

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	MP	13/05/24
Team Leader authorisation / sign off:	ML	16/05/2024
Assistant Planner final checks and despatch:	ER	16/05/2024

Application: 24/00189/FUL **Town / Parish:** Harwich Town Council

Applicant: Mayflower Construction Ltd

Address: London House 41 Kingsway Dovercourt

Development: Conversion of existing office building into two separate flats at first floor level, with the inclusion of privacy screening to the balcony, a bin store and infill of rear window.

1. Town / Parish Council

Harwich Town Council Harwich Town Council makes no objection to this application.

2. Consultation Responses

ECC Highways Dept
06.03.2024

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 and google earth image.

Having considered the information submitted with the planning application from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

1. Prior to occupation of the proposed development, 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.

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 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

Informative:

i. 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

ii. 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.

iii. 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.

UU Open Spaces
08.03.2024

Public Realm Assessment

Play Space - current deficit:

- Deficit of 12.67 hectares of equipped play in Harwich & Dovercourt

Formal Play - current deficit:

- Adequate formal open space in the area to cope with some future development

Settlement provision:

- Cliff Park Open Space and LEAP located 0.5 miles from the development

Officer Conclusions and Recommendations

Contribution necessary, related, and reasonable?
to comply with CIL Regs*

- No contribution is being requested on this occasion.

Identified project*:

(In consultation with Town / Parish Council on upcoming projects or needs for maintenance)

- None

Environmental Protection
07.03.2024

With reference to the above application, please see below for comments from the EP Team:

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

o 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.

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

o No dust emissions should leave the boundary of the 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

3. Planning History

N/A

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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

In relation to housing supply:

The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. However, the revised Framework, published on 19th December 2023, sets out in Paragraph 76 that (for applications made on or after the date of publication of this version of the Framework) local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- their adopted plan is less than five years old; and
- that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

The adopted Local Plan meets these criteria.

Notwithstanding this updated provision, the Council will continue to demonstrate an updated supply of specific deliverable sites within its Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in November 2023, and demonstrates a 6.44-year supply of deliverable housing sites against the annual requirement of 550 dwellings per annum set out within the adopted Local Plan, plus a 5% buffer to ensure choice and competition in the market. (The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>)

On 19th December 2023 the Government published the Housing Delivery Test (HDT) 2022 measurement. Against a requirement for 1,420 homes for 2019-2022, the total number of homes delivered was 2,207. The Council's HDT 2022 measurement was therefore 155%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

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

National:

National Planning Policy Framework 2023 (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
- HP5 Open Space, Sports & Recreation Facilities
- DI1 Infrastructure Delivery and Impact Mitigation
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- PP5 Town Centre Uses
- PPL5 Water Conservation, Drainage and Sewerage
- PPL10 Renewable Energy Generation
- CP1 Sustainable Transport and Accessibility

Local Planning Guidance:

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

7. Officer Appraisal

Site Description

The application site is London House, 41 Kingsway which is along the north-eastern section of Kingsway, within the parish of Dovercourt. The building in question is two storeys, with the western

section that fronts Kingsway in operation as a Hair and Beauty Salon, and the remainder of the site formerly in use by Ellisons Solicitors with ancillary office use above. However, this appears to have closed some time ago, and the building is currently unoccupied.

The wider character is heavily urbanised, with the main hub of the Dovercourt Town Centre some 100 metres to the north. The site lies within the Settlement Development Boundary for Dovercourt within the adopted Local Plan 2013-2033 and is also on the edge of (but within) a Primary Shopping Area.

Description of Proposal

This application seeks planning permission for the conversion of the first floor from its existing use as ancillary office space in relation to the commercial use at ground floor level, into two flats, each of which are to be served by two bedrooms.

The ground floor shall remain within its existing commercial use.

The initial plans also included the ground floor being converted into a dwelling, thereby equating to a total of three new dwellings. However, following concerns raised by Officers that there would be harm in the loss of a ground floor commercial use within a Primary Shopping Area, the plans have since been amended to retain the existing commercial use at ground floor level. In addition, concerns were also raised by Officers pertaining to the impacts to neighbouring amenities, and as such amended drawings have been provided to show a privacy screen along the first floor terrace area, that measures 1.8 metres height except for a section along the eastern boundary, which will instead measure 1.1 metres height. Amended plans also now show the infill of the first floor rear elevation in order to expand the size of Bedroom 2 of the first floor dwelling.

Assessment

1. Principle of development

The application site falls within the settlement development boundary for Dovercourt within the Adopted Local Plan. Adopted Policy SPL2 states that within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local plan policies.

As such the principle of residential development on the site is acceptable subject to the detailed considerations relevant to this proposal which are set out below.

2. Loss of Employment Use

Adopted Local Plan Policy PP5 (Town Centre Uses) states that within the 'Primary Shopping Area', the use of ground floor shop units will be restricted to uses within Use Class E (commercial, business and service uses). Applications for residential development will be supported on upper floors above shop units where they provide an adequate level of parking and amenity space that takes into account access to shops, services and facilities, public transport provision and proximity to public open space.

The application site falls on the edge of the Primary Shopping Area for Dovercourt, and within the initially submitted plans the proposal was to result in the loss of a main town centre use as defined by the NPPF. Officers, in discussions with the agent for the application, confirmed that they could not support this loss unless it had been sufficient demonstrated through a sustained marketing campaign that the use was no longer a viable option. In response, amended plans have been provided to purely convert the first floor into residential use, with the ground floor to remain within an office use. This therefore adheres with both the NPPF and Policy PP5 and no objections are therefore raised in this regard.

3. Visual Impacts

Paragraph 135 of the National Planning Policy Framework (NPPF) (2023) 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.

Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings, create a unique sense of place.

Adopted Policy LP4 states the design and layout of new residential developments is expected to provide for amenity space of a size and configuration that meets the needs and expectations of residents, and which is commensurate to the size of the dwelling and character of the area.

The application is largely a conversion only, but to facilitate this there are some minor external alterations, including the removal of the existing external stairwell, revisions to the fenestration along the rear elevation, and the addition of 1.1 and 1.8m metre high balustrade to facilitate a terrace area. These changes are minor in nature and would be anticipated for such a conversion, and accordingly no objections are raised in this regard.

With respect to private amenity space provision, Policy LP4 states new development is expected to *"provide for 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."* On this occasion, the proposal includes a flat roof terrace measuring 37sqm for one of the flats, with no provision for the ground floor flat. However, whilst this lack of amenity space is acknowledged, Officers equally appreciate that the site is also within close proximity and good walking distance to a host of amenity areas including the beach, and therefore do not raise an objection on this basis.

4. Functional Layout

Paragraph 135(f) of the NPPF states that planning decisions should ensure that developments create places that are safe with a high standard of amenity for existing and future users.

Adopted Policy SPL3 (Part B)(f) seeks to ensure that provision is made for adequate private amenity space, waste storage and recycling facilities, vehicle and cycle parking.

The plans demonstrate that one dwelling has a small amenity area, with one flat having no amenity space. There is also a ground floor bike and equipment store, which would comfortably provide sufficient space for waste/recycling provision as well as cycling provision. Despite the shortfall in amenity space for one dwelling, Officers are content the site is within close proximity and good walking distance to a host of amenity areas including the beach, and therefore do not consider it reasonable to object on this basis.

Policy LP3(b) states new residential development must comply with the government's latest 'Technical housing standards - nationally described space standard', which for a two bedroom property on a single storey requires the dwelling to be a minimum of 61 square metres. This is comfortably achieved for both properties.

5. Impact to Neighbouring Amenities

Paragraph 135 of the National Planning Policy Framework (2023) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy SP7 of Section 1 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.

Whilst the site is located within a heavily urbanised location, there is relatively sufficient separation distances to the nearest properties located to the north-east and south-east. Given this, and that the external alterations proposed are minimal in nature, Officers do not consider the proposal will appear significantly imposing/oppressive, nor result in a loss of daylight/sunlight. Equally, whilst there would be some views from the proposed terrace to the rear garden areas, this would only be to a minimal extent following amended drawings provided to show a 1.8 metre high privacy screen (reduced to 1.1 metres facing east). In addition, the remainder of this section of the terrace will include store areas, again ensuring no potential for overlooking. The proposed residential use is likely to be an increase in activity in comparison to the existing ancillary office use, however this would not be to such an extent that it would generate significant noise or privacy disturbances, particularly in this town centre location.

In addition, it is noted that the garden area for 37a Kingsway is adjacent to the rear of the property. However, there are no significant alterations to the rear elevation, although following amendments there is a small infill extension to extend the size of Bedroom 2. However, whilst this infill does move the rear window closer to the neighbouring amenity area, it is noted that the window will be obscure glazed and therefore no overlooking would occur. In addition, weight is also given to the fact this is an existing window (albeit slightly set in and serving an office use less likely to generate overlooking concerns). Furthermore, amended plans have been provided to include a privacy screen from the roof terrace. As such officers are content that the impact to neighbouring amenities is of a low level and not sufficient to justify recommending a reason for refusal.

The Council's Environmental Protection team, upon consultation, have confirmed that given the proposal would see additional residential units above existing commercial properties they would suggest further information be provided to evidence the predicted noise levels within the residential units, to ensure it would conform with the '*indoor ambient noise levels for dwellings guideline values*' specified within BS8233:2014 - '*Guidance on sound insulation and noise reduction for buildings*'. However, on this occasion Officers acknowledge that the surrounding area is of a mixed use of residential and commercial properties, and any future occupants would be fully aware of the surrounding uses prior to occupying. Given this, while the comments are noted, on balance it is not considered reasonable or necessary to request this information be provided.

6. Highway Safety

Paragraph 114 of the National Planning Policy Framework (2023) seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 115 highlights that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people.

Essex Highways Authority have been consulted, and have confirmed that they have no objections subject to a condition relating to the submission of a Residential Travel Information Pack.

Furthermore, the Essex Parking Standards (2009) require that for dwellings with two bedrooms, a minimum of two parking spaces are required. Parking spaces should measure 5.5m x 2.9m and garages, if being relied on to provide a parking space, should measure 7m x 3m internally. The submitted plans show land to the south-east of the site that is allocated for parking for both the commercial uses as well as the flats. A total of 10 spaces are provided, and Officers are content

this adheres with the Parking Standards. Furthermore, the site is within a highly sustainable location in close proximity to the Dovercourt Town Centre, which includes a range of services, and therefore had there been a slight shortage in parking provision it is likely that on balance it would have been deemed acceptable.

7. Drainage

Paragraph 174 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 185 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.

Policy PPL5 of Section 2 of the adopted Local Plan states that all new development must make adequate provision for drainage and sewerage. Private sewage treatment facilities will not be permitted if there is an accessible public foul sewer. Where private sewage treatment facilities are the only practical option for sewage disposal, they will only be permitted where there would be no harm to the environment, having regard to preventing pollution of groundwater and any watercourses and odour.

The agent for the application has confirmed on the application form that the development would be connected to the existing public foul sewer. This is in accordance with the above policy requirements and is therefore considered to be acceptable in the event of an approval.

8. Financial Contributions - Open Space and RAMS

(i) Open Space

Paragraph 55 of the National Planning Policy Framework (2023) states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 57 of the NPPF states planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly relate to the development and fairly and reasonably relate in scale and kind to the development.

Section 2 Policy HP5 states that the Council will work with partners and sports providers across the district to maintain, expand and improve the quality and accessibility of public open space, sports and recreational facilities of different types and will aim to achieve and exceed standards set out in the Council's 2017 Open Spaces Strategy or any future update. Financial contributions will also be sought through s106 legal agreements (or an appropriate alternative mechanism) towards ongoing maintenance.

In line with the requirements of Section 2 Policy HP5 the Council's Open Space Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution toward public open or play space. The outcome of the consultation is that there is a deficit of 12.67 hectares of equipped play in the Harwich and Dovercourt area, however no contribution is being requested on this occasion.

(ii) Habitat Regulations Assessment

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

The application scheme proposes a residential use on a site that lies within the Zone of Influence (Zol) but is approximately 350 metres from Stour and Orwell Estuaries RAMSAR and SPA. New housing development within the Zol would be likely to increase the number of recreational visitors

to these sites and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A planning condition is recommended to secure this via a future legal obligation. This will ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

9. Renewable Energy

Paragraph 112 of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.

Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.

The proposal includes for a development that has the potential to incorporate renewable energy features. There are no details that accompany the planning application that demonstrate the water, energy and resource efficiency measures that the scheme will incorporate, and a condition requesting details of this is recommended.

10. Ecology and Biodiversity

Paragraph 186 of the NPPF states that, when making planning decisions local planning authorities need to assess whether significant harm to biodiversity could result from the development. The NPPF goes on to state the hierarchy that should be applied to mitigate any harm to ecology that is identified. Paragraph 180 of the NPPF requires that Local Planning Authorities contribute to and enhance sites of biodiversity or geological value. TDLP Policy PPL4 states that proposals for new development should be supported by appropriate ecological assessments and, where relevant, provide appropriate mitigation and biodiversity enhancements to ensure a net gain.

This report addresses the distinct legal requirements, ensuring a comprehensive analysis of the ecology and biodiversity impacts of the proposal in line with regulatory standards.

General duty on all authorities

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. The proposal is largely for the conversion of an existing building, with minor external alterations in the form of revised fenestration to the rear elevation, inclusion of a balustrade and removal of the existing external stairwell. On this occasion it is not considered necessary or reasonable to include a condition to secure soft landscaping details, however an informative recommending the applicant is strongly encouraged to improve the biodiversity of the site through appropriate additional planting and wildlife friendly features is included.

Therefore, the development on balance and with consideration of the impact of the development and baseline situation on site, does conserve and enhance biodiversity interests.

Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals. The application was submitted prior to the introduction of this requirement and is not therefore applicable for Biodiversity Net Gain.

Protected Species

In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species. The proposal includes only minor external alterations. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

Conclusion

In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

Other Considerations

Harwich Town Council make no objection to the application.

There has been one letter of objection and one letter of observation received, with the following concerns:

1. Impact to neighbouring amenities through overlooking;
2. Loss of commercial floorspace within a Primary Shopping Area;
3. Loss of trees;
4. Out of character with the area; and
5. Excessive parking provision.

In answer to this, points 1, 2, 4 and 5 are addressed within the main body of the report, while in response to point 3 Officers are not aware that the proposal would result in the loss of any trees, and therefore cannot give this due consideration in the determination of the application.

Conclusion

The application site falls within the Settlement Development Boundary for Dovercourt in the adopted Local Plan, and the principle of new residential development is therefore acceptable. In addition, following the submission of amended plans the ground floor is to retain a commercial use and therefore accords with Policy PP5, while Essex Highways Authority have raised no objections.

In addition, Officers consider that the external alterations will not be harmful to the character of the area, and there is also not considered to be significant harm to the amenities of neighbouring properties. There is also sufficient parking and amenity space provision.

Taking the above into consideration, Officers are content that overall, the proposal accords with local and national planning policies, and the application is therefore recommended for approval.

8. Recommendation

Approval.

9. Conditions

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Drawing Numbers 42-2023-05PB, 42-2023-06PB, 42-2023-07PB, 42-2023-08PB, 42-2023-09PB, 42-2023-10P, and the untitled Site Location Plan received dated 20th February 2024.

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar,

will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

3 FURTHER APPROVAL: MITIGATION TO BE AGREED, RAMS

CONDITION: The hereby approved development shall not be first occupied/used until detailed proposals addressing the mitigation of the development's impact on protected Essex Habitats Sites have been submitted to and received written approval from the Local Planning Authority. Such proposals must provide for mitigation in accordance with the joint Habitats Regulations Assessment Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) or demonstrate mitigation measures of an equivalent effectiveness.

These proposals may require on site or off site mitigation, but in either case must include evidence of the completion of a necessary legal agreement to secure the proposed mitigation and/or contribution towards mitigation. Please note a legal agreement will include legal fees and may require obligations to secure monitoring and associated fees. For any on site mitigation proposals approved, it shall be carried out in full and thereafter shall be maintained as approved.

REASON: In order to safeguard protected wildlife species and their habitats in accordance with the NPPF and Habitats Regulations. Failure to achieve satisfactory mitigation would result in harm by new residents due to the development's impact on protected sites.

NOTE/S FOR CONDITION:

This condition establishes the necessity to ensure the implementation of appropriate mitigation measures due to the impact of the approved development. Such mitigation may be required on-site, off-site, or a combination of both.

Typically, a contribution towards visitor management measures at the protected Habitats Site(s) is the preferred and simplest approach to fulfil the requirements of this condition. To fulfil this requirement, you can contribute funds towards a range of mitigation projects in the protected areas. It is essential to secure this provision through a legal agreement between the Council, Developer/Applicant, and site owners before occupation. If this is the approach to fulfilling this condition you wish to take, you are strongly advised to finalise the legal agreement with the Council before submitting any request to discharge this condition. Failure to conclude the agreement within the discharge of condition application timeframe may lead to the refusal to discharge the condition.

4 CONDITION: No development shall commence above slab level until a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include as a minimum:-

- An electric car charging point per dwelling;
- Agreement of a scheme for water conservation including greywater recycling and rainwater capture/re-use for new dwellings;
- Agreement of a scheme to achieve as far as possible a water consumption rate of not more than 110 litres, per person, per day;
- Agreement of heating of each dwelling/building;
- Agreement of scheme for waste reduction; and
- Provision of a fibre optic broadband connection to the best possible speed installed on an open access basis and directly accessed from the nearest exchange, incorporating the use of resistant tubing. (If the applicant is unable to achieve this standard of connection, and can evidence through consultation that this would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 30mbps) wireless service will be considered.)

The scheme shall be fully implemented prior to the first occupancy of the development unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be constructed and the measures provided and made available for use as may be agreed and thereafter shall be maintained.

REASON: To enhance the sustainability of the development through reduce need, better use or savings in the use of water, energy and resources; reduce harm to the environment; and result in wider public benefit in accordance with the NPPF.

NOTE/S FOR CONDITION:

Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

The greatest threat to our planet is the belief that someone else will save it and also forgetting that small acts, when multiplied by millions of people, can transform the world. Developments will provide buildings/homes to thousands/millions of people over their lifetime. A well designed sustainable development in the beginning will restrict the contribution each person makes to that threat and help enable them to transform the world.

- 5 CONDITION: Prior to first occupation of each dwelling, a Residential Travel Information Pack (travel pack) shall be provided to each dwelling for use of its first occupiers. The travel pack shall be agreed, in writing, by the Local planning authority prior to provision and shall include a minimum of six one day travel vouchers for use with a local transport operator.

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

- 6 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. This shall include routing of all traffic and any directional signs to be installed and where.
 - d) Details of any protection measures for footpaths and trees surrounding the site.
 - e) Details of any means of access to the site during construction.
 - f) Details of the scheduled timing/phasing of development for the overall construction period.
 - g) 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.
 - h) Details of the siting of any on site compounds and portaloos.
 - i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
 - j) Site waste management plan (that shall include reuse and recycling of materials)
 - k) Scheme for sustainable construction management to ensure effective water and energy use.
 - l) Scheme of review of complaints from neighbours.
 - m) Registration and details of a Considerate Constructors Scheme

- n) 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.

- 7 **CONDITION:** The hereby approved development shall not be first occupied until such time as the areas for purposes of manoeuvring and parking of vehicles has been provided and made functionally available. The area 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.

- 8 **CONDITION:** Prior to occupation of the hereby approved development, the privacy screening to the first floor as detailed within Drawing Numbers 42-2023-06PB and 42-2023-08PB shall be erected and retained in this form thereafter.

REASON: In the interest of protecting the amenities of neighbouring properties.

- 9 **CONDITION:** Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the window to the first floor side elevation window as detailed within Drawing Numbers 42-2023-06PB and 42-2023-08PB, shall have restrictive opening and shall be glazed in obscured glass (as annotated on the drawing no's. outlined above) before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form. The obscured glass shall be designed as equal or higher than Pilkington Textured Glass Level 5 Standard as published January 2010 (as amended).

REASON: To protect the privacy and amenities of the occupiers of neighbouring property.

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.

Biodiversity Informative:

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include:

<https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

Highways Informatives:

i. 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

ii. 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.

iii. 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.

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