

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		AP	10/9/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		ML	11/09/2024
Assistant Planner final checks and despatch:		ER	12/09/2024

Application: 24/00703/VOC **Town / Parish:** Harwich Town Council

Applicant: Mr Gary Jordan - Earlwood Ltd

Address: Land By The Railway Line Near Ferndale Road Harwich

Development: Application under Section 73 of the Town and Country Planning Act for Variation of Condition 2 (Approved Drawings) of application 11/00301/FUL to allow for layout/design changes.

1. Town / Parish Council

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

2. Consultation Responses

Essex County Council Heritage
17.07.2024

Built Heritage Advice pertaining to an application under Section 73 of the Town and Country Planning Act for the variation of Condition 2 (Approved Drawings) of application 11/00301/FUL that permitted the development described as the "Erection of 13 dwelling houses, associated car parking, soft landscaping and construction of new vehicular access.". The variation seeks layout/design changes.

The site includes undeveloped land that forms part of the Harwich Conservation Area and is situated to the south of the Harwich Station. Harwich Station is built with gault brick, it considered to be a non-designated heritage asset, and a key un-listed building of townscape merit that acts as a gateway into the Conservation Area. The station forecourt also hosts a grade II listed public water fountain (List Entry Number: 1187931), and The Harwich Hut Station is an un-listed building of positive contribution.

The remainder of the site includes land that is in the setting of the Conservation Area. It is bordered by the railway track to the west where on approach of the station, the grade II* listed High Lighthouse (List Entry Number: 1280598) that is in the Conservation Area can be viewed across the site. To the west of the site there is an attractive red brick terrace of three-storey Victorian merchant houses, and the two-storey terraced dwellings of Station Road that have most of their brickwork rendered.

Having considered the prevailing character of the area I am unable to support the proposed variation.

The heritage concern relates to the diminishment of the architectural quality of the design of the development that would result by the changes that are proposed by this application to the external materials, fenestration, and roofscape of the new buildings, and to the estate landscaping.

Particularly, the following changes are opposed:

- The change from timber framed windows and doors to uPVC, an inappropriate material specification for use upon development both within and in the setting of the Conservation Area.
- The enlargement of the box dormers, that appear to be overly bulky upon the roof slopes they occupy and will detract from the architectural interest of the surrounding historic roofscapes.
- The change of dormers for large non-conservation style rooflights upon units 8-10.
- The change of flush mounted rooflights to those that project above the ridgeline of units 8-10.
- The loss of traditional architectural detailing such as exposed rafter tails and quoining.
- The reduced mix of external materials to red brickwork and plain render without timber cladding, which will reduce the vertical emphasis upon the continuous and well-proportioned facades that were visually broken up by the differing material finishes. That were applied to the sides of the buildings and is important given that the buildings have a side-on aspect to the Conservation Area.
- The change of use of the estate's amenity land between Station Road and MacDonough Cottages to enlarge the garden of plot 10, which reduces the soft transition to the Conservation Area.

The application justifies the need for the changes sought to be updates to building regulations since the development was approved, but the changes have diminished the quality of the design outcome.

Consequently, it is considered that the variation would cause less than substantial harm to the significance of the Conservation Area, and the setting of non-designated heritage asset Harwich Station. With regard to the NPPF this less than substantial harm should be considered under the paragraphs 200, 208 and 209.

It should be considered that the proposal is not in accordance with the expectations of paragraph 203 c), and that the changes would diminish the quality of the development contrary to paragraph 140.

Furthermore, the proposal fails to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and should not be considered favourably in consideration of the NPPF paragraph 212.

ECC Highways Dept
02.07.2024

The information provided with the application has been assessed by the Highway Authority and conclusions reached from a desktop study based on the submitted material and google maps. No site visit was undertaken in conjunction with this planning application. It is noted that this application concerns variation of condition 2 (Approved Drawings) of original application 11/00301/FUL that was previously acceptable to the Highway Authority. The amended

proposals incorporate minor changes due to the time lapse between commencing the building on site and today means there are building regulation and design changes which need to be taken into consideration, plus internal layout changes to improve functionality, along with changes to the local area, 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. Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of each vehicular access for Plots 1 and 2, plus the new vehicular access with Ferndale Road. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.

2. Prior to occupation of the development, the proposed private drive shall be provided and constructed in principle with the details shown on drawing no. 6933-1112-P1 and shall be provided with an appropriate drop kerb vehicular crossing of the footway with Ferndale Road to the specifications of the Highway Authority.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

3. Prior to occupation of the development, the proposed vehicular access to Plot 1 shall be provided and constructed in principle with the details shown on drawing no. 6933-1112-P1 and shall be provided with an appropriate dropped kerb vehicular crossing of the footway to the specifications of the Highway Authority.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

4. As indicated on drawing no. 6933-1112-P1 and prior to occupation of the development a minimum size 3 vehicular turning facility, shall be constructed, surfaced, and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

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

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

6. Each vehicular parallel parking space shall have minimum dimensions of 2.9 metres x 6.0 metres and any other parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

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

7. 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.

8. 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, (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.

9. Prior to occupation of the proposed development, the proposed footway from the development and across the site frontage of units 8 -10 to Station Road shall be constructed to a minimum width of 1.8 metres, while the footway across the entire site frontage with Ferndale Road shall be a maximum width of 2-metres.

Reason: To make adequate provision for the additional pedestrian traffic generated as a result of the proposed development in the interest of highway safety in accordance with policies DM1 and DM9.

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

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

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

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

Informative:

- i) All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The

Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

ii) 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

iii) No windows, doors or other projections should extend over public areas such as footways or cycleways.

iv) 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.

v) As indicated with previous planning application 11/00301/FUL, the applicant should be advised that due to the site constraints and in-turn deficiencies in the layout/ design which have been previously advised, the Highway Authority is unlikely to adopt this layout into the highway network and adequate and appropriate provision should be made for the future maintenance and upkeep of the site.

vi) 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.

vii) 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.

3. Planning History

91/00740/OUT

Residential development.

Approved

07.01.1992

11/00301/FUL	Erection of 13 dwelling houses, associated car parking, soft landscaping and construction of new vehicular access.	Approved	12.11.2012
16/01877/DISCON	Discharge of Condition 6 (Construction Method Statement), 7 (Surface Water Drainage Strategy), 11 (Materials), 13 (Landscaping Works), 15 (Fences/Screen Walls), 17 (Foul Water Drainage), 18 (Contamination), 21 (Flood Evacuation Plan), 22 (Structural Design Measures), 24 (Reptile Mitigation Strategy) and 26 (Bicycle Storage) of Planning Permission 11/00301/FUL.	Approved	10.05.2017
24/00703/VOC	Application under Section 73 of the Town and Country Planning Act for Variation of Condition 2 (Approved Drawings) of application 11/00301/FUL to allow for layout/design changes.	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 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 July 2024, and demonstrates a 6.26-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 December 2023 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

Local:

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

SP1 Presumption in Favour of Sustainable Development

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

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PP14 Priority Areas for Regeneration

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL8 Conservation Areas

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

[Essex Design Guide](#)

[Technical housing standards](#): nationally described space standard Published 27 March 2015

Biodiversity Net Gain Supplementary Planning Document June 2023 (DRAFT)

Harwich Conservation Area Character Appraisal and Management Plan November 2023

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

7. Officer Appraisal

Site Description

The application site lies to the south of Harwich Railway Station and east of the railway line. The site runs north/south parallel to the railway line. Terraced housing bounds the site in Station Road and Ferndale Road with business premises behind properties in Main Road on the eastern edge of the site. The application site was formerly railway sidings and allotments. Clearing and ground works have started on site following the grant of planning permission and discharge of conditions.

The site falls within the Settlement Development Boundary of Harwich, Dovercourt, Parkeston and Little Oakley, as defined in the adopted Tendring District Local Plan 2013-2033 and Beyond, Section 2.

The northern part of the site lies within the Harwich Conservation Area. The whole of the application site lies within flood zones 2 and 3 and is designated as a priority area for regeneration.

History

Planning permission (11/00301/FUL) was granted on 12 November 2012 for the development of the site for the erection of 13 dwelling houses, associated car parking, soft landscaping and construction of a new vehicular access. Further to this, a discharge of condition application (16/01877/DISCON) was approved on 10 May 2017.

Proposal

This application seeks planning permission for a variation of condition 2 (Approved Plans) of planning permission 11/00301/FUL. The changes proposed are detailed as follows:

- Garden layout changes to plots 11, 12 and 13
- Changes to the layout of parking spaces
- Garden layout changes to plots 9 and 10
- Removal of front elevation inset second floor balconies from plots 8 – 10
- Removal of second floor south facing dormer from plot 8 and replace with one conservation rooflight
- Removal of two second floor north facing dormers from plot 10 and replace with one conservation rooflight
- Increase the size of the flush flat rooflights on plots 8 – 10
- Add two further conservation roof lights on the middle roof slopes of plots 8 – 10
- Plots 1 – 10 external material changes to red brick, white render, grey cement board cladding, vanilla cement board cladding, white UPVC framed windows and composite front door
- Plots 1 – 13 removal Juliet balconies
- Plots 1 – 7 increased sizes of dormers
- Plots 11 – 13 increased sizes of dormers on the north and south side elevations
- Plots 11 – 13 remove one dormer from the eastern rear roof slope and increase the size of remaining two dormers
- Plots 11 and 13 inset second floor balconies removed
- Plots 11 – 13 external material changes to red brick, white render, horizontal stained timber boarding, white painted timber framed windows and timber front doors.
- Where rooflights are proposed they will be conservation rooflights

Assessment

The main considerations of this application will be the visual impact, heritage impact, biodiversity net gain, parking provision and the impact on residential amenities.

Design, Appearance and Heritage

As a result of the proposed changes some detailing and features which enhanced the quality of the approved dwellings has been lost with consideration given to the location and its immediate setting. Place Services were consulted on the originally submitted plans with this application, they

did not support the proposal variation and they provided detailed feedback consequently most of their concerns have been addressed.

It is acknowledged that the northern part of the site is within the conservation area and this area also accommodates plots 11 to 13. These proposed dwellings now apply the use of traditional materials which is considered to preserve the conservation area here. More modern external materials will be used on plots 1 to 10 as although they are located within the setting of the conservation area, they use materials that provide longevity and are evident in the immediate locality in neighbouring streets. Alternative detailing and mix of materials to that originally proposed has been secured to maintain the vertical emphasis upon the continuous and well-proportioned facades that were originally approved which is considered acceptable.

One of the most visible changes is the increase in size of the roof dormers. It is recognised however that four roof dormers have been removed from the development. Justification has been put forward for the increase in size of the dormers due to the need to achieve an appropriate U Value rating to meet building regulations partly determined by insulation in the dormers. Accordingly, the proposal has reduced the thickness of the dormer sides as much as possible by utilising a rigid insulation solution. On balance, taking into account to removal of four dormers and the aim to reduce the bulk of the dormers as much as possible the changes to the dormers are considered acceptable.

The change of use of the amenity land between Station Road and MacDonough Cottages to enlarge the garden of plot 10 means that part of this area will now be enclosed and the landscaping for this part of the site approved under 16/01877/DISCON is no longer applicable. A condition for a new landscape plan and boundary treatment details for this part of the site only will be imposed on the grant of planning permission to secure the appropriate treatment of this particular area.

Overall, given the nature of the proposed changes there is not considered to be any adverse impacts to visual amenity and the proposal preserves the character, appearance and setting of the conservation area.

Impact on residential amenities

Some minor changes to the layout of gardens is proposed however this will not have an adverse impact as all proposed private amenity space will be a sufficient size and usable.

The changes of dormers to rooflights, increase in size of the dormers, removal of second floor balconies and removal of Juliet balconies will not have a significant impact in terms of residential amenity.

Parking and Highway Safety

Changes to the parking layout retains the same number of off road parking spaces as originally proposed. The Highway Authority were consulted and they do not object to the proposal subject to conditions which will be reimposed on a new grant of planning permission.

Biodiversity net gain

This application to vary condition 2 of the planning permission under section 73 was made on 13 May 2024, which is after 12 February 2024 (the commencement of the statutory framework for biodiversity net gain) however this application is not in scope as the original permission (to which the section 73 application relates) was granted before this date. This proposal is not therefore applicable for Biodiversity Net Gain.

Other Considerations

Ecology, biodiversity and protected species were considered in the original planning application and do not need to be revisited here as appropriate conditions exist to manage these areas.

No Section 106 legal agreement was completed as part of the original permission (partly due to viability matters), so there is no requirement to enter into a legal agreement as part of this application.

Harwich Town Council makes no objections to this application.

Two letters of objection have been received which raise the following concerns:

1. Removal of fence from 9 McDonough Cottages
2. No need for works in the space between McDonough Cottages and Station Road
3. Ugly fence blocks sunlight from garden
4. Properties overlook garden and loss of privacy
5. The properties block sunlight
6. Footpath coming out onto Station Road will reduce on street parking for residents
7. Building behind the Ark Centre Nursery not appropriate
8. Pile driving shaking the houses

Officer comments:

Points 1 and 3 – It is likely that Heras fencing and/or hoarding is being erected to secure the site however any concerns should be directed to the site manager or applicant of this planning application.

Point 2 – The site area between McDonough Cottages and Station Road has been reduced in size to accommodate the existing use and car parking.

Points 4, 5 and 7 – These matters will have been a consideration during the assessment of the original planning application. The changes proposed in this application do not materially change the position as approved in terms of loss of light or loss of privacy.

Point 6 – Access to the footpath should be kept clear for users of the path however it should not prevent on road car parking subject to any parking restrictions in force.

Point 8 – It is acknowledged that some foundations would require piling as noted within the Construction Method Statement approved under 16/01877/DISCON however most of the foundations for the development are of a traditional build.

There are no other impacts in comparison to the previously approved scheme.

Conclusion

In the absence of any material harm as a result of the development, this application is recommended for approval.

8. Recommendation

Approval - Full

9. Conditions

1 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.

11/00301/FUL

Drawing No: G03

24/00703/VOC

DRAWING NUMBER 6933-1112-P3
DRAWING NUMBER 6933-1201-P2
DRAWING NUMBER 6933-1211-P2
DRAWING NUMBER 6933-1221-P2
DRAWING NUMBER 6933-1301-P3
DRAWING NUMBER 6933-1302-P3
DRAWING NUMBER 6933-1311-P3
DRAWING NUMBER 6933-1321-P3
Materials Samples 6933-August 2024-rev A

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.

2 COMPLIANCE REQUIRED: NEW VEHICULAR ACCESS

CONDITION: Prior to the occupation of any of the proposed dwellings, the proposed vehicular access shall be provided and constructed in precise accordance with the details shown on the amended DRAWING NUMBER 6933-1112-P3 and shall be provided with an appropriate dropped kerb vehicular crossing of the footway on Ferndale Road to the specifications of the Highway Authority.

REASON: To ensure that all vehicles using the vehicular access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety.

3 ACCESS MATERIAL

CONDITION: The access/s hereby approved shall have a bound material surface and shall be laid out for a minimum distance of 6 metres from the edge of the carriageway prior to first use. The bound material as implemented shall then be retained thereafter.

REASON: In the interests of highway safety to prevent hazards caused by loose materials on the highway.

4 ACTION REQUIRED: PROVISION OF ACCESS

CONDITION: Prior to first occupation of the development, a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the hereby permitted vehicular access to the site from Ferndale Road and on both sides of the vehicular accesses of Plots 1 and 2. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

REASON: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety

5 COMPLIANCE REQUIRED: CONSTRUCTION METHOD STATEMENT

CONDITION: The Construction Method Statement approved under 16/01877/DISCON on 10 May 2017 shall be implemented and adhered to throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of public amenity and highway safety.

6 COMPLIANCE REQUIRED: SURFACE WATER DRAINAGE STRATEGY

CONDITION: Drawing numbers 1151-1009-CIV-10 Revision A, 1151-1009-CIV-30 Revision A, 1151-1009-CIV-40 Revision A, 1151-1009-CIV-50 Revision A, 1151-1009-SA1, 1151-1009-SA2 and 1151-1009-SA3 approved under 16/01877/DISCON on 10 May 2017 shall be implemented and adhered to throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from surface water flooding.

7 ONGOING REQUIREMENT: HIGHWAYS RETENTION OF GARAGE/PARKING SPACES

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2 of the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out in such a position as to prevent vehicular access and use of land shown on the approved plans as garage and parking spaces for vehicle use only.

REASON: In the interests of highway safety and to ensure adequate vehicular access to and use of parking and turning provision within the site is provided and maintained.

8 COMPLIANCE REQUIRED: FLOOD RISK

CONDITION: The development hereby permitted shall only be carried out in accordance with the Flood Risk Assessment (FRA) (as amended) submitted under application reference 11/00301/FUL and the following mitigation measures detailed within the FRA:

- For units 1-7 & 11-13 finished first floor levels that are set no lower than 5.58m above Ordnance Datum (AOD).
- For units 8-10 finished second floor levels that are set no lower than 6.73m above Ordnance Datum (AOD).

REASON: To reduce the impact of flooding on the proposed development and future occupants.

9 HIGHWAYS PROVISION OF PARKING AND TURNING

CONDITION: The hereby approved development shall not be first occupied until such time as the areas for purposes of manoeuvring and parking (including garage spaces as applicable) of vehicles has been provided and made functionally available. Each vehicular parallel parking space shall have minimum dimensions of 2.9 metres x 6.0 metres and any other parking space shall have minimum dimensions of 2.9 metres x 5.5 metres. The internal dimensions of the single garage shall measure 3.0 metres x 7.0 metres. The 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.

10 ACTION REQUIRED: LANDSCAPE MANAGEMENT PLAN

CONDITION: Notwithstanding the Landscape Management Plan approved under 16/01877/DISCON on 10 May 2017 for condition 13 of 11/00301/FUL prior to occupation of the development a landscape management plan, including long term design objectives and management responsibilities for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved, in writing, by the local planning authority. The landscape management plan shall be carried out as approved in accordance with the details and timescales in the plan.

REASON: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

11 COMPLIANCE REQUIRED: HARD AND SOFT LANDSCAPING

CONDITION: The Landscape Management Plan and drawing number 4682.01 approved under 16/01877/DISCON on 10 May 2017 shall be implemented and adhered to, strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development provides a satisfactory setting having regard to its location within and adjacent to a conservation area and in the interest of the visual amenities of the area.

12 APPROVAL REQUIRED: LANDSCAPING SCHEME

CONDITION: Notwithstanding The Landscape Management Plan, drawing number 4682.01 and drawing number 5290-H-008 approved under 16/01877/DISCON on 10 May 2017 no development above slab level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard, soft and boundary treatment landscaping works for Plot 10, which shall include any proposed changes in ground levels.

REASON: In the interests of visual amenity and the character and appearance of the area.

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.

Should the landscape works include any new hedgerow, please consider the following planting for a native hedge. Native hedge: 50% hawthorn, 25% blackthorn (but beware - this can spread into adjacent fields), 15% field maple, 2% holly, 2% wild privet, 2% guelder rose, 2% dog rose, 2% buckthorn.

13 COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED - LANDSCAPING SCHEME

CONDITION: All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development, or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

14 COMPLIANCE REQUIRED: SCREEN WALLS AND FENCES INCLUDING BIN ENCLOSURES

CONDITION: Drawing number 5290-H-008 approved under 16/01877/DISCON on 10 May 2017 shall be implemented and adhered to strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the additional boundary treatment is compatible with the character of the area and in the interests of visual and residential amenity.

15 SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

CONDITION: Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of Article 3, Schedule 2 Part 1 Classes A, B, D, E, F and G of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification) no

enlargement, improvement or other alteration to the dwellings shall be erected or carried out and there shall be no provision of buildings, enclosures, swimming or other pool shall be erected, except in accordance with drawings showing the design and siting of such enlargement, improvement or other alteration to the dwellings, and drawings showing the design and siting of such building(s) and structures which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

REASON- To protect the character of the buildings in the conservation area and its setting and to protect the amenity of nearby residents and the character of the area.

16 COMPLIANCE REQUIRED: FOUL WATER DRAINAGE

CONDITION: Drawing numbers 1151-1009-CIV-10 Revision A, 1151-1009-CIV-30 Revision A, 1151-1009-CIV-40 Revision A, 1151-1009-CIV-50 Revision A, 1151-1009-SA1, 1151-1009-SA2 and 1151-1009-SA3 approved under 16/01877/DISCON on 10 May 2017 shall be implemented and adhered to throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure satisfactory drainage of the site.

17 COMPLIANCE REQUIRED: CONTAMINATION

CONDITION: The Geotech Report approved under 16/01877/DISCON on 10 May 2017 confirms the absence of contamination at the boreholes. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4) below has been complied with in relation to that contamination.

1) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

o human health,

o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

o adjoining land,

o groundwaters and surface waters,

o ecological systems,

o archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be

undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

4) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5) Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed as part of the Remediation Scheme, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18 COMPLIANCE REQUIRED: EMERGENCY FLOOD EVACUATION PLAN

CONDITION: Drawing number 1789/RE/03-17/01 Revision B approved under 16/01877/DISCON on 10 May 2017 shall be implemented and adhered to for the lifetime of the development in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. A copy of the evacuation plan shall be included in the Home Owner Packs which shall be provided to all occupiers of the residential units upon first occupation.

REASON: The site is at risk from flooding and an evacuation plan is essential to safeguard future occupiers of the development.

19 COMPLIANCE REQUIRED: STRUCTURAL DESIGN STRATEGY

CONDITION: The Structural Design Strategy approved under 16/01877/DISCON on 10 May 2017 shall be implemented as approved, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To reduce the impact of flooding on the proposed development on future occupants by ensuring that the new buildings can withstand pressures from flood waters.

20 FURTHER ACTION: EXTERNAL LIGHTING

CONDITION: No external lighting shall be installed until details of the illumination scheme have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.

REASON: In the interests of amenity of nearby residents and to reduce the impact of night time illumination on the character of the area.

21 COMPLIANCE REQUIRED: PROTECTION OF REPTILES

CONDITION: The mitigation measures set out in the Slow Worm Working Method Statement approved under 16/01877/DISCON on 10 May 2017 shall be implemented as set out in the agreed strategy, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To safeguard those protected species identified within the site.

22 COMPLIANCE REQUIRED: CYCLE STORAGE

CONDITION: Drawing number 5290-H-008 approved under 16/01877/DISCON on 10 May 2017 shall be implemented and adhered to strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. The provision of cycle storage shall be provided in accordance with the approved details and shall be maintained free from obstruction at all times for that sole purpose.

Reason: To promote the use of sustainable means of transport

23 COMPLIANCE REQUIRED: TURNING FACILITY

CONDITION: Prior to the occupation of any of the proposed dwellings, the minimum size 3 turning facility shall be constructed, surfaced, and maintained free from obstruction in precise accordance with the details shown on the amended DRAWING NUMBER 6933-1112-P3.

REASON: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

24 RESIDENTIAL TRAVEL INFORMATION PACK

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.

10. **Informatives**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informative

i) All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

ii) 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

iii) No windows, doors or other projections should extend over public areas such as footways or cycleways.

iv) 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.

v) As indicated with previous planning application 11/00301/FUL, the applicant should be advised that due to the site constraints and in-turn deficiencies in the layout/ design which have been previously advised, the Highway Authority is unlikely to adopt this layout into the highway network and adequate and appropriate provision should be made for the future maintenance and upkeep of the site.

vi) 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.

vii) 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.

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

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

