

## **DELEGATED DECISION OFFICER REPORT**

| <b>AUTHORISATION</b>                         | <b>INITIALS</b> | <b>DATE</b> |
|----------------------------------------------|-----------------|-------------|
| Planning Officer recommendation:             | ML              | 15/02/2024  |
| Team Leader authorisation / sign off:        | AN              | 19/02/24    |
| Assistant Planner final checks and despatch: | ER              | 21/02/2024  |

**Application:** 24/00058/COUNOT      **Town / Parish:** Harwich Town Council

**Applicant:** Mr J Gross - Farosa Ltd

**Address:** 268 High Street Harwich Essex

**Development:** Prior Approval Application under Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for 1x2bedroom flat with the external amenity, refuse and cycle stores on the ground floor level to the rear.

### **1. Town / Parish Council**

Harwich Town Council      No comments received.

### **2. Consultation Responses**

ECC Highways Dept  
23.01.2024

The information submitted with the application has been assessed by the Highway Authority and conclusions reached based on a desktop study in conjunction with a previous site visit associated with an earlier application. It is noted that the application is similar to a previous planning application (17/00191/COUNOT) that the Highway Authority did not object to. It is noted that there are no formal off-street parking spaces available and there is evidence of unauthorised off-street parking on the footway at the corner of the High Street and Hill Road junction adjacent to the building. However, it is noted that parking within the vicinity of the area is controlled by existing waiting restrictions, while the site is in a town centre location where there is good transport links and is in walking distance of Dovercourt Railway Station; the Highway Authority would not deem the application of current Parking Standards necessary in this instance. The town centre location means that many services are within walking distance of the proposed flat, considering these factors:

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

1. Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.  
Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.
2. The proposed dwelling shall not be occupied until such time as 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.
3. Prior to occupation of the proposed development, the Developer shall

be responsible for the provision and implementation of a Residential Travel Information Pack for the dwelling, for sustainable transport, approved by Essex County Council, (to 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 in accordance with policies DM9 and DM10.

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

Informative:

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

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

2: 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.

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

4: Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

Environmental  
Protection  
02.02.2024

Contaminated Land: Given the sites proximity to several historic, registered contaminated land (<200m from ten281, ten 190 and ten398 – cement works and unknown infill respectively), we are requesting a Watching Brief be conditioned (on any subsequent approval) and adhered to throughout the demolition and construction phase. We request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification.

I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

Minimum requirements for dealing with unexpected ground conditions being

encountered during construction.

1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.
2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.
4. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.
5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.
9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.
10. A photographic record will be made of relevant observations.
11. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be:
  - o re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment;
  - or of treatment of material on site to meet compliance targets so it can be re-used;
  - or o removal from site to a suitably licensed landfill or permitted treatment facility.
12. A Verification Report will be produced for the work.

REASON: It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Noise: Given the proposal seeks to implement additional residential units above commercial and having consideration for the surrounding mixed use residential and commercial nature, the EP Team would suggest further information is provided to evidence the predicted noise levels within the residential units will conform to the 'indoor ambient noise levels for dwellings guideline values' specified within BS8233:2014 - 'Guidance on sound insulation and noise reduction for buildings'. Information should be submitted to and approved in writing by the Local Planning Authority.

REASON: to protect the health and amenity of future residents

Construction Method Statement: In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Protection ask that the following is submitted:

Prior to the commencement of any construction or demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Environmental Protection Team. This should at minimum include the following where applicable.

o Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

o Emission Control

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

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 dwellings

### **3. Planning History**

|                 |                                                            |               |            |
|-----------------|------------------------------------------------------------|---------------|------------|
| 17/00191/COUNOT | Conversion of offices to 4 no. two bedroom flats.          | Determination | 18.05.2017 |
| 18/01180/FUL    | Change of use to A1 retail and minor external alterations. | Approved      | 21.09.2018 |

|                 |                                                                                                                                                                                                                                                                                                                                                                |               |            |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------------|
| 19/00438/COUNOT | Proposed daycare nursery.                                                                                                                                                                                                                                                                                                                                      | Determination | 09.05.2019 |
| 23/01532/FUL    | Proposed upward extension to the existing building to create four new flats and creation of two commercial units at ground floor, including change of use on the first floor (from office (use Class E(g)(i)) to Residential (use Class C3)), redesign of building exterior, construction of refuse and cycle stores and creation of new residential entrance. | Refused       | 06.12.2023 |
| 24/00058/COUNOT | Prior Approval Application under Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for 1x2bedroom flat with the external amenity, refuse and cycle stores on the ground floor level to the rear.                                                                                             | Current       |            |
| 24/00059/COUNOT | Prior Approval Application under Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for conversion of the existing first floor offices into 2 flats: Flat 1 (1b/1p; 53.8m2) and Flat 2 (1b/2p; 55.1m2), with the associated refuse enclosure and cycle storage on the ground floor.           | Current       |            |

#### **4. Status of the Local Plan**

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

#### **5. Neighbourhood Plans**

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

#### **6. Relevant Policies / Government Guidance**

n/a

#### **7. Officer Appraisal**

**Site Description**

The application site is located on the northern side of the High Street within the defined development boundary for Dovercourt. The site forms a corner plot that occupies frontages to both the High Street and Hill Road to the east.

At present the site accommodates a red brick, flat roofed two-storey building that previously accommodated office uses, which forms part of a larger and taller retail unit directly to the west. Directly to the north of the building is the delivery yard serving the adjacent retail unit and beyond, to the north, are pairs of semi-detached dwellings. On the opposite side of Hill Road to the east is a 3-storey brick-built property with a pitched roof that accommodates commercial uses at ground floor. On the opposite side of the High Street, to the south, are further examples of 1960's/70's flat roof buildings comprising of 3 stories with commercial uses at ground floor and flats above.

The site is located within the Primary Shopping Area of the Dovercourt Town Centre Boundary and within a priority area for regeneration. Approximately 90 metres to the east of the site is the boundary of the Dovercourt Conservation Area. The site also slopes gently down from west to east.

## **Proposal**

This application is submitted under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (Aug 2021) to determine whether prior approval of the Council is required for a 1 x 2 bedroom flat with the external amenity, refuse and cycle stores on the ground floor level to the rear.

A separate submission, under the prior approval procedure, has been submitted in respect of the first floor. That proposal runs in parallel with this submission and relates to the creation of 2 x 1 bedroom flats.

## **Assessment**

Class MA – Commercial, Business and Service uses to Dwellinghouses.

Class MA encompasses development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

(1) Development is not permitted by Class MA—

(a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;

**The submitted and completed application form confirms that the relevant section of the building has been vacant for a continuous period of 3 months prior to the date of this prior approval application. The officer site visit confirms that the rear half of the ground floor is indeed vacant.**

**Therefore, the proposal complies.**

(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

**The use of the building is considered to be office use, which previously fell within Class B1 (office) now Class E (g)(i) of sub-paragraph (2) and has been in this use for a minimum period of two years prior to the date of this application. Therefore, the proposal complies.**

(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;

**The cumulative floor space of the building changing use under Class MA does not exceed 1,500 square metres (approximately 61sqm). Therefore, the proposal complies.**

- (d) if land covered by, or within the curtilage of, the building—
  - (i) is or forms part of a site of special scientific interest;
  - (ii) is or forms part of a listed building or land within its curtilage;
  - (iii) is or forms part of a scheduled monument or land within its curtilage;
  - (iv) is or forms part of a safety hazard area; or
  - (iv) is or forms part of a military explosives storage area;

**The land within the curtilage of the building does not fall within any of the above. Therefore, the proposal complies.**

- (e) if the building is within—
  - (i) an area of outstanding natural beauty;
  - (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;
  - (iii) the Broads;
  - (iv) a National Park; or
  - (iv) a World Heritage Site;

**The building is not within any of the above designated areas. Therefore, the proposal complies.**

- (f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

**The site is not occupied under an agricultural tenancy; therefore, the proposal complies.**

- (g) before 1 August 2022, if—
  - (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and
  - (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

**The proposed development is not of a description falling within Class O immediately before 1st August 2021. Therefore, the proposal complies.**

- (2) The classes mentioned in sub-paragraph (1) (b) are the following classes of the Use Classes Order—

- (a) the following classes of the Schedule as it had effect before 1st September 2020—

- (i) Class A1 (shops);
- (ii) Class A2 (financial and professional services);
- (iii) Class A3 (food and drink);
- (iv) Class B1 (business);**
- (v) Class D1(a) (non-residential institutions – medical or health services);
- (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);
- (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;
- (b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

## **Conditions**

- (1) Development under Class MA is permitted subject to the following conditions.
- (2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport impacts of the development, particularly to ensure safe site access;

The submitted plans demonstrate that the existing access would be utilised to serve 2 no. parking spaces, an area for cycle storage and a bin store area. The access is already in existence and as this proposal, in combination with the 2 no. flats to the first floor, is for a minor residential use in a town centre location the level of parking provision is considered to be acceptable.

On this basis ECC-Highways do not object to the proposed development subject to the cycle storage being installed prior to first occupation, residential travel packs being provided to future occupiers and areas for storage of construction goods being identified clear of the highway. These matters will be the subject of conditions.

(b) contamination risks in relation to the building;

There appears to be no contamination risks in relation to the building. Whilst Environmental Protection (EP) have requested a watching brief condition, as the proposal relates to a conversion and no ground works or demolition, a condition is not considered to be necessary or reasonable.

(c) flooding risks in relation to the building;

The site is located outside of any flood risk areas. On the basis of this position and the fact that this prior approval application is to convert an existing building in flood zone 1 to residential, the LPA is content that there are no flooding risks in relation to the building the subject of this prior approval application.

(d) impacts of noise from commercial premises on the intended occupiers of the development;

The building is located within a town centre location where there are a mix of residential, retail and office uses in the immediate vicinity. Given the nature of these uses it is not considered that future resident's amenity would be significantly harmed through noise and disturbance emanating from these units.

To the immediate north of the proposed flat is a parking/delivery yard serving the adjacent retail unit. However, it is noted this area is not in constant use for delivery purposes. To further alleviate any concerns in this respect, a condition will be applied securing details of a noise strategy scheme to ensure that internal noise levels within the residential unit comply with the indoor ambient noise levels for dwellings guideline values.

Subject to the condition the proposal would therefore not result in any material noise impacts. The proposal complies.

(e) where—

(i) the building is located in a conservation area, and

(ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

The building is not within a conservation area. Therefore, this criterion is not applicable in this case.

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouse;

Each habitable room will have a window of good size to allow for reasonable outlook and natural light provision that is considered adequate and acceptable. Moreover, notwithstanding the provision of specific external amenity space for future occupiers is not a consideration decision makers can take into consideration under class MA, a small amenity space is to be provided for future residents which is accessible from the proposed lounge area.

The proposal therefore complies with this requirement.

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;

**The application site is located in an area predominantly characterised by uses which are compatible with residential use, including residential, office and retail uses. Therefore, there are no existing industrial uses which would adversely impact on the intended occupiers of the development. The proposal complies.**

(h) where the development involves the loss of services provided by—

(i) a registered nursery, or

(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost and

**The development does not involve the loss of services provided by any of the above.**

(j) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

**The development does not meet the criteria for the fire risk condition (<18m in height, < than 7 stories).**

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

**The application was submitted after 1 August 2021.**

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph.

**Considered to have been adhered to.**

(5) Development must be completed within a period of 3 years starting with the prior approval date.

**Condition to be added.**

(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

**Noted and condition to be added.**

### **Other Considerations**

Harwich Town Council have not commented upon the application.

### **Conclusion**

The proposal is consistent with the above-mentioned Order and therefore the prior approval of the Local Planning Authority is not required.

## **8. Recommendation**

Prior Approval – Not Required

## **9. Conditions**

1. COMPLIANCE – TIME LIMIT

CONDITION: Development under Class MA is permitted subject to the condition that development under Class MA.2. (5) must be completed within a period of 3 years starting with the prior approval date.

REASON: To comply with the requirements of the relevant legislation.

## 2. COMPLIANCE – PRIOR APPROVAL

The development must be carried out where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1).

REASON: To comply with the requirements of the relevant legislation.

## 3. ACTION REQUIRED – SOUND INSULATION

CONDITION: Prior to the commencement of development, a scheme of sound insulation, shall be submitted to the Local Planning Authority showing the proposed residential unit (with the windows closed) meets the required internal noise levels as set out in BS8233. The approved scheme shall be carried out, in its entirety, before the unit is first occupied and shall be retained thereafter.

REASON: To safeguard the residential amenities of future residents of the flats.

## 4. HIGHWAYS PROVISION OF PARKING AND CYCLE STORAGE

CONDITION: The hereby approved development shall not be first occupied until such time as the areas for parking of vehicles and cycle storage, as shown on the approved plans, have been provided and made functionally available. These areas shall then be retained and remain free of obstruction thereafter.

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 and layout is provided to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would otherwise be detrimental to highway safety.

## 5. RESIDENTIAL TRAVEL INFORMATION PACK

CONDITION: Prior to first occupation of the flat, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, 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

## 6. ACTION REQUIRED: REFUSE BINS AND COLLECTION AREAS

CONDITION: Prior to first use/ occupation of the development, or in accordance with an alternative timetable for provision as may be agreed in writing by the Local Planning Authority, the area to be provided for storage of refuse/recycling bins as shown on the approved drawings shall be provided and then retained.

REASON: In the interest of highway safety to ensure that refuse recycling bins do not cause any obstruction or danger on the highway.

### NOTE/S FOR CONDITION:

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out.

Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

## **7. FURTHER APPROVAL - CONSTRUCTION MANAGEMENT TO BE AGREED (PRE COMMENCEMENT)**

CONDITION: Prior to the commencement of development details of the construction methodology and timetable shall be submitted to and approved, in writing, by the Local Planning Authority. This shall incorporate the following information:-

- a) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
- b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
- c) Details of how construction and worker traffic and parking shall be managed.
- d) Details of any means of access to the site during construction.
- e) Details of the scheduled timing/phasing of development for the overall construction period.
- f) Details of measures to control the emission of dust and dirt during construction and including details of any wheel washing to be undertaken, management and location it is intended to take place.
- g) Details of the siting of any on site compounds and portaloo's.
- h) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
- i) Site waste management plan (that shall include reuse and recycling of materials)
- j) Scheme for sustainable construction management to ensure effective water and energy use.
- k) Scheme of review of complaints from neighbours.
- l) Registration and details of a Considerate Constructors Scheme
- m) Details on the provision, location and management of any show home/s or reception, including opening times, parking and advertisements (including flags and directional signs).

The said methodology as may be approved shall be implemented in its entirety and shall operate as may be approved at all times during construction.

REASON: To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

### **NOTE/S FOR CONDITION:**

You are strongly advised to discuss this condition with the Local Planning Authority and if possible/available local residents likely to be affected by this development prior to submission of details.

## **10. 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.

### **Noise Control**

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

- 2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

#### - Emission Control

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

## 11. Equality Impact Assessment

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

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

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

| Protected Characteristics *   | Analysis                                                                                    | Impact  |
|-------------------------------|---------------------------------------------------------------------------------------------|---------|
| Age                           | The proposal put forward will not likely have direct equality impacts on this target group. | Neutral |
| Disability                    | The proposal put forward will not likely have direct equality impacts on this target group. | Neutral |
| Gender Reassignment           | The proposal put forward will not likely have direct equality impacts on this target group. | Neutral |
| Marriage or Civil Partnership | The proposal put forward will not likely have direct equality impacts on this target group. | Neutral |

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

## 12. Notification of Decision

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