for protected and Priority species shall have been submitted to and approved in writing by the local planning authority following the details contained within Preliminary Ecological Appraisal (Open Spaces Landscapes & Arboricultural Consultants Ltd, June 2022). 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) persons responsible for implementing the enhancement

measures; e) details of initial aftercare and long-term maintenance (where relevant). The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

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

- 9 Prior to occupation, if any external lighting is proposed, a lighting design scheme for biodiversity shall have been previously 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 plans, 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. No other external lighting shall be installed without prior written 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).

- 10 Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. 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.

- 11 Prior to first occupation of the proposed development, each individual proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

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

- 12 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses throughout.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 13 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.

- 14 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay and retained free of obstruction above 600mm at all times.

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.

- 15 The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans, has been hard surfaced, sealed and if required,

marked out in parking bays. The vehicle parking areas and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

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

- 16 Prior to commencement of any above ground works details of cycle/Powered Two-wheeler parking shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be secure, convenient, covered and provided prior to occupation and retained thereafter at all times.

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

- 17 Prior to occupation of the proposed dwellings, 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.

- 18 Prior to any above ground works, a scheme for the provision of electric vehicle charging facilities for each dwelling shall have first been submitted to and approved in writing by the local planning authority. Thereafter the charging facilities shall be installed in a working order, prior to first occupation of the respective plot.

Reason: In order to promote sustainable transport.

- 19 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 frontage and parking areas of 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 " 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 - This is a publicly visible site where an appropriate landscaping scheme is a visually essential requirement, and 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. 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 - Open Space/Play Space Contribution

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: Public Open Space financial contribution in accordance with Policy HP5 and Policy DI1 of the adopted Tendring District Local Plan 2013-2033 and Beyond. Please note that any subsequent variation / removal of condition applications (s73 applications) will require a new legal agreement to secure this obligation unless the development has commenced (subject to all necessary condition discharges) and the contribution has already been paid.

Legal Agreement Informative - Recreational Impact Mitigation

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

Should any asbestos containing materials be present on the development site they must be safely removed by a qualified contractor, with relevant transfer notes being obtained to confirm safe and responsible removal and disposal.

Highways informatives:

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

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

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

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3: In main urban areas with frequent and extensive public transport, cycling and walking links, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A reduced parking standard provision level can be applied to this proposal as it is located very close to regular public transport services and public car parking facilities.

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.

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