

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		ML	03/10/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		JJJ	04/10/2024
Assistant Planner final checks and despatch:		ER	04/10/2024

**Application:** 24/01062/VOC **Town / Parish:** Harwich Town Council

**Applicant:** Mr M Stace - North Essex Homes Construction Limited

**Address:** Sato UK Ltd Valley Road Dovercourt

**Development:** Application under Section 73 of the Town and Country Planning Act for Variation of Condition 1 (Approved Plans and Documents) of application 22/01920/DETAIL to allow for amendments to suit information provided for road design, drainage details and landscaping.

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

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

### **2. Consultation Responses**

Tree & Landscape Officer  
16.08.2024 The site is currently occupied a redundant factory unit adjacent to a new industrial building constructed to replace the building on the application site.

There are no trees or other significant vegetation in the main body of the land, but the southern and western boundaries of the application site are well populated with established trees and hedging species. This vegetation currently provides a reasonable level of screening.

The southern boundary of the application site backs onto the rear boundaries of the dwellings in Ramsey Road and the western boundary abuts the rear boundaries of properties in Clayton Road. Consequently, the trees are not prominent features in the public realm and their visual amenity value is relatively low. Nevertheless, they perform a moderately valuable screening function.

The demolition of the factory and its replacement with new dwellings will remove a large and unattractive building and replace it with houses and new garden areas that are to be planted with trees, shrubs and hedges as set out in the soft landscaping proposals for the site. The proposed development has the potential to improve the general appearance of the area.

In terms of the impact of the development on existing trees the Tree Protection Plan (TPP) submitted in support of the application shows the retention of all important trees on the southern and western boundaries of the application site. The information is in accordance with BS5837 2012 Trees in relation to design demolition and construction. Recommendations. The details provided relating to tree protection measures are sufficient to ensure that retained trees will be physically protected for the duration of the construction phase of the proposed development.

Regarding soft landscaping the information provided is comprehensive, shows a good level of new tree planting and is sufficient to satisfactorily soften, screen and enhance the appearance of the proposed development.

ECC Highways Dept  
02.10.2024

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. A previous site visit was undertaken in conjunction with an earlier planning application. It is noted that this application concerns variation of condition 1 of original application 22/01920/DETAIL whereby the proposed changes to the layout are generally minimal, with some changes to the off-street parking arrangements, 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 the occupation of any of the proposed development the internal road layout, parking and associated improvements shall be provided in principle and accord with amended drawing numbers:

- PA\_01 Rev. B Proposed site plan
- 2310-865-001D Engineering layout
- 2310-865-SK002A Visibility splay plan

Reason: To ensure that vehicles using the site do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

2. Prior to occupation of the development a 1.5 metre x 1.5 metre clear visibility above a height of 600mm, as measured from and along the boundary, shall be provided on both sides of each vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

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

3. Any proposed boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

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

4. The development of any phase shall not be occupied until such time as a car parking and turning areas has been provided in accord with current Parking Standards. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 & 8.

5. The Cycle parking/storage shall be provided for those dwellings without a garage in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

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

6. 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.

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 and National Planning Policy Framework 2023.

Notes:

- The extent of any proposed retaining wall will need to be checked/ approved by the Structures Team at the technical approval stage.
- Priority for pedestrians and cyclists across internal junctions. (Internal layout subject to a 20mph Zone).
- All highway related details should be agreed with the Highway Authority.
- Prior to any works taking place in the highway the developer should enter into an S278 agreement with the Highway Authority under the Highways Act 1980 or Minor Works Authorisation to regulate the construction of the highway works.

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 by the ECC.

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](mailto:development.management@essexhighways.org)

iii) General Note: the proposed vehicular accesses shall be constructed at right angles to the proposed carriageway and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

iv) General note: areas where there is no footway being provided

adjacent to the carriageway and the intention is for these areas to be adopted a half a metre 'no build zone' will need to be provided and hard surfaced.

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

In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

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.

Environmental Protection  
19.08.2024 With reference to the above VOC application; I can advise the EP Team have no adverse comments to make.

ECC SuDS Consultee No comments

Anglian Water Services  
Ltd  
08.08.2024 We have reviewed the submitted documents with the variation of condition and there are no drainage related documents therefore we are unable to make comments on the above application.

### 3. **Planning History**

15/01549/OUT	Hybrid application consisting of: Full application for a replacement factory on northern component of site (following demolition of existing office). Outline application for up to 38 residential units on southern component of site.	Approved	06.05.2016
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16/00768/DISCON	Discharge of condition 7 (vehicular turning facility) and 8 (discharge of surface water) relating to the full permission and part discharge of condition 22 (materials), 23 (site levels), 24 (surface water drainage), 25 (off site flooding) and 30 (construction method statement) relating to the full and outline permission of the hybrid application approved under reference 15/01549/OUT.	Approved	21.09.2016
16/00790/OUT	Variation of condition 2 of planning permission 15/01549/OUT to vary the design of the factory and reduce the number of car parking spaces provided.	Approved	19.09.2016
16/00791/FUL	New swale and retaining wall.	Approved	11.10.2016
17/00370/OUT	Variation of condition 2 of planning permission 15/01549/OUT to vary the design of the factory and the number of car parking spaces provided.	Approved	16.05.2017
18/02109/OUT	Demolition of existing redundant factory and outline application with all matters reserved with the exception of access for up to 42 residential units.	Refused	17.01.2020
22/01151/DISCON	Discharge of condition 6 (Site investigation of the nature and extent of contamination) of application 18/02109/OUT.	Approved	16.08.2022
22/01587/DISCON	Discharge of condition 8 (Demolition Management Plan and Construction Management Plan) of application 18/02109/OUT (granted on appeal under ref: APP/P1560/W/20/3246908).	Approved	12.10.2022
22/01806/DISCON	Discharge of conditions 6 (site investigation of the nature and extent of contamination) and 17 (Biodiversity Enhancement Strategy) of application 18/02109/OUT (granted on appeal under ref: APP/P1560/W/20/3246908).	Approved	28.11.2022
22/01920/DETAIL	Reserved matters application for the demolition of the existing redundant factory with the erection of 42 residential units on the site, considering details of appearance, landscaping, layout and scale, pursuant to outline application 18/02109/OUT, approved on appeal under APP/P1560/W/20/3246908 and subsequent S73 application 23/00242/VOC.	Approved	03.04.2023

23/00242/VOC	Application under Section 73 of the Town and Country Planning Act, to allow a variation of condition 9 (Arboricultural Impact Assessment) of appeal decision for 18/02109/OUT to align with 22/01920/DETAIL in terms of soft landscaping.	Approved	29.03.2023
24/00367/VOC	Application under Section 73 of the Town and Country Planning Act for Variation of Conditions 1 (Approved Plans and Documents) of application 22/01920/DETAIL to enable/allow changes due to revised drawings.	Refused	06.06.2024
24/01062/VOC	Application under Section 73 of the Town and Country Planning Act for Variation of Condition 1 (Approved Plans and Documents) of application 22/01920/DETAIL to allow for amendments to suit information provided for road design, drainage details and landscaping.	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.

#### **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>

There are no neighbourhood plans relevant to this location.

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

National:  
National Planning Policy Framework December 2023 (NPPF)  
National Planning Practice Guidance (NPPG)

Local:

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

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP5 Affordable and Council Housing

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL10 Renewable Energy Generation

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

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

Tendring Provision of Recreational Open Space for New Development SPD 2008

Essex Design Guide

Technical housing standards: nationally described space standard Published 27 March 2015

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

## **7. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The application site is located on the western side of Valley Road within the settlement of Dovercourt. The site has been cleared but previously accommodated a large redundant factory building occupied by Sato (UK). They have vacated the factory and re-located to a new purpose-built unit directly to the north of the application site.

The site is bordered by residential properties to the south, east and west. Along the southern and western boundaries of the site are areas of trees/vegetation which are predominantly conifers.

### Proposal

This application seeks permission under Section 73 of the Town and Country Planning Act for the variation of conditions 1 (Approved Plans and Documents) of application 22/01920/DETAIL to enable/allow changes due to revised drawings.

The revisions primarily relate to alterations to the design of the dwellings and changes to the layout to re-configure the parking arrangements and landscaping provision.

The applicants have confirmed that all the units are now allocated for affordable housing/housing association and changes proposed are requirement to suit the housing associations requirements.

### Planning History

18/02109/OUT, which was allowed on appeal, granted planning permission for up to 42 dwellings on this site. 22/01920/DETAIL then granted the reserved matters for the development. A subsequent application (Reference - 23/00242/VOC) then varied the original outline approval to ensure the approved landscaping/arboricultural assessment aligns with the approved reserved matters scheme.

Planning permission was refused earlier this year under reference 24/00367/VOC for similar changes to those proposed now as part of this submission. The application was refused for several reasons including concerns regarding the visual impact of the layout changes and the removal of areas of landscaping, highway visibility issues and the lack of information pertaining to the protection of boundary trees and vegetation.

This application has been submitted to overcome these refusal reasons.

### Principle

The principle of residential development of up to 42 dwellings on this site has already been established under the granting of planning permissions 18/02109/OUT (Appeal Reference - APP/P1560/W/20/3246908) and 22/01920/DETAIL.

Matters therefore turn to the merits of the changes proposed, which are assessed below.

### Layout/Design

Paragraph 135 of the 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.

Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context, and to protect the district's landscape and the quality of existing places and their environs. Policy SPL3 and LP4 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 which create a unique sense of place.

As noted above concerns were previously raised in respect of the introduction of large areas of hardstanding for parking purposes with little or no soft landscaping to assist in breaking up and enhancing these areas.

This application now proposes a diverse range of native plant species, including trees, shrubs, and ground covers, to visually enhance the proposal and to create a robust and resilient green infrastructure. In addition, the trees on the southern boundary are now shown to be retained which further enhances the development by providing a vegetated backdrop in views between properties. Furthermore, the hard landscaping scheme now shows a mix of surface finishes including paving, slabs and tarmac to assist in breaking up the more expansive parking areas.

Overall, the proposed layout changes alongside the robust landscaping scheme and the retention of the boundary trees/vegetation are acceptable and would lead to a well-considered attractive development. The slight re-design of the properties to accord with the requirements of the housing association are also considered to be appropriate to the local context. Precise details of the materials to be used in construction will be secured via condition, as this information is not included within the



application details.

### Residential 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.

The changes to the layout would see the units proposed along the southern boundary of the site move slightly further northwards, which would improve the relationship with the existing dwellings to the south along Ramsey Road. The units arranged western boundary largely stay in the same location as previously approved, so the impacts here remain the same.

There would be no windows located in the south facing side elevations of the properties facing south, thereby preserving the existing resident's privacy. The dwellings to the west end of the site still retain sufficient back-to-back distances to those existing properties to the west as to not cause any significant harm to resident's existing levels of privacy.

### Highways

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. Paragraph 115 of the Framework states that Development should only be prevented or refused on highways 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.

ECC Highways previously objected to the changes to the layout on the basis that the proposal led to the creation of a number of substandard shared accesses and, due to the presence of parking bays, restricted visibility from several of the new access points.

To overcome these concerns the layout has been altered as follows;

- The parking bays for plots 38-41 have been shifted slightly to the east to allow for a 2.4m x 25m visibility splay to the oncoming carriageway to the east and as per the private drive to the south;
- A 0.5m no build zone has been shown across the parking bays serving plots 38-42; and
- The parking layby has been reduced to two spaces and the footway has been extended along where the third parking space was previously, adjacent to the speed cushions.

ECC-Highways have reviewed the submitted information and confirm that they have no objections subject to conditions for the following;

- The development being constructed in accordance with the submitted layout and parking plans.
- 1.5m x 1.5m visibility splays being applied to both sides of each vehicular access and retained as such.
- Any proposed boundary planting shall be planted a minimum of 1 metre back from the highway boundary.
- The development of any phase shall not be occupied until such time as a car parking and turning areas has been provided in accord with current Parking Standards.

- As indicated on drawing no. 010, the Cycle parking shall be provided for those dwellings without a garage in accordance with the EPOA Parking Standards.
- 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.

The majority of these conditions are either addressed through the existing outline permission or via the submitted plans. The pedestrian visibility splays condition will be applied as not currently addressed.

### Trees/Landscaping

The previously refused application provided only limited information in relation to the retention of existing trees on, and adjacent to the site. Given the important amenity and screening function these trees provided further details were required in respect of their retention and protection during the construction phase. Consequently, a detailed landscaping scheme has now been submitted alongside details of how the trees along the southern and western perimeters of the site will be protected.

The Council's Tree and Landscape Officer has been consulted, and has stated the following:

The site is currently occupied a redundant factory unit adjacent to a new industrial building constructed to replace the building on the application site.

There are no trees or other significant vegetation in the main body of the land, but the southern and western boundaries of the application site are well populated with established trees and hedging species. This vegetation currently provides a reasonable level of screening.

The southern boundary of the application site backs onto the rear boundaries of the dwellings in Ramsey Road and the western boundary abuts the rear boundaries of properties in Clayton Road. Consequently, the trees are not prominent features in the public realm and their visual amenity value is relatively low. Nevertheless, they perform a moderately valuable screening function.

The demolition of the factory and its replacement with new dwellings will remove a large and unattractive building and replace it with houses and new garden areas that are to be planted with trees, shrubs and hedges as set out in the soft landscaping proposals for the site. The proposed development has the potential to improve the general appearance of the area.

In terms of the impact of the development on existing trees the Tree Protection Plan (TPP) submitted in support of the application shows the retention of all important trees on the southern and western boundaries of the application site. The information is in accordance with BS5837 2012 Trees in relation to design demolition and construction. Recommendations. The details provided relating to tree protection measures are sufficient to ensure that retained trees will be physically protected for the duration of the construction phase of the proposed development.

Regarding soft landscaping the information provided is comprehensive, shows a good level of new tree planting and is sufficient to satisfactorily soften and screen the appearance of the proposed development.

Therefore, subject to the inclusion of conditions to secure the landscaping scheme and tree protection measures, there will not be a detrimental impact upon the existing trees and the proposed landscaping scheme is sufficiently robust to enhance the proposed development. Further details in respect of the landscape/tree maintenance will be secured via condition.

### Outline permission - Legal Agreement

The S106 completed at outline stage secured contributions towards education provision, open space improvements and RAMS. These contributions are to be paid upon commencement of the residential element and remain unchanged by this application. The S106 also secured 2 x 1 bed units and 4 x 2 bed units as affordable housing units, although it is acknowledged now that the intention is to make

all the units available as affordable.

### Other Considerations

Harwich Town Council has no objections to the development.

4 letters of representation have been received. The representations welcome the retention the vegetation present on the southern boundary of the site but query who will be responsible for its maintenance. A condition is included to secure details of a maintenance schedule that will outline the responsibilities and timescales for maintenance to take place. Vegetation/trees outside the red line site would not be covered by this condition. It would be the responsibility of the landowner to maintain these trees and vegetation.

### Conclusion

For the reasons set out above, the scale, layout, appearance and landscaping are considered acceptable. In the absence of any material harm resulting from the detailed development, the application is recommended for approval subject to appropriate conditions.

## **8. Recommendation**

Approval - Reserved Matters/Detailed

## **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.

- OS 2862-24-Doc1 Revision A (Biodiversity Enhancement Plan)
- SK002A (Visibility Splay Plan)
- PA\_01 B (Block Plan)
- 001D (Engineering Plan)
- 5899\_PA\_17-House Type F Proposed Elevations
- 5899\_PA\_18-House Type F Proposed Elevations
- 5899\_PA\_07-House Type B Proposed Elevations
- 5899\_PA\_15-House Type E Proposed Elevations
- 5899\_PA\_12-House Type D Proposed Elevations
- 5899\_PA\_13-House Type D Proposed Elevations
- 5899\_PA\_10-House Type C Proposed Elevations
- 5899\_PA\_04-House Type A Proposed Elevations
- 5899\_PA\_05-House Type A Proposed Elevations
- 5899\_PA\_04-House Type A Proposed Elevations
- 5899\_PA\_05-House Type A Proposed Elevations
- 5899\_PA\_23-House Type H Proposed Elevations
- 5899\_PA\_02-House Type A Proposed Floor Plans
- 5899\_PA\_16-House Type F Proposed Floor Plans
- 5899\_PA\_06-House Type B Proposed Floor Plans
- 5899\_PA\_14-House Type E Proposed Floor Plans
- 5899\_PA\_11- House Type D Proposed Floor Plans
- 5899\_PA\_02-House Type A Proposed Floor Plans

- 5899\_PA\_22-House Type H Proposed Floor Plans
- OS 2862-24.3 Revision B (Hard Landscaping Scheme)
- OS 2862-24.4 Revision B (Hard Landscaping Scheme)
- OS 2862-24.1 B (Soft Landscaping Scheme)
- OS 2862-24.2 B (Soft Landscaping Scheme)
- OS 2862-24.5 B (Biodiversity Enhancement Plan)
- OS 2862-24.6 B (Biodiversity Enhancement Plan)
- OS 2862-24.8 A (Tree Protection Plan)
- OS 2862-24.9 A (Tree Protection Plan)
- 5899\_PA\_03-House Type A Proposed Roof Plan
- 5899\_PA\_09-House Type C Proposed Roof Plan
- 5899\_PA\_19-House Type G Proposed Floor Plans
- 5899\_PA\_20-House Type G Proposed Elevations
- 5899\_PA\_21-House Type G Proposed Elevations
- 5899\_PA\_24-Proposed Site Sections
- 5899\_PA\_25-Proposed Site Sections
- 2310-865 Valley Road Dovercourt - Amended Technical Planning Note (Rec - 18th September 2024)
- 2310-865-015 - Road Long Sections
- 2310-865-020 - UU Road Construction Details
- 2310-865-021 - UU Road Construction Details
- 2310-865-025 - Private Pavement Construction Details
- 2310-865-026 - Private Drainage Construction Details
- 2310-865-027 - Private Drainage Construction Details
- OS 2862-24.7 Revision B Planting Schedule

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.

No development shall take place above slab level until there has been submitted to and approved, in writing, by the Local Planning Authority a landscape management plan for a minimum of 5 years. Both new and existing planting (including SUDs features as applicable) will be required to be included in a long-term management plan.

The landscape management plan shall also include long term design objectives, management responsibilities and maintenance schedules for all landscape areas (including those existing trees and vegetation present on the southern and western boundaries of the site), other than small, privately owned, domestic gardens. The landscape management plan shall be carried out as approved in accordance with the details and timescales in the plan and thereafter retained.

REASON: To support plant establishment and ensure the proper management and maintenance of the approved landscaping in the interests of amenity, functionality and the character and appearance of the area.

### 3 FURTHER APPROVAL: AGREEMENT OF MATERIALS

CONDITION: No development/works shall be commenced above slab level until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

REASON: To secure an orderly and well designed finish 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.

While this condition does not detail in what form the materials sought shall be detailed to the Local Planning Authority, it is suggested that a plan is submitted with the details to show where the materials will be located and the extent of coverage.

### 4 COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED - LANDSCAPING SCHEME

CONDITION: All changes in ground levels, soft/hard landscaping shown on the approved landscaping details (Drawings OS 2862-24.1 B, OS 2862-24.2 B, OS 2862-24.3 B, OS 2862-24.4 B and OS 2862-24.7 Revision B Planting Schedule) 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.

5 FURTHER APPROVAL: DETAILS OF ILLUMINATION

CONDITION: Prior to the erection/installation of any floodlighting or other means of external lighting at the site, details to include position, height, aiming points, lighting levels and a polar luminance diagram shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall be carried out and retained as may be approved. There shall be no other means of external lighting installed and/or operated on/at the site except that approved.

REASON: In the interests of amenity to reduce the impact of night time illumination on the character of the area and in the interests of biodiversity and security.

6 COMPLIANCE – EV CHARGING SCHEME

CONDITION: Each dwelling shall be provided with an electric vehicle charging point in accordance with the details outlined on drawing no. PA\_01 B (Block Plan). The EV charging point shall be provided prior to the first occupation of the dwelling it serves and shall be retained in full working order thereafter.

Reason - In the interests of sustainability and to accord with the requirements of the Framework (2023) which states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

7 SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS NEW OPENINGS

CONDITION: SPECIFIC RESTRICTION ON DEVELOPMENT:

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), no new openings shall be inserted in the south facing side elevations above ground floor level within plots 1, 6, 8,14 and 22 of the hereby approved development except pursuant to the grant of planning permission on an application made in that regard.

REASON: In the interests of the amenities of the occupants of neighbouring properties.

8 ACTION REQUIRED: PROVISION OF ACCESS VISIBILITY SPLAYS

CONDITION: Prior to first occupation of the development, 1.5 metre x 1.5 metre pedestrian visibility splays, as measured from and along the highway boundary, shall be provided on both sides of the hereby permitted vehicular accesses. 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.

9 COMPLIANCE REQUIRED: TREE PROTECTION

CONDITION: For 10 years following from the commencement of development, none of the existing trees on the site as shown on the approved landscaping drawings shall be lopped, topped, felled, have their roots severed or be uprooted without the prior written approval of

the Local Planning Authority. Any trees felled, uprooted, dying or being seriously damaged as a result of actions taken without such prior written approval shall be replaced in the next planting season (October - March inclusive) in the same siting with others of similar size and species.

REASON: To enable existing landscaping to be protected and retained in the interests of visual amenity.

## 10 APPROVAL REQUIRED: LANDSCAPE PROTECTION

CONDITION: No development shall take place until the existing hedges/trees on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping, have been protected by the erection of temporary protective fences of a design, height, size and siting as outlined on approved drawings - OS 2862-24.8 A (Tree Protection Plan) and OS 2862-24.9 A (Tree Protection Plan). The protective fences shall be retained throughout the duration of building and engineering works. Any tree or hedge that dies or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with planting of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be approved, in writing, with the Local Planning Authority up to first use or first occupation of the development, following the death of, or severe damage to the tree/hedgerow.

REASON: For the avoidance of damage to protected hedgerow included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area. This condition is required to be carried out prior to the commencement of any other development to ensure hedge/hedgerows are protected early to ensure avoidance of damage or lost due to the development and/or its construction. If agreement was sought at any later stage there is an unacceptable risk of lost and damage to the tree/hedgerow.

## 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.

## 11. Equality Impact Assessment

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

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

In the present context, it has been carefully evaluated that the recommendation articulated in this

report and the consequent decision are not expected to disproportionately affect any protected characteristic\* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

**12. Notification of Decision**

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>		NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>		NO
<b>Has there been a declaration of interest made on this application?</b>		NO
<b>No Declarations Of Interest Made</b>		