



PLANNING COMMITTEE

DATE:	Tuesday, 17 November 2020
TIME:	6.00 pm
VENUE:	Meeting will be held in accordance with provisions of SI 2020/392. Live Stream of meeting can be viewed via https://www.tendringdc.gov.uk/livemeetings .

MEMBERSHIP:

Councillor White (Chairman)
Councillor Bray (Vice-Chairman)
Councillor Alexander
Councillor Cawthron
Councillor Casey

Councillor Codling
Councillor Fowler
Councillor Harris
Councillor Placey

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Agendas and Minutes are published on the Council's website www.tendringdc.gov.uk. Agendas are available to view five working days prior to the meeting date and the Council aims to publish Minutes within five working days of the meeting.

Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

For further details and general enquiries about this meeting, contact Emma Haward Email: democraticservices@tendringdc.gov.uk or Telephone on 01255686007.

DATE OF PUBLICATION: Tuesday, 10 November 2020

AGENDA

1 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

2 Minutes of the Last Meeting (Pages 1 - 48)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on Tuesday, 20 October 2020.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

4 Questions on Notice pursuant to Council Procedure Rule 38

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

5 A.1 PLANNING APPLICATION 20/00479/DETAIL - LAND NORTH OF STOURVIEW AVENUE MISTLEY (Pages 49 - 76)

Outline planning permission (all matters reserved) was granted on 30th May 2017 for the erection of up to 70 dwellings and associated works, under application 15/01810/OUT. The current submission relates to the outstanding reserved matters for this development.

In accordance with Members' request, the current submission has been brought to Planning Committee seeking consent with regard to the reserved matters of access, landscaping, layout, appearance and scale.

6 A.2 PLANNING APPLICATION 20/00782/OUT - LAND SOUTH OF LONG ROAD LAWFORD ESSEX CO11 2HS (Pages 77 - 126)

This application is referred to the Planning Committee as the site is situated outside of any settlement development boundary (SDB), but adjacent to the SDB of Lawford. The development therefore represents a departure from the saved local plan.

The application site is located on the southern side of Long Road at the eastern end of the settlement of wider 'Lawford Green' development (15/00876/OUT) that approved amongst other elements 360 dwellings, a community building with public access toilets, village green, public open space a playground. There was 3.4 hectares of land in the eastern portion of this wider site allocation that was left undeveloped.

7 **A.3 PLANNING APPLICATION 20/01034/FUL - WALL OPPOSITE 16 YORK STREET, MANNINGTREE (Pages 127 - 136)**

This application is referred to the Planning Committee as the applicant is Tendring District Council.

This application seeks retrospective planning permission to demolish and reinstate part of a wall located opposite 16 York Street, Manningtree.

8 **A.4 PLANNING APPLICATION 20/00822/FUL - THE LAURELS, PARSONAGE LANE, TENDRING, CO16 0DE (Pages 137 - 158)**

The application has been referred to the Planning Committee at the request of Councillor Harris by virtue of the site being 'backfill' development, the site is outside the settlement boundary; the site is an unsustainable development with insufficient infrastructure; overdevelopment, the development would lead to unacceptable disturbance to neighbours; unacceptable access and highways issues; and there is no proven need for this type of property in an area that has already seen significant development.

The application relates to what is essentially the rear garden area of The Laurels, Parsonage Lane, Tendring. The site is roughly 'L' in shape and approximately 0.2 hectares in size. The Laurels is one of a variety of dwelling types in the locale which comprises detached and terraced two-storey, chalet and single-storey bungalows. The Laurels is unique in terms of its rear garden which is of a significant size in comparison to any other dwelling in the settlement.

9 **A.5 PLANNING APPLICATION 20/00611/FUL - GARAGE BLOCK 1-10, WARGRAVE ROAD, CLACTON ON SEA, CO15 3EQ (Pages 159 - 168)**

This application is referred to the Planning Committee as the applicant is Tendring District Council.

The application involves the replacement of the already-demolished row of eleven flat roofed garages with ten flat-roofed garages.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Planning Committee is to be held at 6.00 pm on Tuesday, 15 December 2020.

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 20TH OCTOBER, 2020 AT 6.00 PM**

Present:	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Cawthron, Casey, Codling, Fowler, Harris and Placey
Also Present:	Councillors Bush, G V Guglielmi, Newton, Scott and Wiggins.
In Attendance:	Ian Davidson (Chief Executive), Paul Price (Corporate Director), Graham Nourse (Assistant Director (Planning)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Trevor Faulkner (Planning Officer), Matthew Lang (Planning Officer), Keith Durran (Democratic Services Officer), Emma Haward (Leadership Support Officer), Hattie Dawson-Dragisic (Corporate Services Apprentice).

57. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Casey for his late attendance.

58. MINUTES OF THE LAST MEETING

It was moved by Councillor Bray and seconded by Councillor Harris and **RESOLVED** that the minutes of the last meeting of the Committee held on **Tuesday, 6 October 2020** be approved as a correct record subject to the following amendments:

Councillor White referred to page 2, paragraph 2 of the Committee minutes whereby it mentioned 'highways'. Reason for refusal was amended as below:

2) in light of the clear legal advice the Planning Committee confirms that it does not wish to continue defending ground 3 of the reasons for refusal (loss of privacy);

59. DECLARATIONS OF INTEREST

Councillors Scott and Wiggins both declared a personal interest in **Planning Application 20/00239/FUL – Ground Floor 1 Lanswood Park, Broomfield Road, Elmstead, Colchester** due to being the Ward Members.

Councillor Bush declared a personal interest in **Planning Application 20/00194/FUL – Land North West of Redhouse Farm, Oakley Road, Wix Manningtree CO11 2SF** due to being both the Parish Councillor and Ward Councillor.

Councillor G V Guglielmi declared a personal interest in **Planning Application 20/00458/OUT Land East of Bromley Road, Lawford CO11 2HS** due to being the Ward Member.

60. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

61. **A.1 - PLANNING APPLICATION - 19/01706/OUT - LAND SOUTH WEST OF HORSLEY CROSS ROUNDABOUT CLACTON ROAD HORSLEY CROSS CO11 2NZ**

Members recalled that this application had been reported to the Planning Committee on 14 July 2020, when it had been resolved to approve the application subject to a suite of planning conditions. Subsequent to that meeting the applicant and agent (in discussions with their legal advisors) had advised that they would like to enter into a Section 106 Agreement to address the issue of skylark plots on land outside of the application site (land under the same current land ownership but beyond the 'red line' application boundaries).

The Committee was informed that whilst condition 33 of the previous permission was not specific to the requirement for the off-site skylark plots, by inference it was required as it formed part of the mitigation measures set out in the submitted Ecological Assessment referred to in that condition. The condition read as follows:

"No development shall commence on site, until a scheme to minimise the potential impact of the development on wildlife present on site (including details of the timing of their implementation) has been submitted to and approved by the Local Planning Authority. The Scheme shall have regard to the Ecological Assessment prepared by MLM Consulting Engineers Limited (Revision C02 dated 4 October 2019) that form part of the planning application documents and shall include opportunities to enhance the wildlife value of the site. The scheme shall be fully implemented as so approved.

Reason: To ensure that the development incorporates proportionate mitigation measures to address the impact of the development and takes the opportunity to incorporate biodiversity enhancements in accordance with the National Planning Policy Framework and local plan policies."

In addition, paragraph 6.38 of the earlier Committee Report (repeated below), stated the following and included reference to the skylark plots:

"The planning application submission has included an Ecological Assessment which confirms that an extended phase 1 habitat survey of the site was carried out in late 2018 alongside dedicated protected species surveys (i.e. reptiles, wintering and breeding birds, bats, water vole and otter) that were carried out in 2019. Whilst the report confirms that the current proposals are unlikely to affect bats as boundary trees are to be retained, the proposal will affect habitat suitable for reptiles, birds and water vole. A triangular parcel of land north of the site consisting of improved grassland provides a potential receptor site for reptiles found on site whilst the creation of an attenuation basin and surrounding grassland is taking place. The creation of the basin and grassland will improve the on-site habitat for reptiles, as will the creation of a landscape bund along the northern boundary of the site. It will be possible to mitigate for one skylark territory on site with mitigation for the remaining four territories being provided through eight skylark plots create in off-site arable fields. A mitigation licence will be required from Natural England to allow for the installation of a headwall into the bank of the adjacent 'Holland Brook' (on the western boundary of the site) to be carried out lawfully."

It was reported that the applicant and agent (in discussions with their legal advisors) had also reviewed the proposed suite of planning conditions and sought some amendments which would provide a degree of flexibility to recognise the phased approach to the

delivery of the site. The approved conditions covered the whole site and did not provide this degree of flexibility.

The proposed changes to the planning conditions were considered by Officers to be both acceptable and reasonable, providing the same level of controls but recognising that this site would in all likelihood be delivered in two distinct phases.

In terms of the application more generally, it was reported that it related to a site which was approximately 11.2 ha and was presently open agricultural land, with part of the site having been used for weekly car boot sales during March to October. It was in a rural area in the centre of the District and to the immediate south west of the A120/B1035 roundabout at Horsley Cross. Colchester was about 8 miles to the west and Harwich was about 9 miles to the east.

The Committee was reminded that an 'extant' consent for outline planning permission (13/00745/OUT) on the site had been approved by the Council on 4 August 2014 (with subsequent approval of reserved matters and Certificate of Lawfulness applications to confirm commencement of works) for "Development of site to provide a new industrial park with up to 28,280m² of floorspace for B2 and B8 uses, a bus depot and 30m high telecommunications mast. All with associated access, landscaping, parking and highway improvements".

Officers felt that the development of the land would result in harm to the character and appearance of the countryside. However, with sensitive design of the buildings and careful use of 'bundling' and soft landscaping the development could result in the creation of iconic structures in a prominent setting. The development layout indicated the retention of boundary trees, and their physical protection during the construction phase of any development, could be secured by conditions.

With respect to ecology, provided the avoidance, mitigation, compensation and enhancement measures described in the submitted Ecology Assessment were implemented, Officers felt that there would be no residual effects significant at a local level or above and the scheme should result in a net gain in biodiversity. The development proposals were unlikely to have any significant effect on statutory or non-statutory designated sites.

Officers considered that the lawful commencement of works on the existing consented scheme – which kept that 'extant' - and the submission of the current application with a known end-user for the 'Phase 1' component of the site, indicated that there was now a realistic prospect of business activity on the site and it was hoped that this would be the economic catalyst for 'Phase 2' which would bring new businesses into the Tendring area.

Therefore Officers believed that the proposal would result in no material harm to interests of acknowledged importance and would facilitate substantial economic development within the District. As per the previous recommendation to the July Planning Committee and the subsequent Committee resolution to approve, officers continued to recommend approval, subject to the list of updated planning conditions and the completion of a Section 106 Agreement.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees,

written representations received and a recommendation of **approval subject to recommendations**.

At the meeting, an oral presentation was made by the Council's Planning Officer (TF) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Alexander, seconded by Councillor Bray and unanimously **RESOLVED**, that the Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

Conditions and Reasons:

1. Application for approval of reserved matters relating to the appearance; landscaping; layout; and scale of the development shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - The application as submitted does not provide sufficient information for consideration of these details and to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last of the reserved matters approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. In conjunction with the submission of the first of the reserved matters, a Strategic Phasing Plan identifying the various **strategic** elements of the development and the timing of their provision shall be submitted to and approved in writing by the Local Planning Authority. The Strategic Phasing Plan shall include details of the following:
 - i. Surface and foul water drainage strategy incorporating Sustainable Urban Drainage systems and attenuation methods;
 - ii. **Strategic** biodiversity enhancements and landscaping works; and
 - iii. The order in which the phases are to be developed.

The development shall be carried out in accordance with the details of the Strategic Phasing Plan as approved **unless otherwise agreed in writing by the Local Planning Authority or through discharge of conditions pursuant to this permission**.

Reason - To ensure that the scheme is brought forward in a timely and comprehensive manner in the interests of proper planning and to ensure a satisfactory relationship between the various components of the development and between the site and adjoining land.

4. In conjunction with the submission of the first of the reserved matters a Design Code shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall relate to and include details of the following:
- i) Scale;
 - ii) Density;
 - iii) Massing;
 - iv) Height;
 - v) Landscape;
 - vi) Layout;
 - vii) Design and architectural standards;
 - viii) Materials and external colours;
 - ix) Signage;
 - x) Access;
 - xi) Land use;
 - xii) Parking and servicing areas;
 - xiii) Sustainability principles and energy efficiency measures; and
 - xiv) Key spaces.

The development shall be carried out in accordance with the details of the Design Code as approved for the lifetime of the development.

Reason - To ensure that the scheme is brought forward in a timely and comprehensive manner in the interests of proper planning; the environment; amenity; the character and appearance of the area and highway safety.

5. No development shall commence in each of the phases identified within the approved Strategic Phasing Plan until reserved matters for that phase relating to the appearance; landscaping; layout; and scale of the development have been submitted to and approved in writing by the Local Planning Authority. The development of each of the phases identified within the approved Strategic Phasing Plan shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient information for consideration of these details; to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004; and to ensure that the scheme is brought forward in a timely and comprehensive manner in the interests of proper planning; the environment; amenity; the character and appearance of the area and highway safety.

6. Details of the existing and proposed ground levels of each phase of the development (as approved within the Strategic Phasing Plan referred to in Condition 3) including the finished floor levels; eaves levels; and ridge heights and details of all areas of cut and fill (including details of the importation and exportation of any materials) shall be submitted to the Local Planning Authority. No development within the phase that the details relate to shall begin until those details have been approved in writing by the Local Planning Authority. No building shall be occupied (whether in whole or in part) **in the relevant phase** until all the works to implement the approved details have been fully completed.

Reason - To ensure a satisfactory relationship between the various components of the development and between the site and adjoining land. To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees or hedgerows and the amenities of neighbouring properties.

7. Samples and precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in the construction of each phase of the development (as approved within the Strategic Phasing Plan referred to in Condition 3 and the Design Code referred to in Condition 4) shall be submitted to and approved in writing by the Local Planning Authority. No development shall **be occupied** within the phase that the details relate to until the details have been approved in writing by the Local Planning Authority. The materials as may be approved shall be those used in the development unless otherwise first approved in writing by the Local Planning Authority.

Reason - To ensure that materials of an acceptable quality appropriate to the area are used across the application site and for the lifetime of the development.

8. No building on the Phase 1 site shall exceed 21.7 metres in height (**save for the boiler house flue which may be up to 59.3m in height**) and no building on the Phase 2 site shall exceed 12 metres, as measured from the finished site levels immediately adjacent to the building to which it relates.

Reason - In the interests of proper planning; amenity and the character of the area.

9. No **boundary treatments shall be installed** within each phase (as approved within the Strategic Phasing Plan referred to in Condition 3) until full written details of the provision; siting; design and materials of screen walls; fences; and security gates within that phase have been submitted to and approved in writing by the Local Planning Authority. The screen walls; fences; and security gates shall be erected in accordance with the approved details before the first occupation of the building(s) to which they relate **in that phase** and shall at all times thereafter be retained in the approved form.

Reason - To ensure that the materials; design; height and location of the boundary treatments are of an acceptable quality appropriate to the area and that they are used across the application site for the lifetime of the development.

10. No street lighting, floodlighting, or other means of illuminating any part of the site outside any of the buildings hereby approved shall be erected or installed until written details of the illumination works have been submitted to and approved in writing by, the Local Planning Authority. The works concerned shall only be carried out in accordance with the approved details.

Reason - In the interests of residential amenity; the character of the area and highway safety.

11. No part of the development shall be occupied until the roundabout on the B1035 to provide access to the proposal site has been completed to accord with the scheme illustrated by drawing no. **Highway Layout Plan 3203 02 RA** along

with any speed management measures required by the Highway Authority details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason - To protect highway efficiency of movement and safety in accordance with Policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

12. No development shall take place **on a phase** until the following have been provided or completed **for that phase**:

Construction Traffic Management Plan, which shall be adhered to during the construction phase of development **for that phase**, shall be submitted to and approved in writing by the Local Planning Authority.

The Plan should include details regarding any temporary traffic management/signage and wheel cleaning facilities for the duration of the construction phase to prevent the deposition of mud or other debris onto the highway network/public areas, turning and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site.

Reason - In the interests of highway safety and efficiency.

13. No occupation of the development shall take place until the following have been provided or completed:
- The highway works as shown in principle on Proposed Highway layout plan drawing no. 3203 02 RA, dated 13 September 2019.
 - A 2-metre wide footway on both sides of Clacton Road on the north side of the proposed roundabout including relocation/ replacement of electricity poles/ lighting, road signs, removal of redundant kerbing and replacement with upstand kerb, tactile paving and footway and any associated drainage works.
 - 2x2m footway on the north side of the proposed roundabout as shown in principal on drawing no. 3203 02 RA.

Reason - To make adequate provision within the highway for the additional pedestrian traffic generated within the highway as a result of the proposed development.

14. Prior to occupation of the proposed development the provision of bus stop infrastructure for the two new bus stops as shown in principal on drawing no. 3203 02 RA, to include but not restricted to bus stop cage markings, bus shelter (x2) Kassel Kerbs and bus timetable information.

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

15. The provision of a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority 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.

16. There shall be no discharge of surface water onto the Highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

17. No occupation of any phase of the development shall take place prior to the submission of a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council **for that phase**. Such approved travel plan shall be actively implemented for a minimum period of 5 years. It shall be accompanied by a monitoring fee of £6,000 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5-year period **unless otherwise agreed in writing by the Local Planning Authority as part of the approved travel plan**.

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

18. From first occupation of Phase 1 of the development the occupier will provide a private transport service for employees using minibus private hire, taxi or other vehicles or services to transport staff to or from **Phase 1** the development as follows:

- operating Monday to Friday at main shift changeover patterns and or at times when the maximum number of staff arrive at or leave the development site;
- the staff pick up drop off catchment will include but is not restricted to towns/villages of Brantham, Manningtree, Mistley, and Lawford;
- pick up and drop off points will be flexible depending on the home location of staff using the service;
- the service will be free to staff for the first six months of occupation of Phase 1. Staff may then be charged to use the service but as a subsidised rate, no greater than the comparable local bus fare;
- the service will be operated from first occupation of Phase 1 for a period of up to five years after first occupation of Phase 1 on the subsidised basis;
- Staff will be made aware of the private transport service as part of their relocation pack, which shall include details of travelling by all active and sustainable modes. Further marketing shall be carried out as required to ensure any new starters to the occupant company are also made aware of the service;
- the service will be first monitored six months after occupation, with further monitoring occurring annually on the anniversary of site occupation for a period of five years. This monitoring is to be provided to Essex County Council as local highway authority as part of the Travel Plan monitoring. The monitoring will provide relevant statistical information such as the number of staff using the service, reasons why staff who live in the catchment do not use the service, details of any issues with the provision of the service; and
- the service shall continue on a subsidised basis for a period of five years unless Essex County Council acting reasonably on the basis of the monitoring conclude there is insufficient staff demand for the service, the

service will then operate on a commercial basis with no subsidy at the end of the 5-year period.

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

19. From first occupation of Phase 2 of the development the occupier(s) will provide a private transport service for employees using minibus private hire taxi or other vehicles or services to transport staff to or from the **Phase 2** development as follows:

- operating Monday to Friday at main shift changeover patterns and or at times when the maximum number of staff arrive at or leave the development site;
- the staff pick up drop off catchment will include but is not restricted to towns/villages of Brantham, Manningtree, Mistley, and Lawford;
- pick up and drop of points will be flexible depending on the home location of staff using the service;
- for the first six months of occupation of each respective building at Phase 2 the service shall be free to staff based in that building. Staff may then be charged to use the service but as a subsidised rate, no greater than the comparable local bus fare;
- the private transport service provision shall be regularly promoted to all employees on the whole site as part of the occupants commitment to active and sustainable travel, via the occupants individual travel plans;
- the service shall continue on a subsidised basis for a period of five years unless Essex County Council acting reasonably on the basis of the monitoring conclude there is insufficient staff demand for the service, the service will then operate on a commercial basis with no subsidy at the end of the 5-year period; and
- the service will be first monitored six months after occupation, with further monitoring occurring annually on the anniversary of site occupation for a period of five years. This monitoring is to be provided to Essex County Council as local highway authority as part of the Travel Plan monitoring. The monitoring will provide relevant statistical information such as the number of staff using the service, reasons why staff who live in the catchment do not use the service, details of any issues with the provision of the service.

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.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended or the Town and Country Planning (use Classes) Order 1987 as amended (or any Orders revoking and re-enacting those Orders with or without modification) no building hereby approved shall be used as an office (whether in whole or in part) except as ancillary to the principal use of that building hereby approved.

Reason - In order to ensure that the development is sustainable for its lifetime in accordance with Policy MLM6 of the Tendring District Local Plan: Pre Submission

Focussed Changes 2014 and because Class B1 office uses are defined as 'town centre uses' by the National Planning Policy Framework (**February 2019**) and the accompanying National Planning Policy Guidance: Ensuring the Vitality Viability of Town Centres (March 2014).

21. The submission of reserved matters relating to hard and soft landscaping required by Conditions 1, 3, 4 and 5 of this planning permission **for each phase** shall include full written details of strategic landscaping/planting belts **for the relevant phase of development**. The said details shall also accurately identify the spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS5837: 2012 - Trees in Relation to Design; Demolition and Construction". The said details shall also include other areas of strategic planting belts on the perimeter of and within the site and shall also include details of the planting of new trees and shrubs of species which are indigenous and compatible with the landscape and biodiversity characteristics of the locality.

Reason - To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area and to ensure protection during construction works of trees, shrubs and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired.

22. All changes in ground levels, hard and soft landscaping, planting, seeding or turfing shown on the landscaping details approved pursuant to Conditions 1, 3, 4 and 5 of this planning permission **for each phase** shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development **of that phase** or in such other planting season as shall first have been agreed, in writing, by the Local Planning Authority having had regard to the Strategic Phasing Plan.

Reason - To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area and to ensure protection during construction works of trees, shrubs and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired.

23. Unless otherwise formally agreed, in writing, by the Local Planning Authority pursuant to the consideration of the reserved matters, no building on any part of the development hereby permitted shall be constructed (whether in whole or in part) until the carriageway of the said estate access road, which provides access between the buildings and the B1035, has been constructed up to and including at least road base level. Until final surfacing of the estate access road is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageway, footways and footpaths in front of each building shall be completed with final surfacing by no later than 12 months after the first occupation of that building.

Reason - To protect highway efficiency of movement and safety.

24. Prior to implementation of each phase (as approved within the Strategic Phasing Plan referred to in Condition 3) full written details of the areas to be provided for the loading, unloading, turning and parking of vehicles (including adequate cycle and disabled parking spaces) for that phase shall be submitted to and approved by the Local Planning Authority. No building shall be occupied within that phase until the said areas to which it relates have been constructed in accordance with the details as so approved. The said areas shall be retained and kept available for use as such at all times thereafter.

Reason - To protect highway efficiency of movement and safety.

25. No goods, materials or containers shall be stored, stacked or deposited on the site outside the buildings hereby approved above a height of 3m as measured from the finished site level or outside of those areas of the site the details of which shall have previously been submitted to and approved in writing by the Local Planning Authority. No commercial or manufacturing activities or processes shall be carried on outside the buildings.

Reason - In the interests of residential amenity; the character of the area and highway safety.

26. Full written details of areas for the storage of refuse and/or other waste for each phase of the development (as approved within the Strategic Phasing Plan referred to in Condition 3) shall be submitted to and approved by the Local Planning Authority prior to the implementation of the phase of the development to which the details relate. The said areas and details as so approved shall be provided before the first occupation of each building within each phase and shall thereafter be retained as such at all times.

Reason - In the interests of the environment; visual amenity; residential amenity; and the character of the area.

27. Details of a dust management plan for each phase of the development (as approved within the Strategic Phasing Plan referred to in Condition 3) shall be submitted to and approved prior to the implementation of the phase that the details relate to. Such details are to include measures to control the spread of dust and other similar material throughout every construction phase of the development **for that phase**. The dust management plan as so approved shall be fully implemented.

Reason - In the interests of the environment; residential amenity; the character of the area and highway safety.

28. No part of the site shall be used for retail sales (whether in whole or in part) except as directly ancillary to the uses hereby approved.

Reason - In order to ensure that the development is sustainable for its lifetime.

29. No works except demolition shall take place until a detailed surface water drainage scheme for the **phase**, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority **for that phase**. The scheme should include but not be limited to:

- Limiting discharge rates to 6.6l/s for the entire site as shown in drawing number 0110, revision P04 for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation **of that phase**. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA

Reason -

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
 - To ensure the effective operation of SuDS features over the lifetime of the development.
 - To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

30. No works shall take place **on a phase** until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority **for that phase**. The scheme shall subsequently be implemented as approved.

Reason - The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

31. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason – To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

32. No development shall commence **on a phase** until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority **for that phase**. No buildings shall be occupied **on the relevant phase** until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason - To ensure that an adequate and satisfactory means of foul drainage is provided to avoid pollution, in the absence of a foul sewer.

33. No development shall commence on site, until a scheme to minimise the potential impact of the development on wildlife present on site (including details of the timing of their implementation) has been submitted to and approved by the Local Planning Authority. The Scheme shall have regard to the Ecological Assessment prepared by MLM Consulting Engineers Limited (Revision C02 dated 4 October 2019) that form part of the planning application documents and shall include opportunities to enhance the wildlife value of the site. The scheme shall be fully implemented as so approved.

Reason - To ensure that the development incorporates proportionate mitigation measures to address the impact of the development and takes the opportunity to incorporate biodiversity enhancements in accordance with the National Planning Policy Framework and local plan policies.

34. No development or preliminary ground-works can commence **on a phase** until a programme of archaeological evaluation, following aerial rectification of cropmark features, has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority **for that phase**.

Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ, shall be submitted to the local planning authority **for the relevant phase**.

No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the local planning authority.

Following completion of the archaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason - To ensure adequate opportunity is provided for archaeological investigation and research on the site which is potentially of archaeological and historic significance in accordance with the National Planning Policy Framework and local plan policies.

35. In conjunction with the submission of the first of the reserved matters for each phase, a strategic phase plan identifying the following elements of the development and the timing of their provision shall be submitted to and approved in writing by the Local Planning Authority for that phase:
- i. Technical design details and timing of a temporary site access (if applicable) for the construction phases of the development;
 - ii. Earthworks and changes in existing ground levels including details of the volumes of any materials that are to be exported from or imported to the site;
 - iii. The provision of utilities;
 - iv. Internal access ways; estate roads; parking and servicing areas.

The development on each phase shall be carried out in accordance with the details of the strategic phase plan as approved unless otherwise agreed in writing by the Local Planning Authority or through discharge of conditions pursuant to this permission.

Reason - To ensure that the scheme is brought forward in a timely and comprehensive manner in the interests of proper planning; amenity and the character and appearance of the area and to ensure a satisfactory relationship between the various components of the development and between the site and adjoining land. To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees or hedgerows and the amenities of neighbouring properties.

36. No development shall commence within each phase until full written details of measures to control odours, including extraction systems, within that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason – To control and limit odour in the interests of nearby local amenity and since the application does not include the necessary details for consideration.

62. A.2 - PLANNING APPLICATION - 20/00194/FUL - LAND NORTH WEST OF REDHOUSE FARM OAKLEY ROAD WIX MANNINGTREE CO11 2SF

Councillor Bush had earlier in the meeting declared a personal interest in **Planning Application 20/00194/FUL – Land North West of Redhouse Farm, Oakley Road, Wix Manningtree CO11 2SF** due to being both the Parish and Ward Councillor.

Members were informed that this application had been referred to the Planning Committee at the request of Councillor Bush due to his concerns relating to: the nature of the proposal being a substantial industrial process, rather than a typical agricultural facility; failure to satisfy Policy EN1 in that the design and size of the development would create an adverse visual impact on the surrounding countryside and rural landscape; highway access was unsuitable; the substantial quantities of chicken waste and odour together with a risk to water pollution would adversely impact on public amenity; minimal contribution to the local economy; lack of social benefits; number of traffic movements from a significant distance would generate substantial carbon emissions in relation to an environmental role; and, dis-benefits with economic, social and environmental roles lead to the development not being sustainable development.

It was reported that the application was for two buildings to raise broiler chickens. A new vehicular access would be created to the buildings and there would be associated structures including silos, plant room outbuilding, water tank structures, gas tanks and a gate house outbuilding. The main buildings would be to an identical design and have a typical agricultural building appearance; being of a steel portal construction covered by olive green coloured polyester coated profiled sheeting except for the plinth to the walls, some 0.5m in height, of pre-formed concrete.

Though the site was in a rural locality, between the settlements of Wix and Great Oakley, within the parish of Wix and set within open countryside, the site was at a position which was not prominent in the landscape and the proposals included landscaping works. The proposal was in planning terms therefore considered by Officers to be an agricultural use within an agricultural area.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of **approval**.

At the meeting, an oral presentation was made by the Council's Planning Officer (TF) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting with details of:

A combined letter signed by 5 households on Oakley Road, which included the following reasons for objection:

- *"This proposed development neither improves the efficiency of land use, nor reduces the loss or greenfield / open space. It will result in increased traffic through Wix and Great Oakley and specifically on Oakley Road. The applicant, who does not live locally, will have to make daily car journeys to from the site as will the two individuals who will be working part-time at the site;*
- *The location of the proposed development is outside the Settlement Development Boundaries of both Wix and Great Oakley villages. Given the scale of the development, which is an industrial scale development where 750,000 chickens will be processed each year, it is clearly going to detract from the appearance and character of the area between Wix and Great Oakley;*
- *It is clear that this proposed development of an industrial scale chicken processing facility on a greenfield site will lead to the material loss of best and most versatile*

- agricultural land. The current owner of the field (not the applicant) where the proposed chicken farm is going to be located has recently been ploughing and spreading fertiliser on the field, so clearly it remains a viable agricultural land;*
- *According to the Agricultural Land Classification map (ALC008) published on 18 November 2011, the land upon which the proposed development is planned falls in Grade 2 and therefore this planning application should be should be refused as there is no special justification for siting an industrial scale chicken processing unit at this location;*
 - *The proposed development does not make a positive contribution to the quality of the local environment and does nothing to protect or enhance local character;*
 - *The proposed development is an industrial scale chicken processing farm which will create smells, noise, large volumes of effluent, increased traffic and will have a significant adverse impact on the local landscape and countryside character. For this reason, this proposal should be rejected;*
 - *This proposed development is not dependent on a farm holding and could be sited anywhere. Red House Farm is no longer a farm, but a residential home and the land involved has been part of Great Oakley Lodge since the 1980s;*
 - *Agriculture will not be performed at this location. What is proposed is an industrial scale chicken processing facility that could be located anywhere;*
 - *Clearly, for security etc., external lighting will be provided at the site, which will introduce an urban character into the rural area between Wix and Great Oakley;*
 - *It is evident from the modelling and other work undertaken by the applicant's consultants, and contrary to the comments by the Council's Environmental Officer, the neighbouring properties will be impacted by the construction and operation of this industrial chicken processing plant on Oakley Road, **particularly from smell**, but also from noise, light pollution, increased traffic on Oakley Road and in the villages of Wix and Great Oakley, etc;*
 - *Dovercourt Dock River, which flows though both Dovercourt and Harwich, runs alongside the site and there is a significant risk of it becoming polluted with run-off from the site. There are also a number of ponds and farm reservoirs in the area, where migrating ducks and geese breed each year. These birds will undoubtedly visit the proposed surface pond at the site bringing a risk of spreading avian viruses and disease from the chickens;*
 - *Setting the development back one field does not ameliorate the fact that the access road to the site will be visible from Oakley Road;*
 - *If the Council's primary concern is the protection of the open character and the value of the landscape, for the benefit of all the residents of the district then this planning application should be rejected. Although plotland developments refer to residential housing, it is clear that this type of new industrial facility does nothing to protect the countryside and fails on sustainable development grounds."*

Parish Councillor Robert Stephens, representing Wix Parish Council, spoke against the application.

Parish Councillor Yvonne Bailey, representing Great Oakley Parish Council, spoke against the application.

Councillor Mike Bush, the local Ward Member, spoke against the application.

Ian Pick, the agent acting on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor Casey and **RESOLVED**, that the Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved drawings:

Site location plan, IP/AHB/06

Block plan, IP/AHB/02

IP/AHB/03

IP/AHB/04

IP/AHB/05

Soft landscape proposals, IPA1055-SL

Landscaping specification

21314-04-2

21314-03 a

21314-04

21314-03-2 a

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

3. Prior to first use of the vehicular access hereby approved a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall have been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to matched Greenfield runoff rates based on the provision of Long Term Storage for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Demonstrate that all storage features can half empty within 24 hours for the 1:30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason – In the interest of the provision of sustainable drainage in accordance with Policy QL3 of the adopted Local Plan, Policy PPL1 of the emerging Local Plan and the provisions of the National Planning Policy Framework at paragraphs 163 and 170.

4. 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. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities
- v. prior to the commencement of any work on the site, a joint inspection of the route to be used by construction vehicles should be carried out by the Applicant and the Highway Authority, including photographic evidence.
- vi. a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works
- vii. noise control
- viii. emission control
- ix. dust control

Reason - To ensure that parking on the highway 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 to ensure that construction does not lead to excess water being discharged from the site.

5. Prior to first use of the development the following shall have been provided or completed:

- a) A priority junction off Oakley Road to provide access to the proposed site as shown in principle on planning application, amended viability and access plan drawing number: 21314-03 a.
- b) Kerb radii measuring 15 metres.
- c) No unbound material shall be used in the surface treatment of the vehicular access within 30 metres of the highway boundary.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner and to avoid displacement of loose material onto the highway in the interest of highway safety.

6. Prior to first use of the development, the road junction / access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 4.5 metres by 160 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety.

7. Prior to first use of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority 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.

8. Prior to first use of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be provided clear of the highway and retained thereafter for that sole purpose.

Reason - To ensure that appropriate loading / unloading facilities are available in the interest of highway safety.

9. There shall be no discharge of surface water onto the Highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

10. Any new 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.

11. No development shall take place, including any grounds works or demolition, until an appropriate Traffic Management Plan and Route Card, to include inbound and outbound routings at the junctions of the A120/Harwich Road and Harwich Road/Oakley Road, and which shall outline a designated route to and from the development for all HGV movements and construction vehicles, has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The Traffic Management Plan and Route Card shall subsequently be implemented as approved, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason: To control the location and direction of HGV and construction vehicle movements to and from the site in the interests of highway safety.

12. Prior to first use all mitigation and enhancement measures and/or works shall have been carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Emms & Barnett, December 2019) and the Response to Ecology Comments (Emms & Barnett, April 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason - To conserve and enhance Protected and Priority species and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy EN6 of the adopted Local Plan.

13. Prior to construction above slab level of either building to accommodate broiler chickens a Biodiversity Enhancement Layout, providing the finalised details and

locations of the enhancement measures contained within the Preliminary Ecological Appraisal (Emms & Barnett, December 2019) and the Response to Ecology Comments (Emms & Barnett, April 2020), shall have been submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason - To enhance Protected and Priority Species and allow the local planning authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy EN6 of the adopted Local Plan.

14. No means of external lighting shall be installed unless the prior written consent of the local planning authority is given in writing to any external lighting. Any external lighting shall be part of a lighting design scheme for biodiversity which shall have been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason - To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy EN6 of the adopted Local Plan.

15. All planting as shown on the approved landscaping plan shall be carried out during the first planting season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason – In the interest of visual amenity and in accordance with Policy EN1 of the adopted Local Plan.

16. Prior to first use the ventilation towers to the buildings to house the broiler chickens are to be painted matt black and retained as such.

Reason – In the interest of visual amenity, in accordance with Policies QL9, EN1 and EN23 of the adopted Local Plan.

17. No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to matched Greenfield runoff rates based on the provision of Long Term Storage for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Demonstrate that all storage features can half empty within 24 hours for the 1:30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason -

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

18. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason - The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

19. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason - To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

20. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason - To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

In addition, that any application made to discharge condition **11** will be submitted to the Committee for its determination.

63. A.3 - PLANNING APPLICATION - 20/00239/FUL - GROUND FLOOR 1 LANSWOOD PARK BROOMFIELD ROAD ELMSTEAD COLCHESTER

Councillors Scott and Wiggins had earlier in the meeting each declared a personal interest in **Planning Application 20/00239/FUL – Ground Floor 1 Lanswood Park, Broomfield Road, Elmstead, Colchester** due to being the Ward Members.

Members were informed that this application had been referred to the Planning Committee as it represented a departure from the adopted Tendring District Local Plan, proposing housing outside of any settlement development boundary in both the saved and emerging Local Plans.

It was reported that this was a hybrid application which sought outline planning permission (access included with appearance, landscaping, layout and scale reserved for later consideration) for up to 10,000 square metres of employment floor space within use classes B1 (business), B2 (general industrial) and B8 (storage and distribution); and 14 houses. Full planning permission was sought for 71 houses.

The Committee was informed that this application had originally been submitted for a total of 72 dwellings and had been increased to a total of 85 dwellings in late July, though the proposed employment floor space remained unchanged. This change had been subject to re-consultation with necessary consultees and neighbours which had now expired. The number of dwellings had been increased in order to provide £430,000 to fund a 3G artificial grass pitch on Charity Field. The Supplementary Planning Document supporting saved Policy COM6 confirmed the open space contribution in this case amounted to £205,024.00. In addition to this the applicant was offering an additional contribution of £224,976.00 which combined with the above open space contribution would provide the full cost of providing the 3G artificial grass pitch. This was a departure from saved Policy COM6 and was offered by the applicant in acknowledgement of the scale of the proposed development and its impact upon the Parish of Elmstead.

Members were made aware that the proposal sought to use the 71 dwellings seeking full planning permission in order to “enable” the expansion of the existing Lanswood Business Park due to the infrastructure servicing the site reaching its capacity as acknowledged in the supporting text to Draft Policy SAE3 (Lanswood Park). The viability of the proposal had been independently assessed and confirmed that the proposal could not provide the £955,835.20 requested by Essex County Council Education or the 26 affordable dwellings. In terms of S106 contributions the applicant had offered £430,000 to fund a 3G artificial grass pitch on Charity Field (£205,024 open space contribution and additional contribution of £224,976.00); the required RAMS contribution of £10,674.30 (£125.58 per dwelling); and £50,000 towards the upgrade of the traffic signals and introduction of MOVA (movement sensor traffic light signals) for the A133 Clacton Road junction with Bromley Road.

Officers considered that this was a sustainable location for development and the significant economic benefits of the proposal in providing up to 10,000 square metres of employment floor space, estimated to provide around 600 jobs, were considered to outweigh the modest landscape harm in this context of mixed residential and commercial development. The proposal did not provide the required contributions towards affordable housing or education on the grounds of viability and this was clearly a negative factor in terms of social sustainability and needed to be balanced against the significant economic benefits of the proposal. Officers were of the opinion that the economic benefits of the proposal, and the viability evidence provided, outweighed the absence of contributions towards education and affordable housing.

The proposal, subject to the recommended conditions, was also considered by Officers to be acceptable in terms of highway safety; residential amenity; ecology; heritage assets; archaeology; drainage; and detailed design, scale and layout.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of **approval**.

At the meeting, an oral presentation was made by the Council's Planning Officer (TF) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting with details of:

"Elmstead Parish Council has advised that they are no longer seeking to provide a 3G artificial grass pitch at Charity Field and 'in lieu' of this wish to seek provision of a Multi-Use Games Area (MUGA) and associated facilities at a cost of up to £300,000.

This means that a surplus of £130,000 will remain from the agreed S106 contribution.

The Parish would like to secure £70,000 towards the provision of a signalised crossing on the A133 Clacton Road on the western side of the village. Monies contributing towards this crossing have already been secured from residential developments elsewhere in the village and this additional money would cover the remaining costs for provision.

Alternatively, the remaining £130,000 could be used towards affordable housing or education/libraries (ECC had requested a financial contribution of just under £1million towards education and libraries)."

However, the Council's Planning Officer (TF) further updated the Committee to state that the Parish Council no longer wished to pursue an alternative MUGA facility and were happy to continue to seek a financial contribution to provide a 3G artificial pitch at Charity Field. As such the originally officer recommendation should be carried forward.

Accordingly, the Committee had before it an amended Officer recommendation to reflect the above.

Julia Bolton, a local resident, spoke in support of the application.

Parish Councillor John Gray, representing Elmstead Parish Council, spoke in support of the application.

Councillor Gary Scott, a local Ward Member, spoke in support of the application.

Councillor Giancarlo Guglielmi, the Council's Portfolio Holder for Corporate Finance and Governance, spoke in support of the application on behalf of Councillor Mary Newton, the Council's Portfolio Holder for Business and Economic Growth.

Chris Board, the agent on behalf of the applicant, spoke in support of the application.

During the debate on this application Members concurred with the view of the Officers that the employment and community benefits to be gained from this development would, in this instance, outweigh the lack of affordable housing and education provisions.

Following discussion by the Committee, it was moved by Councillor Alexander, seconded by Councillor Bray and **RESOLVED**, that the Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

Conditions and Reasons:**8.3 Full planning permission**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Layout plan: PA_10_10 E.

House types: PA_20 01, PA_20 02, PA_20 03, PA_20 04, PA_20 04, PA_20 06, PA_20 07, PA_20 08, PA_20 09, PA_20 10, PA_20 11, PA_20 12, and PA_20 13.

Garages: PA_20 20, PA_20 21, PA_20 22, and PA_20 23.

Street scenes: PA_30 01 A and PA_30 02 A.

Section: PA_40 01 A

Transport Assessment dated February 2020 and Transport Assessment Addendum dated 21/07/2020 by Richard Jackson Ltd.

Preliminary Ecological Appraisal dated February 2020 by Hybrid-Ecology Ltd.

Landscape and Visual Appraisal dated February 2020 by SES.

Arboricultural Impact Assessment and Preliminary Method Statements dated 10/02/2020 by Tree Planning Solutions.

Site Specific Flood Risk Assessment dated February 2020 and Flood Risk Assessment Addendum dated 21/07/2020 by Richard Jackson Ltd.

Contaminated Land and Geotechnical Assessment dated 07/02/2020 by Nott Group.

Development Viability report by Fenn Wright dated January 2020 and addendum letter dated 07/04/2020.

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

3. No occupation of the development shall take place until the following have been provided or completed:

a) A preliminary design and Stage 1 Road Safety Audit outlining the proposed junction proposal for the residential development with Grange Farm Close. Details of which shall have been previously agreed in writing with the Local Planning Authority prior to commencement of the development.

b) An affective 2 metre footway shall be provided from the development to the two new bus stops on A133 Clacton Road.

c) Two new bus stops on A133 Clacton Road to be provided near Grange Farm Close junction to include but not restricted to shelter (x2) with bus stop flag, Kassel Kerbs and bus timetables.

d) Alterations to the existing refuge island near the Grange Farm Close junction to provide a crossing point for pedestrians to the new bus stop on the south-eastbound

side with drop kerbs/ tactile paving and an affective 2-metre-wide footway to the bus stop.

e) The upgrade of the two closest bus stops (known as Beth Chatto Gardens) on the A133 Clacton Road near Lanswood Park the improvements to include but not restricted to: bus stop flags, bus timetables, Kassel Kerbs and drop kerbs/tactile paving (x2) for the pedestrian crossing points.

Reason - To make adequate provision within the highway for the movement and safety of the additional pedestrian traffic generated as a result of the proposed development.

4. Prior to occupation the vehicle parking area (garage and/or driveway) serving that dwelling as indicated on the approved plans, shall have been provided. The vehicle parking area and associated turning areas and visitor parking shall thereafter be retained in the approved form. 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.

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.

5. Details of cycle parking for every dwelling without a garage shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason - To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

6. Prior to occupation the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, the details of which shall have been previously submitted to and approved in writing by the Local Planning Authority. The travel packs shall 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.

7. Prior to commencement of any above ground works precise details of the provision, siting, design and materials of screen walls and fences shall have been submitted to and approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the dwellings to which they relate being occupied and thereafter be retained in the approved form. Boundary treatments facing the highway or open spaces will be expected to be of high quality e.g. brick walls. This shall include rear access lockable gates for plots 1-9 and 68-70 which have rear parking courtyards.

Reason - In the interests of visual and residential amenity.

8. Details of the infrastructure improvements serving the business park expansion hereby granted outline planning permission shall be submitted to and approved in writing by the Local Planning Authority. The infrastructure improvements, as approved, shall be completed in accordance with the provisions of the S106 legal agreement.

Reason – The dwellings are approved in association with viability evidence on the basis that they fund the infrastructure improvements to serve the business park expansion.

9. Prior to commencement of any above ground works details of the proposed facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason – Insufficient details have been provided with the application, in the interests of visual amenity.

10. No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 - Trees in relation to design, demolition and construction "

Reason - This is a publicly visible site where an appropriate landscaping scheme is a visually essential requirement.

11. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character of the surrounding area.

8.4 Outline planning permission

12. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

13. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

14. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the appearance, landscaping, layout and scale have been submitted to and approved, in writing, by the Local Planning

Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

15. The development hereby permitted in relation to access only shall be carried out in accordance with the following approved plans and documents:

Layout plan: PA_10_10 E.

Transport Assessment dated February 2020 and Transport Assessment Addendum dated 21/07/2020 by Richard Jackson Ltd.

Preliminary Ecological Appraisal dated February 2020 by Hybrid-Ecology Ltd.

Landscape and Visual Appraisal dated February 2020 by SES.

Arboricultural Impact Assessment and Preliminary Method Statements dated 10/02/2020 by Tree Planning Solutions.

Site Specific Flood Risk Assessment dated February 2020 and Flood Risk Assessment Addendum dated 21/07/2020 by Richard Jackson Ltd.

Contaminated Land and Geotechnical Assessment dated 07/02/2020 by Nott Group.

Development Viability report by Fenn Wright dated January 2020 and addendum letter dated 07/04/2020.

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

16. No occupation of the development shall take place until the following have been provided or completed:

a) Alterations to the existing refuge island near the Grange Farm Close junction to provide a crossing point for pedestrians to the new bus stop on the south-eastbound side with drop kerbs/ tactile paving and an affective 2-metre-wide footway to the bus stop.

b) The upgrade of the two closest bus stops (known as Beth Chatto Gardens) on the A133 Clacton Road near Lanswood Park the improvements to include but not restricted to: bus stop flags, bus timetables, Kassel Kerbs and drop kerbs/tactile paving (x2) for the pedestrian crossing points.

Reason - To make adequate provision within the highway for the movement and safety of the additional pedestrian traffic generated as a result of the proposed development.

17. Prior to occupation a workplace travel plan shall have been submitted to and approved in writing by the Local Planning Authority. Such approved travel plan shall be actively implemented for a minimum period of 5 years.

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

18. No goods, materials or containers shall be stored, stacked or deposited on the site outside the buildings, nor shall any commercial/manufacturing activities or processes (except for the loading and unloading of vehicles) be carried on outside the buildings, unless otherwise agreed in writing with the Local Planning Authority.

Reason - To protect the character and appearance of the area in the interests of visual amenity and the amenity of residents in the locality.

8.5 Both full and outline planning permissions

19. No development or preliminary groundworks can commence until a mitigation strategy detailing the excavation / preservation strategy has been submitted to and approved in writing by the local planning authority.

Reason – Because the proposal has the potential to harm non-designated heritage assets with archaeological interest.

20. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

Reason - Because the proposal has the potential to harm non-designated heritage assets with archaeological interest.

21. A post excavation assessment shall be submitted to the local planning authority for approval (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Local Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report

Reason - Because the proposal has the potential to harm non-designated heritage assets with archaeological interest.

22. 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. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities
- v. prior to the commencement of any work on the site, a joint inspection of the route to be used by construction vehicles should be carried out by the Applicant and the Highway Authority, including photographic evidence.

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.

23. There shall be no discharge of surface water onto the Highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

24. Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The Construction Method Statement shall provide for:

- measures to control the emission of dust and dirt during demolition and construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of hours of deliveries relating to the demolition and construction of the development;
- details of hours of site clearance and construction;
- a scheme to control noise and vibration during the demolition and construction phase, including details of any piling operations.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason - In the interests of residential amenity and highway safety and to reduce the likelihood of complaints of statutory nuisance.

25. Prior to commencement of any above ground works a Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Noise Impact Assessment shall assess the impact of the proposed commercial units upon the neighbouring dwellings hereby granted full and outline planning permission. Any necessary mitigation measures shall be detailed within the Noise Impact Assessment and implemented prior to occupation of the affected dwellings and retained as approved thereafter.

Reason - Due to the residential areas close proximity to the proposed commercial units.

26. Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall have been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason - To prevent environmental and amenity problems arising from flooding.

27. No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge to 3.3 l/s (greenfield 1 in 1 year rate which should be confirmed by greenfield calculations) for the residential site, for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Discharge via infiltration for the commercial site for all storm events up to and including the 1 in 100 year rate plus 20% allowance for climate change.

- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

28. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason - The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

29. Prior to occupation of any phase a maintenance plan detailing the maintenance arrangements for that phase including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall have been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason - To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

30. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason - To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

31. Prior to commencement of any above ground works precise details of the existing site levels, proposed site levels and finished floor level and eaves and ridge heights of the hereby permitted buildings in relation to site levels within adjacent sites and floors, eaves and ridge levels of neighbouring property shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented as approved unless the Local Planning Authority first gives written approval to any variation.

Reason - In the interests of visual amenity and privacy.

32. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Hybrid Ecology, February 2020). This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

33. No development shall take place (including any demolition, ground works, site clearance) until a further badger survey and updated mitigation statement has been submitted to and approved in writing by the local planning authority. This further survey shall be undertaken to identify whether any Badger activity has changed since the previous surveys were undertaken and whether further mitigation and/or works are required for badgers during the construction phase. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve Protected species and allow the LPA to discharge its duties under the Badger Protection Act 1992 and s17 Crime & Disorder Act 1998.

34. No development shall take place (including any demolition, ground works, site clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

35. Prior to commencement of any above ground works a Biodiversity Enhancement Layout providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (Hybrid Ecology, February 2020), shall have been submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

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

36. Prior to occupation a lighting design scheme for biodiversity shall have been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason - To allow the LPA to discharge its duties under the UK Habitats Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

37. Works shall be carried out in full accordance with the Arboricultural Impact Assessment and Preliminary Method Statements dated 10/02/2020 by Tree Planning Solutions unless otherwise agreed in writing by the Local Planning Authority.

Reason – To protect existing mature vegetation on site.

**64. A.4 - PLANNING APPLICATION - 20/00458/OUT - LAND EAST OF BROMLEY ROAD
LAWFORD CO11 2HS**

Councillor G V Guglielmi had earlier in the meeting declared a personal interest in **Planning Application 20/00458/OUT Land East of Bromley Road, Lawford CO11 2HS** due to being the Ward Member. He was not pre-determined.

The Committee recalled that outline planning permission (all matters apart from access - reserved) had been granted on 13th April 2017 for a mixed development of 360 houses and community facilities/open space on 22.76ha of land to the south of Lawford, under 15/00876/OUT. The current submission related to the variation of Condition 9 of the original planning approval. This dealt with the provision and timeframe for the access from the site onto Long Road.

In accordance with Members' previous request, the current submission had been brought to the Committee which sought its consent with regard to delaying the provision of access onto Long Road from the 201st occupation on site (56% of the total dwellings on site) to the 261st occupation on site (73% of the total dwellings on site).

Members were reminded that the site lay outside the defined settlement boundary of the saved Local Plan but within the settlement boundary of the emerging Local Plan. The principle of residential development had been accepted by the granting of outline planning permission, which had also established the position of the access.

The detailed plans complied with the outline requirements and were considered by officers to be acceptable with no material harm to visual or residential amenity, or highway safety.

The Committee was advised that a legal agreement, 'Deed of Variation' was required for this application in order to ensure the new outline approval linked into the original Section 106 Agreement.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of **approval**.

At the meeting, an oral presentation was made by the Council's Planning Officer (ML) in respect of the application.

Will Vote, acting on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor Fowler and unanimously **RESOLVED**, that the Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

Conditions and Reasons:

1. All applications for approved reserve matters shall be in accordance with the approved master plan and phasing plan / program agreed under application 18/00304/DISCON unless otherwise previously agreed in writing with the Local Planning Authority.

Reason - The application is in outline and is for a large development likely to be delivered in phases for which the detail will need to accord broadly with the parameters established at outline stage.

2. Approval of the details of the siting, design and external appearance of the dwellings, the means of access thereto and the landscaping of the site (hereinafter called "the Reserved Matters") shall be obtained for each agreed phase of the development before any development on such phase is commenced.

The development shall be carried out in accordance with any such approval unless agreed in writing by the Local Planning Authority. To date the development shall be implemented in accordance with the details approved in the following applications:

Phase 1	Reserve Matters Approval 17/01527/DETAIL
Phase 2	Reserve Matters Approval 19/01475/DETAIL
Phase 3	Reserve Matters Approval 20/00480/DETAIL

Also, in association with the following alterations to these approved details within the following applications:

- 19/01498/NMA Non Material Amendment to approval of 15/00876/OUT for substitution of "Cornelia" house type for "Barbier" house type at plots 86-87, 90-93, 100-101. Proposed substitution of "Cornelia" house type for "Cornelia Variation" housetype at plots 54-57. Change of rear and side elevations, and internal layout to "Alexander" house type at plots 75-79.
- 19/01751/DETAIL [Reserved matters application following outline permission 15/00876/OUT - Application to substitute "Cornelia" house type for "Barbier" house type at plots 86-87, 90-93, 100-101 as previously approved by 17/01527/DETAIL. Proposed substitution of "Cornelia" house type for "Cornelia Variation" housetype at plots 54-57. Change of rear and side elevations, and internal layout to "Alexander" house type at plots 75-79.](#)
- 20/00178/NMA Non Material Amendment to approval of 15/00876/OUT for substitution of plots 39, 60 and 81 from "Braithewaite Variation" house type to "Braithewaite" house type. Hand plot 63.
- 19/00211/FUL Re-location of approved electrical substation (retrospective) and parking spaces.

Approval of the details of the siting, design and external appearance of the dwellings, the means of access thereto and the landscaping of the site (hereinafter called "the Reserved Matters") shall be obtained for each agreed phase of the development before any development on such phase is commenced. The development shall be carried out in accordance with any such approval.

Reason - The application is in outline and detailed matters require approval before development can commence.

3. The development shall be in general conformity with the principles set out on the submitted drawing entitled Land Use Audit, dated 21/01/16 unless otherwise previously agreed in writing with the LPA.

Reason – To establish reasonable limits to the layout of the development in the interests of good design, layout, appearance and residential amenity.

4. The maximum number of dwellings to be contained in the development shall be up to (but no more than) 360 dwellings.

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

5. Unless otherwise agreed in writing with the Local Planning Authority, the Construction Management for Phase 1 and Phase 2 shall be implemented in accordance with the details approved in the following discharge of condition applications:

18/00304/DISCON and 18/01548/DISCON (Phase 1) and 19/01698/DISCON (Phase 2)

Prior to the commencement of development in any other defined phase of the approved development, a construction management plan for that phase, to include but shall not be limited to details of wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The relevant phase of the development shall be constructed in accordance with the agreed plan.

Reason - To protect highway efficiency of movement and safety.

6. No more than 200 dwellings on the development shall be occupied until the following have been provided or completed:
 - a. A mini-roundabout at the junction of Wignall Street and Bromley Road in accordance with approved Ardent Consulting Engineers drawing K297-002D,
 - b. Upgrading to current Essex County Council specification of the two bus stops which would best serve the proposal site (either Long Road and/or Wignall Street); and
 - c. A minimum 3-metre-wide footway/cycleway along the proposal site's Long Road frontage.
 - d. Upgrade to the Public Right of Way which runs through the proposal site between Long Road and Dead Lane (details shall be agreed with the Local Planning Authority prior to commencement of the development).

No more than 260 dwellings on the development shall be occupied until the priority junction with right turn lane (with two pedestrian refuge islands) in Long Road to provide access to the proposal site has been implemented. Priority junction shall have minimum 10.5 metre kerbed radii with dropped kerbs/tactile paving crossing points, a minimum 6.75 metre access road carriageway with one 3 metre footway/cycleway, one 2 metre footway pedestrian/cycle refuge island and a minimum 109 x 2.4 x 120 metre clear to ground visibility splay; in accordance with Ardent Consulting Engineers drawing K297-003A.

Reason - To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

7. Prior to occupation of any defined phase of the approved development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport (in consultation with Essex County Council), to include six one day travel vouchers per household 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.

8. Unless otherwise agreed in writing with the Local Planning Authority, the surface water drainage scheme for Phase 1 and Phase 2 shall be implemented in accordance with the details approved in the following discharge of conditions application:

18/00304/DISCON (Phase 1) and 19/01698/DISCON (Phase 2)

No other defined phase of the approved development shall take place until a surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. All phases of the development shall subsequently be implemented in accordance with the approved details.

In particular the drainage scheme shall include:

- Drainage modelling calculations showing how the run-off for all events up to and including the 1 in 100 year plus climate change is controlled within the site.
- Where infiltration techniques are being proposed, and all run-off cannot be infiltrated, attenuation storage must be provided for any overflow volumes calculated.
- Where run-off is proposed to be discharged to a watercourse, discharge should be limited to the greenfield 1 in 1 year rate for all events.
- Where different SuDS features are being proposed, the drainage modelling should show how these are cascaded together and show clearly their combined effect in controlling both the water quantity and improving water quality within the development. .
- Account for a 10% urban creep in the calculation of run-off from the development.
- Provide the appropriate number of treatment stages from the different areas of the development.
- Provide the details of the adoption and maintenance of the scheme for the lifetime of the development.
- Provide the Drainage Scheme Layout showing the SuDS features and their dimensions as appropriate.

Reason - To prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water in a range of rainfall events and ensure the system operates as designed for the lifetime of the development.

9. Unless otherwise agreed in writing with the Local Planning Authority, the foul water drainage scheme for Phase 1 and Phase 2 shall be implemented in

accordance with the details approved in the following discharge of condition applications:

18/00304/DISCON (Phase 1) and 19/01698/DISCON (Phase 2)

No development shall commence on other phases until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied on any defined phase until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason - To prevent environmental and amenity problems arising from flooding.

10. Unless otherwise agreed in writing with the Local Planning Authority, the hard and soft landscaping scheme for Phase 1 and Phase 2 shall be implemented in accordance with the details approved in the following discharge of conditions application:

18/00304/DISCON & 19/00900/DISCON (Phase 1) and 19/01698/DISCON (Phase 2)

No other defined phase of the development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for that phase, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction."

Reason - In the interest of visual amenity and the character of the area.

11. All changes in ground levels in relation to the soft landscaping, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure that the development provides a satisfactory setting, in the interests of the character and appearance of the landscape and the visual amenity of the site.

12. Unless otherwise agreed in writing with the Local Planning Authority, the ecological mitigation, management and enhancement for Phase 1 and Phase 2 shall be implemented in accordance with the details approved in the following discharge of condition applications:

18/00304/DISCON (Phase 1) and 19/01698/DISCON (Phase 2)

No other defined phase of the approved development shall commence until an Ecological Mitigation Scheme and Management/Enhancement Plan has been submitted to and approved, in writing, by the Local Planning Authority. The document shall include:

i) A survey to confirm (or otherwise) the presence of protected species on the application site.

If protected species are present, the survey shall be accompanied by a scheme of appropriate mitigation measures (including bat protection measures and precise details of the timing and method/s of protection). No development shall be undertaken except in full accordance with any such approved scheme of mitigation.

ii) A management plan to demonstrate how biodiversity within the site will be encouraged by the development.

Reason - In order to safeguard protected wildlife species and their habitats and in the interests of biodiversity.

13. Unless otherwise agreed in writing with the Local Planning Authority, the tree protection measures for Phase 1 and Phase 2 shall be implemented in accordance with the details approved in the following discharge of conditions applications:

18/00304/DISCON (Phase 1) and 20/01337/DISCON (Phase 2)

No other defined phase of the development shall commence until details of tree protection measures, including during the construction phase, for that phase, have been submitted to and approved in writing by the Local Planning Authority and such measures as approved shall be implemented fully in accordance with such requirements.

Reason – In order to ensure the protection of trees, in the interests of local and residential amenity.

14. A. The Written Scheme of Investigation for Phase 1 and Phase 2 shall be implemented in accordance with the approved details within the following discharge of condition applications:

18/00750/DISCON (Phase 1) and 19/01698/DISCON (Phase 2)

No development or preliminary ground-works within any other defined phase of the development can commence until a programme of archaeological trial trenching for that phase has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the Local Planning Authority. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ through re-design of the development, shall be submitted to the Local Planning Authority.

B. The archaeological fieldwork for Phase 1 has been approved by the Local Planning Authority within application 18/00750/DISCON. These works have been fully implemented. No development or preliminary groundwork can commence on those other phases of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the Local Planning Authority.

C. The post-excavation assessment for Phase 1 has been approved by the Local Planning Authority within application 19/00274/DISCON. Following completion of the archaeological fieldwork on other phases, the applicant will submit to the Local Planning Authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the Local Planning Authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason - The proposed development is located within an area with potential for below ground archaeological deposits. The development would result in harm to non-designated heritage assets with archaeological interest.

15. Unless otherwise agreed in writing with the Local Planning Authority, the lighting, refuse storage/collection point and the manufacturer and types and colours of the external facing and roofing materials for the dwellings in Phase 1 and Phase 2 shall be implemented in accordance with the details approved in the following discharge of condition applications:

18/00304/DISCON & 18/01094/DISCON (Phase 1) and 19/01698/DISCON (Phase 2)

Within any other defined phase of the scheme, no development shall commence until precise details of lighting, refuse storage/collection points and the manufacturer and types and colours of the external facing and roofing materials for the dwellings to be used in the construction of that phase have been submitted to and approved, in writing, by the Local Planning Authority. Such lighting, refuse points and materials so approved shall be those used in the development.

Reason - To ensure a satisfactory development in relation to external appearance.

16. Unless otherwise agreed in writing with the Local Planning Authority, the Construction Management Plans of Phase 1 and 2 shall be implemented in accordance with the approved details within the following discharge of condition applications:

18/00304/DISCON (Phase 1) and 19/01698/DISCON (Phase 2)

Within any other defined phase of the development, none of the development shall take place before a method statement for the construction of the development within that phase has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works for the relevant phase of the scheme shall be carried out in accordance with the approved method statement.

Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel cleaning facilities during the excavation, site preparation and construction stages of the development. The method statement shall also include details of the loading and unloading of plant and materials, details of the piling method, hours of construction, dust suppression strategy, means of recycling materials, noise and vibration mitigation techniques, lighting to be used during construction showing light spill to neighbouring properties (with methods to be employed to prevent nuisance if required), the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

Reason - To ensure that development is carried out in a controlled manner while minimising impacts on the surrounding residential properties and also in the interests of highway safety.

17. Within the hereby permitted development, no dwelling shall be occupied until a high-speed broadband connection is installed utilising resistant tubing to that dwelling. Unless otherwise agreed in writing with the Local Planning Authority, all connections shall be in accordance with the details set out in the GTC letter dated 4 July 2017. If the applicant is unable to achieve this standard of connection, and can evidence through consultation that this would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 24mbps) wireless service will be considered acceptable.

Reason - To ensure the development is able to be equipped with high speed broadband to enable opportunities for web-based communication and homeworking.

18. Unless otherwise agreed in writing with the Local Planning Authority, the development shall be built in accordance with the Local Recruitment Strategy documented within approved application 18/00750/DISCON.

Reason - To promote and encourage the recruitment of employees and other staff in the locality of the application site.

19. Unless otherwise agreed in writing with the Local Planning Authority, the development shall be built in accordance with the Resource Efficiency Measures Specification Statement documented within approved application 18/00304/DISCON.

Reason - To enhance the sustainability of the development through better use of water, energy and materials.

20. Unless otherwise agreed in writing with the Local Planning Authority, the land contamination and remediation strategy of Phase 1 and 2 shall be implemented in accordance with the approved details within the following discharge of conditions applications:

18/00750/DISCON (Phase 1) and 19/01698/DISCON (Phase 2)

No other defined phase of development shall commence until an assessment of the risks posed by any contamination within that phase, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the

local planning authority. If, during the course of any phase of the development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 20 days of the report being completed and approved in writing by the local planning authority.

Reason - To ensure that any risks (to future users of the land and neighbouring land and to controlled waters, property and ecological systems) arising from any land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8.3 Informatives

Positive and Proactive Statement

1. 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 Informatives

2. All residential 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 commencement of the development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority.
3. Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.
4. All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible).
5. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

6. The proposal should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009.
7. S106 Informative: The applicant is reminded that this permission is linked to a planning obligation under Section 106 of the Town and Country Planning Act 1990. The original Section 106 associated with application 15/00876/OUT remains in place. This application, via a Deed of Variation Agreement shall honour in full, the details of the original Section 106 document.
8. Conditions Informative: Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. A fee of £28 for householder applications and £97 for all other types of application will be required for each written request.

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

65. A.5 - PLANNING APPLICATION - 20/00537/FUL - CLACTON LEISURE CENTRE, VISTA ROAD, CLACTON ON SEA, CO15 6DB

Members were informed that this application was before the Planning Committee due to Tendring District Council's ownership of the application site.

It was reported that the proposals related to the replacement and refurbishment of the Artificial Grass Pitch (AGP) facility at Clacton Leisure Centre and would deliver an enhanced playing facility, with better qualities, in a suitable location. It would give rise to a considerable benefit to the wider community through the provision of an enhanced playing facility and the continued opportunity for usage throughout the year. Moreover, the proposed AGP would make a significant contribution towards addressing the unmet demand for modern football facilities in the District.

Officers considered that the AGP would not result in an unacceptable impact upon the character, appearance or visual amenity of the surrounding area and would not result in an unacceptable impact to residential amenity or have a detrimental impact upon the private amenity of local residents in respect of noise and lighting impacts. Furthermore, the proposal would utilise the existing parking provision and would not result in any harm to the safety of the surrounding public highway network.

The Committee was made aware that the proposal satisfied Sport England's E5 exception policy as the proposed development was for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport. Sport England did not object to the application subject to a condition securing a Hockey Mitigation Scheme to offset the displacement of hockey use at the site.

Officers believed that the planning application was in compliance with national and local planning policies and would not result in any adverse harm to the character or appearance of the area or highway safety. In the absence of any objections from Sport England and other statutory consultees the proposal was considered to be acceptable subject to the mitigation measures being secured via the proposed conditions.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of **approval**.

At the meeting, an oral presentation was made by the Council's Planning Officer (ML) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor Placey and **RESOLVED**, that the Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

- Approval as per recommendation subject to revision to Condition 5 (Landscaping) to include wording to secure replacement Ash Tree planting.

Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence until a hockey mitigation scheme to ensure the continuity of provision for the existing hockey use on the artificial grass pitch has been submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England). The scheme must set out details of the contractor's specification and maintenance programme for the enhancement works to the artificial grass pitch at Brightlingsea Sports Centre based on the recommendations in the Surface Performance Ltd Test Report (January 2020), the implementation programme for the enhancement works and the arrangements for securing Clacton Hockey Club's use of the facility. The approved scheme shall be implemented and complied with in full.

Reason - To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use (phasing provision) and to accord with Development Plan Policy.

3. Use of the 3G artificial grass pitch surface hereby permitted shall not commence until:

- (a) certification that the Artificial Grass Pitch surface hereby permitted has met the FIFA Quality accreditation or equivalent International Artificial Turf Standard (IATS) and;

- (b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches;

have been submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policy.

4. The floodlights permitted shall not be switched on or used outside the following times:

- 09:00 hours to 22:00 hours on any day

Reason - To protect the amenities of local residents, by limiting the potential for any disturbance.

5. No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site (including boundary treatments and lighting), which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837:2012 Trees in relation to design, demolition and construction."

Reason – To secure replacement tree planting in the interest of visual amenity and the character of the area.

6. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - In the interest of visual amenity and the character of the area.

7. The proposed times of construction, demolition and site clearance operations shall be limited to the following hours; 0800 to 1900 Monday to Friday and 0800 to 1300 on Saturdays with no construction operations on Sundays or public holidays.

Reason – To protect the amenity of local residents.

8. 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. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities
- v. construction vehicle route from the site entrance should be clearly signed and put in place.

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.

9. The development hereby permitted shall be carried out in accordance with the following approved plans;

- 19-0182 BM25583 0478 02
- 19-0182 BM25583 0478 03
- 19-0182 BM25583 0478 04
- 19-0182 BM25583 0478 05
- 19-0182 BM25583 0478 06
- 19-0182 BM25583 0478 07
- 19-0182 BM25583 0478 08
- JKK10672_600 (Tree Protection Plan)

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

66. EXEMPTION FROM PRESS AND PUBLIC

It was moved by Councillor Bray, seconded by Councillor Harris and:-

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 11 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A, as amended, of the Act.

The meeting was declared closed at 11.25 pm

Chairman

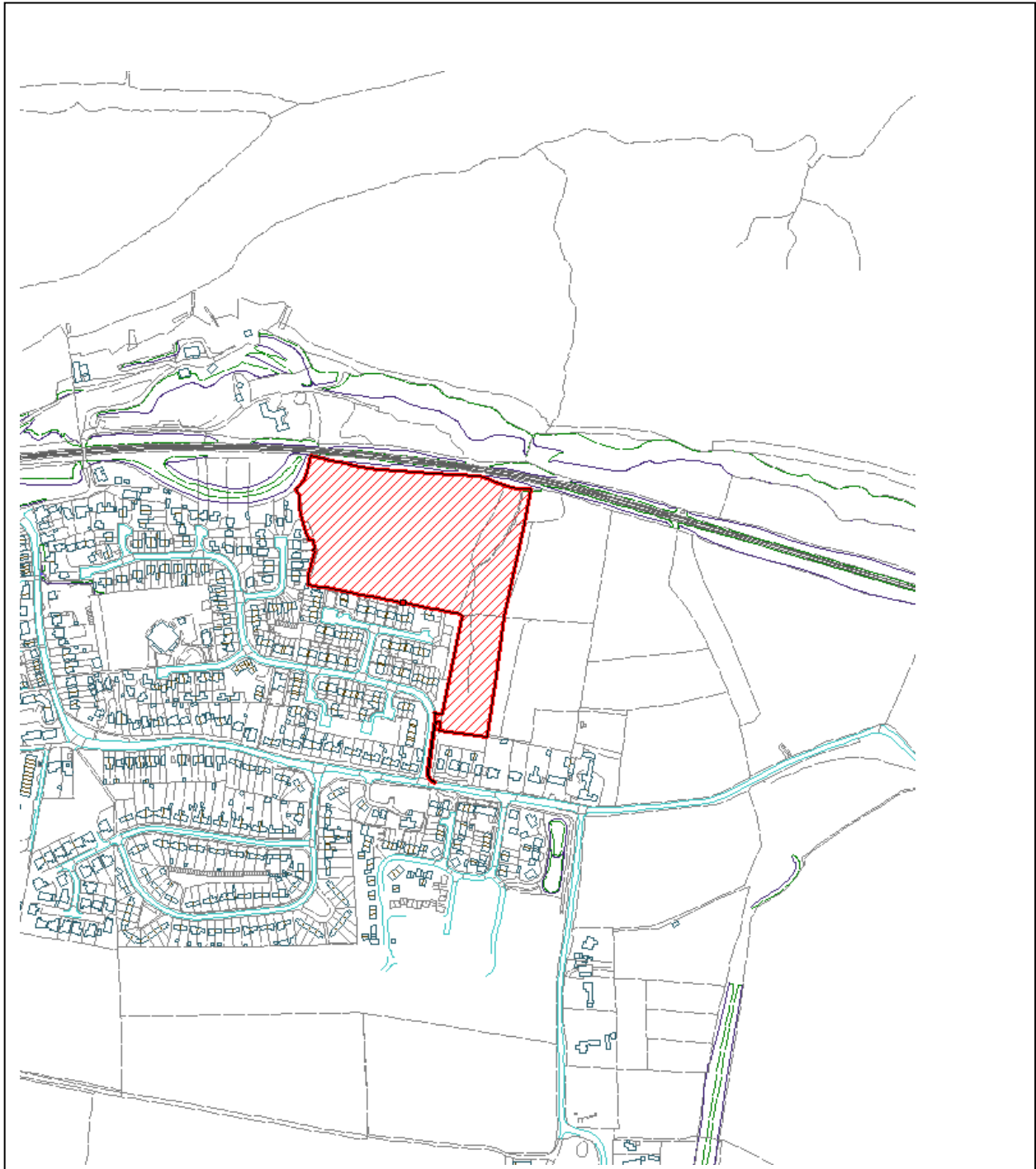
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PLANNING COMMITTEE

17th NOVEMBER 2020

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.1 PLANNING APPLICATION – 20/00479/DETAIL – LAND NORTH OF STOURVIEW AVENUE MISTLEY



DO NOT SCALE

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Application: 20/00479/DETAIL

Town / Parish: Mistley Parish Council

Applicant: Mr Steven Rose - Rose Builders (Properties) Limited

Address: Land North of Stourview Avenue Mistley

Development: Reserved Matters application pursuant to outline permission (15/01810/OUT) for new access road, 70 dwellings and associated works.

1. **Executive Summary**

- 1.1 Outline planning permission (all matters reserved) was granted on 30th May 2017 for the erection of up to 70 dwellings and associated works, under application 15/01810/OUT. The current submission relates to the outstanding reserved matters for this development.
- 1.2 In accordance with Members' request, the current submission has been brought to Planning Committee seeking consent with regard to the reserved matters of access, landscaping, layout, appearance and scale.
- 1.3 The site lies outside the defined settlement boundary of the saved Local Plan but within the settlement boundary of the emerging Local Plan. The principle of residential development has been accepted by the granting of outline planning permission.
- 1.4 The site is accessed from Stourview Avenue with 62 dwellings accessing off the main central ring road the remaining 8 dwellings are located off two separate private driveways. The scheme retains a substantial level of open space to the eastern and northern sections of the site. The railway line runs to the north the development.
- 1.5 The detailed plans comply with the outline requirements in terms of the site plan having not changed and the access continues to be off Stourview Avenue. The usual design parameters (garden sizes, distance between dwellings and level of parking) and the reserved matters generally are considered acceptable with no material harm to visual or residential amenity, or highway safety.
- 1.6 A legal agreement is required for this application to secure a financial contribution towards the Essex Coast Recreational Disturbance and Avoidance and Mitigation Strategy (RAMS).

Recommendation:

That the Head of Planning be authorised to grant planning permission for the development subject to:-

- a) **Within 6 (six) months of the date of the Committee’s resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):**
 - **Financial Contribution of £125.58 per new dwelling towards RAMS**
- b) Subject to the conditions stated in section 8.2
- c) That the Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

2. Planning Policy

2.1 The following Local and National Planning Policies are relevant to this planning application:

NPPF National Planning Policy Framework 2019
National Planning Practice Guidance

Tendring District Local Plan 2007

QL1	Spatial Strategy
QL2	Promoting Transport Choice
QL3	Minimising and Managing Flood Risk
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
QL12	Planning Obligations
HG1	Housing Provision
HG3	Residential Development within Defined Settlements
HG3A	Mixed Communities
HG4	Affordable Housing in New Developments
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
HG14	Side Isolation
COM2	Community Safety
COM4	New Community Facilities (Including Built Sports and Recreation Facilities)
COM6	Provision of Recreational Open Space for New Residential Development
COM21	Light Pollution

COM23	General Pollution
COM26	Contributions to Education Provision
COM29	Utilities
COM31A	Sewerage and Sewage Disposal
EN1	Landscape Character
EN3	Coastal Protection Belt
EEN5	Areas of Outstanding Natural Beauty (AONB's)
EN6	Biodiversity
EN6A	Protected Species
EN6B	Habitat Creation
EN11A	Protection of International Sites European Sites and RAMSAR Sites
EN11B	Protection of National Sites SSSI's, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites
EN12	Design and Access Statements
EN13	Sustainable Drainage Systems
EN29	Archaeology
TR1A	Development Affecting Highways
TR4	Safeguarding and Improving Public Rights of Way
TR5	Provision for Cycling
TR6	Provision for Public Transport Use
TR7	Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP1	Improving Health and Wellbeing
HP2	Community Facilities
HP3	Green Infrastructure
HP4	Safeguarded Local Greenspace
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
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
PPL6	Strategic Green Gaps
PPL7	Archaeology
CP1	Sustainable Transport and Accessibility
CP2	Improving the Transport Network
CP3	Improving the Telecommunications Network

Other Guidance

Essex County Council Car Parking Standards - Design and Good Practice
Essex Design Guide for Residential and Mixed-Use Areas.
Essex Design Guide (2005)
Urban Place Supplement (2007)

Status of the Local Plan

- 2.2 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.
- 2.3 Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.
- 2.4 The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.
- 2.5 The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.
- 2.6 In relation to housing supply:
- 2.7 The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect

of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

- 2.8 At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF (which applies until such time that the figures in the new Local Plan are adopted).
- 2.9 In addition, the actual need for housing (as set out in the emerging Local Plan) was found to be much less than the figure produced by the standard method when tested at the recent Examination in Public of the Local Plan, as recently endorsed by the Local Plan Inspector. Therefore, in weighing the benefits of residential development against the harm, the Inspector’s endorsement of the lower housing requirement figure is a strong material consideration which tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing to address the perceived shortfall – given that, against the Local Plan housing requirement there is, in fact, a surplus of supply as opposed to a shortfall.

3. Relevant Planning History

15/01810/OUT	Proposed new access road and the erection of up to 70 dwellings and associated works.	Approved	30.05.2017
20/00479/DETAIL	Reserved Matters application pursuant to outline permission (15/01810/OUT) for new access road, 70 dwellings and associated works.	Current	

4. Consultations

ECC Highways Dept 05.11.2020	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.
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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 and footway layout shall be provided in principal and accord with Drawing numbers:

- Rb003-pl-02 h Amended site layout.
- Rb003-pl-03 g Amended detailed site layout
- Rb003-pl-07 g Amended parking plan

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

2. Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6.

3. The development shall not be occupied until such time as a car parking and turning area 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 and 8.

4. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

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

5. All single garages should have a minimum internal measurement of 7m x 3m and all double garages should have a minimum internal measurement of 7m x 5.5m.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8.

6. The Cycle parking shall be provided 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.

7. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

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

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

- I. the parking of vehicles of site operatives and visitors
- II. loading and unloading of plant and materials
- III. storage of plant and materials used in constructing the development
- IV. 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.

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

Informative:

1: Prior to occupation, the development shall be served by a system of operational street lighting (excludes the shared surface areas) of design approved from the Highway Authority along the Primary route/ traffic calmed areas, which shall thereafter be maintained in good repair.

2: 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.

3: 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.

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

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

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

5: 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.

TDC Tree &
Landscape
Officer
20.05.2020

In order to show the impact of the development proposal on the trees and other vegetation on the application site the applicant has provided a tree survey and report. This information is in accordance with 'BS5837: 2012 Trees in relation to design, demolition and construction'

Recommendations.

The report accurately describes the health, condition and amenity value of the trees and other vegetation on the land. The implementation of the development will result in the removal of two short sections of hedgerow in order to construct the new access road. One section is on the boundary of the site adjacent to Stourview Avenue and the second bisects the site broadly parallel with the watercourse that runs through the land. Taking into account new soft landscaping associated with the development of the land the removal of the sections of hedgerow will not cause significant long term harm to either the character or appearance of the area.

Some scrubby growth will also be removed but this will be adequately compensated for by new soft landscaping

The information provided shows that the trees in the best condition with the greatest visual amenity value will be retained and physically protected for the duration of the construction phase of the development.

In terms of new planting the applicant has provided detailed soft landscaping proposals that include the retention and strengthening of existing boundary vegetation along with new planting. Tree, shrub and hedgerow planting is proposed throughout the development that will both soften and enhance its appearance.

The information provided is comprehensive and sufficient to secure an appropriate level of soft landscaping.

TDC Waste Management 12.05.2020 All bin and refuse collection points must be within maximum of 20 metres walking distance of the collection vehicle. All access roads to be constructed to a capacity to withstand the 26 tonne gross weight of the collection vehicles.

ECC SuDS Consultee 13.05.2020 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

Full details of the detailed drainage scheme should be submitted as part of a discharge of conditions application for 15/01810/OUT.

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

Essex
Wildlife Trust

No Comments received.

Essex
County
Council
Ecology
15.10.2020

No objection subject to securing

- a) A proportionate financial contribution towards effective visitor management measures in line with Essex Coast RAMS; and
- b) Ecological mitigation and biodiversity enhancements

Summary

ECC Ecology have reviewed the Soft Landscaping Proposals (Andrew Hastings Landscape Consultants Ltd., March 2020) and the Ecological Assessment (Eco Planning, 2015) submitted with the outline application in relation to the impacts of the development on designated sites and protected species and Priority species and proposed enhancement measures.

ECC Ecology are satisfied that there is sufficient information available for determination.

No ecological information has been submitted with this application. We have reviewed the Soft Landscape Proposals (Sheets 1-7) (Andrew Hastings Landscape Consultants Ltd., March 2020) and ECC Ecology support the inclusion of substantial green space on the western boundary of the site, as recommended in the Information to Inform Habitat Regulations Assessment (ADAS, May 2016).

ECC Ecology note that an Ecological Mitigation, Management and Enhancement Plan was secured as Condition 9 of the outline consent (15/01810/OUT). This will need to be informed by updated ecological surveys.

As the outline application was subject to Habitats Regulations Assessment and Natural England's formal comment was "No objection subject to securing mitigation measures", ECC Ecology also note that schedule 5 of the signed S106 Agreement for the outline consent secured a financial contribution towards monitoring of impacts on the Stour Estuary payable prior to occupation of any dwellings. We therefore recommend that, as the LPA has adopted the Essex Coast RAMS, this monitoring is delivered by BirdAware Essex in accordance with the legal agreement.

ECC Ecology support the inclusion of biodiversity enhancements in the form of log piles, reptile hibernacula, bird boxes, big hotels, hedgehog houses and native species hedgerow planting as included in the Soft Landscape Proposals (Sheets 1-7) (Andrew Hastings Landscape Consultants Ltd., March 2020). However, ECC Ecology note that the proposed reptile hibernacula and hedgehog house appear to be located in the middle of an area of amenity turf and public access. ECC Ecology recommend that these are relocated to a more sheltered location, away from residents and within longer vegetation. The locations of the enhancement measures should be informed by the

applicant's ecologist. ECC Ecology also note, from the Ecological Assessment (Eco Planning, 2015) sections of the site have "biodiversity value". ECC Ecology recommend that the DEFRA Biodiversity Metric v2.0 is utilised in the Ecological Mitigation, Management and Enhancement Plan secured as Condition 9, to assess the baseline biodiversity value of the site, and develop appropriate enhancement measures to demonstrate measurable net gains for biodiversity. This is needed to enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Natural
England
03.11.2020

Having considered the previously submitted HRA under the outline planning permission, and the additional assessment by the ecologist, Natural England agree that the proposed reserved matters application is acceptable subject to the Essex RAMS payment.

Anglian
Water
Services Ltd
26.05.2020

ASSETS
Section 1 - Assets Affected

There are assets owned by Anglian Water (AW) or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

AW has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

WASTEWATER SERVICES
Used Water Network

AW have reviewed the applicant's submitted foul drainage strategy and flood risk documentation and consider that the impacts on the public foul sewerage network are acceptable to AW at this stage. AW request that they are consulted on any forthcoming application to discharge Condition 10 of the outline planning application 15/01810/OUT, to which this Reserved Matters application relates, that require the submission and approval of detailed foul drainage information.

Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

AW have reviewed the applicant's submitted surface water drainage information (Drainage Strategy) and have found that the proposed method of surface water discharge does not relate to an AW owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with AW operated assets, they would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. A connection to the public surface water sewer may only be permitted once the requirements of the surface water hierarchy as detailed in Building Regulations Part H have been satisfied. This will include evidence of the percolation test logs and investigations in to discharging the flows to a watercourse proven to be unfeasible.

5. Representations

- 5.1 Mistley Parish Council have made a neutral comment. They have asked if the Stourview Avenue access satisfies the Essex Highways requirements in terms of size. They suggest the junction of the new access road & Stourview Avenue should have a mini-roundabout to regulate the traffic through the estate. Also, they have asked if the extra traffic will impact the local road network especially with the Harwich Road. The Parish have asked what will happen at the junction of Stourview Avenue & Harwich Road if there are parked cars between this junction & the new junction. Is there a need for double yellow lines in this location? Finally, the Parish ask for further information regarding affordable housing.
- 5.2 The Council has received 5 objections to the proposal from residents raising the following concerns:
- Loss of native flora and fauna
 - Plans should included runs under fences for small mammals, nest boxes, trees, ponds ect.
 - Lack of environmentally friendly energy generation facilities
 - The local school cannot take the additional numbers
 - Destroys the green area
 - Additional new dwellings nearby are not selling
 - Manningtree is not accessible with limited facilities not enough to support this development
 - Loss of AONB land

- Additional traffic would be beyond what the local road network can take
- Noise and population from the cars is a problem
- Lack of local services, schools, shops, Doctors ect.
- Mistley is turning from a Village into a Town.
- Over 1,000 houses have been approved recently and the 'village' does not have the services to support them.
- The ecological reports are out of date and need updating.
- There are bats (a protected Species) in the trees, development in this AONB location should not be given the go ahead.
- Loss of views of the estuary

6. Assessment

Site Context

- 6.1 The application site comprises of 4.7 hectares of undeveloped greenfield land on the edge of Mistley. The site comprises two parcels of land which are very different in appearance and character. The main body of the site upon which new dwellings are to be built lies north of existing Council properties and a playground in Stourview Close. This is also east of properties in Seafield Avenue and south of the Harwich to Manningtree railway line, beyond which is the Stour Estuary. The land comprises managed grassland with a small area of woodland to the north and north-west and overgrowth to the south immediately abutting the existing housing estate. The topography of the site is unusual, generally sloping downwards towards the railway line and to the north east, but undulating significantly within the site with a distinct high point in the centre of the site.
- 6.2 The eastern parcel of land, through which it is proposed to create the new access road appears very separate from the main body of the site and contains a significant number of trees both along its western boundary (adjoining the main body of the site) and in a cluster through the centre of a site on lower ground around a spring which runs through the land. The topography of this area of land is more dramatic, sloping either side of the valley around the spring. To the front part of the eastern parcel, the land immediately fronting Harwich Road 4 new dwellings have been built under application ref: 14/01462/OUT. The red line site includes part of the highway along the edge of Stour View Avenue.

Planning History

- 6.3 The original outline permission (Ref: 15/01810/OUT), did not include any of the Reserve Matters. Therefore, this application relates to appearance, landscaping, layout, access and scale.
- 6.4 As part on the original outline approval there were 16 planning conditions attached. These were often pre commencement conditions and involving matters such as; an agreed Layout, Phasing Schedule, Construction Management details, Landscaping, Lighting, Drainage and various highway related on-site and off-site improvements. The conditions cover ground that could be considered by Reserve Matters, such as drainage, tree protection and lighting but are covered via the original outline Planning Conditions. These are summarised below:

OUTLINE	APPLICATION	CONDITIONS	Timing
15/00876/OUT			
1	Time Frame		By 30/05/2020
2	Time Frame For Reserved Matters		Two years post the last RM approval
3	Reserved Matters		Reserved Matter Application
4	Layout and Phasing Plan		Prior to Commencement
5	Maximum number of dwellings		No discharge required
6	Construction management plan		Prior to Commencement
7	Access Details and Off Site Highway Improvements		Prior to Occupation
8	Archaeological Investigation		Prior to Commencement
9	Ecological Mitigation and Enhancement Plan		Prior to Commencement
10	Foul Water		Prior to Commencement
11	Surface water drainage		Prior to Commencement
12	Hard and soft landscaping		Prior to Commencement
13	Replace failed Trees within 5 years		First planting season
14	External lighting, refuse storage, external material		Prior to Commencement
15	High Speed Broadband		Prior to Occupation
16	Local Recruitment Strategy		Prior to Commencement

6.5 The original outline application was also approved with a signed Section 106 document to secure:

- On-site Council Housing/Affordable Housing;
- Education contribution;
- Health contribution;
- Contribution towards ecological mitigation; and
- Completion and transfer of public open space + maintenance contribution.

Proposal

- 6.6 This is a Reserved Matters application (appearance, landscaping, layout, access and scale) for all 70 dwellings of the original outline approval.
- 6.7 The scheme proposes to create 70 no. two, three and four bedroom detached and semi-detached houses in a single cul-de-sac street. The layout reflects the principles set out in the Design and Access Statements submitted in support of the application for outline planning permission, but updated with additional details required for a Reserve Matters application.
- 6.8 The access to the housing development is from Stourview Avenue. The eastern section of the application site is left for landscaping, open space and the access road. The new residential dwellings are effectively located to the immediate north of Stour View Close only.

Principle of Development

- 6.9 The principle of residential development and access from Stourview Avenue (Condition 7 of the original Outline approval) has been accepted by the granting of outline planning permission 15/01810/OUT. Issues such as the impact on the village character, ecological impacts, drainage, archaeology, lighting and land contamination have therefore already been assessed via the outline permission and associated planning conditions.
- 6.10 Therefore, the proposed development needs to comply with the sustainable development objectives of the NPPF, Chapters 11 and 12 in particular. Together with development management policies, QL9 QL10 QL11, HG6, HG7, HG9 and TR7 within the adopted Tendring Local Plan 2007. Within the Emerging Local Plan, SP6, CP1, LP3 and LP4 are important as is guidance from the Essex County Council Car Parking Standards and the Essex Design Guide (2020). The development is assessed against these policies in the sections below.

Appearance

- 6.11 The applicant says of the design that the scheme will look to adopt the best elements of the 'recent' residential schemes in the Mistley; with the goal of achieving a "sense of place" that reflects the Essex vernacular and the forms promoted by the Essex Design Guide. The applicant goes on to say, Mistley generally is characterised by 'traditional building forms' including pitched roofs, projecting porches, combinations of brickwork and boarding, with various elements of detailing and variation in fenestration.
- 6.12 Officers accept these design principles have been brought forward in this application. All of the dwellings are of an attractive design, and are between 2 - 4 bedroom proportions, principally being semi-detached and detached houses but with some detached chalet dwellings which help to provide additional variety. Overall, this represents a suitable housing 'mix'. The materials involve red and buff brick, grey and red pantiles, slate and brown plain tiles, with black upvc rainwater goods and white upvc fascia's and bargeboards. All the dwellings except the timber boarded 'Alexander' has soldier courses on the front facing windows placements.
- 6.13 The detailed design of the dwellings is varied with different roof forms, and use of porches and window detailing which adds a somewhat traditional element to the design and provides visual interest. External chimney stacks are on show via the 'Charlotte', 'Ophelia' and 'Amelia'. These chimneys also boast interesting brick detailing at the flue. This offset against the large front facing sash windows on both floors makes for impressive designs. The front elevation, entrance canopy and first floor gable design of the 'Charlotte' is particularly eye catching.
- 6.14 The 'Victoria' as the name implies follows the 'classical' Victorian traditional theme. This dwelling has an emphasis on depth rather than width. However, this orientation works seamlessly within the street scape to good effect. The 'Rosemary', 'Barbier' and 'Hebe' are more functional in appearance, yet include interesting eaves detailing via exposed wooden rafters, together with clearly defined front entrances. The 'Grace' and 'Amber' follows the utilitarian theme, yet the hipped roof with eaves overhanging the flank and front building lines is an acquired design choice. The 'Damask' has an emphasis on width, often found on corner plots. The bay window helps offset the design providing additional visual interest. Finally, the 'Alexander', this a one and half storey dwelling with timber weatherboarding on the front and side elevations, also on the front dormers. The

rear gable designs and exposed chimney stack result is an impressive variation to what is an architecturally strong dwelling roster.

- 6.15 The surrounding area comprises of a mixture of type and styles of dwellings, using a range of materials all fairly traditional in appearance, it is therefore considered that the design of the proposed dwellings is in keeping with the character of the area. Overall, appearance of the buildings is considered to be compliant with national and local design principles and policies for such new developments.

Layout / Impact on Residential Amenity

- 6.16 Paragraph 127 of the National Planning Policy Framework 2019 states that planning should involve good architecture, layout and landscaping. Policy H7 of the adopted Tendring District Local Plan (2007) states that development should be designed so as to incorporate suitable outdoor amenity space, so as to have no unduly adverse impact on the character of the area or neighbouring residential amenity. Emerging Policy LP3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) supports these objectives.
- 6.17 Access to the proposed scheme is from Stourview Avenue, on the southern edge of the site, with the estate road looping around the existing trees. The new homes are to the north of the existing properties in Stourview Close and set back from the railway by a new band of landscaping. The layout comprises a single cul-de-sac, with the road forming a loop so that vehicles do not need to turn and can leave in a forward gear without needing to reverse. No connections to the adjoining land are made. As there is no usable 'public space' either centrally or to the west of the site. It makes sense to have access to the 'public space' for dog walking etc to the east of the existing residential settlement only. The existing pedestrian link from the eastern edge of Stourview Close is retained.
- 6.18 In relation to the gaps between dwellings (side by side), no objection is raised. There is a positive spacious feel between dwellings. Officers have reviewed the proposed block plan with regards parking provision and garden size especially. The required standards are reached.
- 6.19 The new homes also back on to the railway with five dwellings facing eastwards to create surveillance of the whole of the open space which includes a play area (Locally Equipped Area for Play LEAP). Existing trees are retained in the public open space and form part of the setting of the entrance, acting as a transition from the new edge of the built-up area of the village to the countryside further to the east.
- 6.20 The adoptable Highway entrance road measures 5.5 metres wide with a 2 metre wide pavement, the road width increases to 6 metres on the shared surface (no dedicated pavement) forming the loop road. This is considered ample space for pedestrians and motorists alike.
- 6.21 Overall across the site area of 4.7 hectares (11.6 acres), the proposed development of 70 new homes equates to a density of 14.9 dwellings per hectare (6.0 dwellings per acre). This is a very low density relative to the size of the site.

- 6.22 Due to the topography of the site, gabions are used to address the change in levels as the access road rises into the site. These features provide a natural appearance within the landscaping scheme rather than using the more urbanising retaining brick walls. Trees are also retained in the north western corner, where long gardens are proposed to ensure that there is plenty of space between the trees and the new homes.
- 6.23 Overall, the layout is intelligently considered and visually interesting. The development should co-exist relatively anonymously adjacent to its existing residential neighbours. Officers have no objections with regards to the layout of the proposed development.

- Impact on Residential Amenity

- 6.24 Paragraph 127 of the National Planning Policy Framework 2019 states that planning should always seek to secure a high standard of amenity for existing and future users. Policy QL11 of the adopted Tendring District Local Plan (2007) states that development will only be permitted if it will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) supports these objectives.
- 6.25 Officers have worked closely with the applicant to ensure any overlooking issues on site are 'designed out' through measures such as window removal or obscuring the windows. In some cases the physical designs have changed, for example Plot 1 now has a hipped roof. In other cases, outbuildings have been used to avoid overlooking from dwellings on higher ground, (see plots 19 and 21, also 33 and 35). The 15 metre rear facing distance to existing neighbouring residential properties boundaries has been achieved and then the 25 metre distance rear wall to rear wall has been respected throughout.
- 6.26 The exception to this ruling are plots 19, 8, 7 and 1. These are on lower ground than the neighbours especially plot 1 where the land falls away sharply. Furthermore, the relationship is a side elevation with no first floor side windows. Officers consider this acceptable and no written objections have been received from existing neighbouring residents. Overall Officers have no objections with regards to impact on residential amenity of the proposal.

Scale

- 6.27 The scale of development is a reserved matter and no parameter plan dictating the height of the new homes was submitted with or condition as part of the application for outline planning permission. The agent indicates the scale of the new homes is based on the assessment of the character of the residential streets on the eastern side of the village, with all buildings at two storeys in height and either in detached or semi-detached forms.
- 6.28 Generally, the larger detached houses in more spacious plots are on the outside of the site helping with the permeability of the site and transition into the countryside. The smaller detached and semi-detached dwellings are in the centre of the site. Importantly this is evident on the eastern and northern edges of the site, where larger houses create a lower density of development as the new edge to the built-up area of the village meets

the public open space and countryside beyond. Houses along the southern perimeter are generally in quite large plots with hipped roofs, this will help provide a more permeable open southern edge to the site.

- 6.29 The proposed scale and massing helps to reinforce the various character areas across the site. Such scale and massing is also in keeping with the housing in the surrounding area. In conclusion, the 'scale' element of the proposal is considered acceptable.

Access / Highway Safety / Parking

- 6.30 The Local Parish Council and others have raised concerns about the local highway networks ability to cater for the extra traffic. However, this development and several other major developments in the vicinity were look at during the outline application. The cumulative impacts required a collaborative assessment under the direction of Essex and Suffolk County Council as the relevant local Highway Authorities. The Highway Authorities concluded that this particular development will not have a severe impact on highway capacity and safety and that no mitigation towards improvements on the highway network were requested from this development.
- 6.31 The site is reasonably accessible, by foot and cycle, to local services and facilities and public transport and the vehicular access and highways matters have been considered and deemed acceptable by the Highway Authority. The transport impacts of the development are not considered to be severe and, from this perspective, Officers consider the proposal to be acceptable.
- 6.32 Access via Stourview Avenue was conditioned at outline stage and this scheme has honoured that requirement. The highway is built to an 'adoptable level' up to the shared access within the site.
- 6.33 ECC Highways have no objections to the development subject to the standard Highway conditions, such as car parking areas to be retained, parking spaces to be the required size, correct garage sizes and the provision of residential travel packs for future residents.
- 6.34 The on-site parking is compliant with the Council's parking standards, both in terms of quantum and size, as set out in the Essex Parking Standards (2009). Overall, Officer have no objection to the 'Access' reserve matter assessment.

Landscape / Biodiversity

- 6.35 Local Plan Policy EN1 and draft Local Plan Policy PPL3 seeks to protect and limit the potential landscape impacts of new development. While paragraph 175 d) of the NPPF seeks to ensure a 'measurable net gains for biodiversity'.
- 6.36 A comprehensive hard and soft landscaping scheme has been submitted with this application.
- 6.37 The Council's Landscape Officer has fully supported the proposal and offered no recommendations for additional or alternative planting. Suds features within the eastern part of the site are covered by the original outline permission and associated planning conditions.

- 6.38 The scheme achieves a semi-rural to rural transition especially as one heads east from the centre of the site. Thus, helping to define its edge of the settlement location, especially if you arrive from the east. This is aided by the retention of the existing trees within the eastern parcel of the site.
- 6.39 The landscaping (new and existing) together with the site layout plays an integral role in defining that appearance of the site. Creating the setting for the buildings and highlights the public realm from the street frontages.
- 6.40 The Section 106 associated with the outline permission instructs a suitable 'Management Company' to be established to maintain the Public Open Space for perpetuity. As such, the development is considered compliant with the aforementioned policy guidance and Officers raise no objection to the development on grounds of landscaping.
- Ecology
- 6.41 As required by saved Local Plan Policies EN6 and EN6a and draft Local Plan Policy PPL4, the applicant has submitted a HRA screening report at Outline stage. This was accepted by Natural England and Essex Wildlife Trust, both these parties were consulted on this application.
- 6.42 The HRA Screening report found that the proposed development provides a potential impact to the Stour and Orwell Estuaries SPA/ Ramsar. The area of greenspace to the west of the site provides suitable mitigation for the potential impacts providing dog waste bins, signage, information boards and paths are included within the scheme.
- 6.43 Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.
- 6.44 A unilateral undertaking will need to be prepared to secure the off-site financial contributions. This will ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.
- 6.45 The proposal includes the biodiversity enhancements in the form of log piles, reptile hibernacula, bird boxes, big hotels, hedgehog houses and native species hedgerow planting as included in the Soft Landscape Proposals (Sheets 1-7) (Andrew Hastings Landscape Consultants Ltd., March 2020). Overall, both Natural England and Essex Wildlife Trust have offered no objections to this application subject to RAMS payments and Ecological Mitigation and Enhancement. The latter was secured as Condition 9 of the outline consent (15/01810/OUT). This will need to be informed by updated ecological surveys.

Section 106 of the Town and Country Planning Act 1990 and Viability Matters

6.46 As established by the Outline Planning Permission 15/01810/OUT/OUT, the development requires s106 contributions regarding:

- On-site Council Housing/Affordable Housing;
- Education contribution;
- Health contribution;
- Contribution towards ecological mitigation; and
- Completion and transfer of public open space + maintenance contribution.

6.47 The delivery of these aspects is controlled directly by the s106 agreement and include mainly the community benefits of the scheme, such as the open space, affordable housing and play space.

6.48 Other than the RAMS payments via a separate Unilateral Undertaking, there are no changes to the original Section 106 document.

6.49 With regards to the Affordable Housing contribution, the outline permission established that the Council would accept 5 properties 'gifted' (i.e. transferred to the Council or a nominated partner or trust at zero cost). This has been submitted within this application with plots 1, 6, 7, 8 and 9 being the affordable houses offered forward.

6.50 In relation to the Flood Risk Assessment and the associated documents which accompanied this planning application, ECC SuDS do not object to the granting of planning permission subject to full details of the detailed drainage scheme to be submitted as part of a discharge of conditions application for 15/01810/OUT.

7. Conclusion

7.1 Officers consider the proposal to be an efficient use of the site that will assist in achieving/maintaining a 5-year Housing Land Supply, and the N.P.P.F requirement to significantly boost the provision of housing land within the District. Any outstanding details relating to Suds, lighting, contamination or archeology have been adequately controlled by the original Outline planning conditions.

7.2 This scheme provides a range of housing within landscaped surroundings to create safe, attractive and characterful streets. The appearance does not feel cramped or overdeveloped.

7.3 The new homes have good sized private gardens, sufficient off-street parking provision and include capacity for the storage of cycles and refuse. Sustainable drainage infrastructure is utilised to manage surface water runoff and the highways are designed to meet the necessary safety standards and compliment the different character areas of the site.

7.4 The landscaped northern and eastern sides of the site will provide benefits for local biodiversity, as well as retaining the countryside character further to the east.

7.6 Ultimately, the proposals bring forward much-needed housing in a manner that is considered a sympathetic and high-quality addition to Mistley. The proposal is considered compliant with the parameter plans as set out and approved at Outline stage and subsequent requirements of Reserve Matters.

8. Recommendation

8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives and the prior completion of a section106 legal agreement with the agreed Heads of Terms, as set out in the table below:

CATEGORY	TERMS
Financial contribution towards RAMS.	£125.58 per new dwelling towards RAMS

8.2 Conditions and Reasons

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Rb003-pl-07 g Amended parking plan Received on 27 Oct 2020
- Rb003-pl-08 g Amended garden areas plan 27 Oct 2020
- Rb003-pl-09 g Amended refuse plan 27 Oct 2020
- Rb003-pl-02 h Amended site layout 27 Oct 2020
- Rb003-pl-03 g Amended detailed site layout 27 Oct 2020
- Rb003-pl-04 g Amended storey heights plan 27 Oct 2020
- Rb003-pl-05 g Amended surface finishes 27 Oct 2020
- Rb003-pl-06 g Amended materials plan 27 Oct 2020
- Rb003-ht-ame-02 rev b Amended amelia - proposed elevations 17 Sep 2020
- Rb003-ht-ch-02 rev b Amended charlotte - proposed elevations 17 Sep 2020
- Rb003-ht-al-01 rev b Amended alexander - proposed floor plans 17 Sep 2020
- Rb003-ht-ch-01 rev b Amended charlotte - proposed floor plans 17 Sep 2020
- Rb003-ht-ame-01 rev b Amended amelia - proposed floor plans 17 Sep 2020
- Rb003-ht-op-02 rev b Amended ophelia - proposed elevations 17 Sep 2020
- Rb003-ht-ro-02 rev b Amended rosemary (detached) - proposed floor plans and elevations 17 Sep 2020
- Rb003-ht-ro-01 rev c Amended rosemary - proposed floor plans and elevations 17 Sep 2020
- Rb003-ht-op-01 rev c Amended ophelia - proposed floor plans 17 Sep 2020
- Rb003-ht-vi-01 rev c Amended victoria - proposed floor plans and elevations 17 Sep 2020
- Rb003-ht-da-01 rev d Amended damask - proposed floor plans and elevations 17 Sep 2020
- Rb003-ht-he-01 rev b Amended hebe - proposed floor plans and elevations 17 Sep 2020
- Rb003-ht-al-02 rev b Amended alexander - proposed elevations 17 Sep 2020
- Rb003-ht-amb-01 rev b Amended amber- proposed floor plans and elevations 17 Sep 2020
- Rb003-ht-gr-01 rev b Amended grace - proposed floor plans and elevations 17 Sep 2020
- Rb003-ht-ba-01 rev d Amended barbier - proposed floor plans and elevations 17 Sep 2020

Rb003-gr-sg1-01 Sg1a single garage floor plan, roof plan and elevations 06 April 2020
Rb003-gr-sg1-02 Sg1b double garage floor plan, roof plan and elevations 06 April 2020
19.5009.08 v1 Play area 06 April 2020
10831/fw1 Foul water drainage strategy plan 06 Apr 2020
10831/ra1b General arrangement of access road 06 Apr 2020
10831/sw1 Surface water drainage strategy plan 06 Apr 2020
1126 I 001 Site plan 06 Apr 2020

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

2. Prior to the occupation of any of the proposed development the internal road and footway layout shall be provided in principal and accord with Drawing numbers:
 - Rb003-pl-02 h Amended site layout.
 - Rb003-pl-03 g Amended detailed site layout
 - Rb003-pl-07 g Amended parking plan

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

3. Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6.

4. The development shall not be occupied until such time as a car parking and turning area 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 and 8.

5. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

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

6. All single garages should have a minimum internal measurement of 7m x 3m and all double garages should have a minimum internal measurement of 7m x 5.5m.

Reason - To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8.

7. The Cycle parking shall be provided 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.

8.3 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.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Highways

1: Prior to occupation, the development shall be served by a system of operational street lighting (excludes the shared surface areas) of design approved from the Highway Authority along the Primary route/ traffic calmed areas, which shall thereafter be maintained in good repair.

2: 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.

3: 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.

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

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

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

5: 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.

Suds

1. Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

2. Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

3. Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

4. It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

Ecology

The Soft Landscape Proposals (Sheets 1-7) (Andrew Hastings Landscape Consultants Ltd., March 2020) show that the proposed reptile hibernacula and hedgehog house appear to be located in the middle of an area of amenity turf and public access. ECC Ecology recommend that these are relocated to a more sheltered location, away from residents and within longer vegetation. The locations of the enhancement measures should be informed by the applicant's ecologist. ECC Ecology note, from the Ecological Assessment (Eco Planning, 2015) sections of the site have "biodiversity value". ECC Ecology recommend that the DEFRA Biodiversity Metric v2.0 is utilised in the Ecological

Mitigation, Management and Enhancement Plan secured as Condition 9, to assess the baseline biodiversity value of the site, and develop appropriate enhancement measures to demonstrate measurable net gains for biodiversity. This is needed to enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Anglian Water

1. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the 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 to:
 - 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
 - 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

10. Background Papers

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

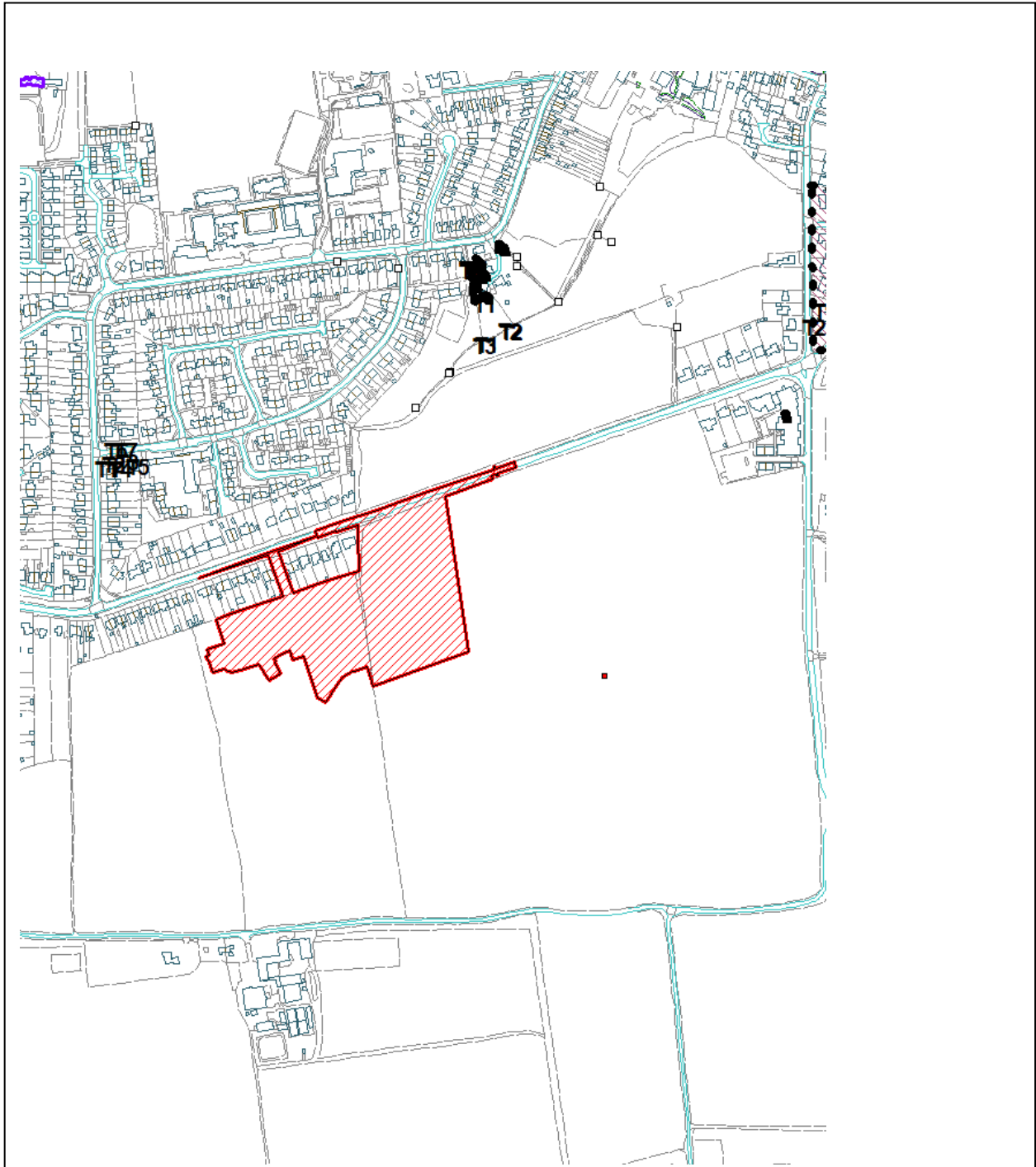
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PLANNING COMMITTEE

17TH NOVEMBER 2020

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.2 PLANNING APPLICATION – 20/00782/OUT – LAND SOUTH OF LONG ROAD LAWFORD CO11 2HS



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Application: 20/00782/OUT

Town / Parish: Mistley Parish Council

Applicant: Mr Steven Rose - Rose Builders (Properties) Ltd

Address: Land South of Long Road Lawford CO11 2HS

Development: Outline planning with all matters reserved except for access for up to 76 no. dwellings and associated roads, hardstanding, fencing, outbuildings and drainage.

1. Executive Summary

- 1.1 This application is referred to the Planning Committee as the site is situated outside of any settlement development boundary (SDB), but adjacent to the SDB of Lawford. The development therefore represents a departure from the saved local plan.
- 1.2 The application site is located on the southern side of Long Road at the eastern end of the settlement of wider 'Lawford Green' development (15/00876/OUT) that approved amongst other elements 360 dwellings, a community building with public access toilets, village green, public open space a playground. There was 3.4 hectares of land in the eastern portion of this wider site allocation that was left undeveloped.
- 1.3 This application seeks outline planning permission for the erection of 76 dwellings on this land. The application is in outline form with all matters reserved except for access. This application therefore seeks approval of the access along with the principle of development.
- 1.4 The application site is outside the adopted settlement boundary but within the emerging settlement boundary of the new local plan.
- 1.5 An area of land South of Long Road (approximately 50 metres in depth) is designated as being within the 'Green gap' of the emerging local plan. The application has suggested development within this land of approximately 3 dwellings. The report indicated Officers are against this idea and feel there is ample space to develop without needing to use this locally designed open land.
- 1.6 The site is located on the edge of what the emerging Local Plan calls a 'smaller urban settlement' (the adopted at 'town' with good access to local services/facilities). Planning permission has been granted for residential development on land directly to the east for 485 dwellings. This has been built at approximately 30 dwellings per hectare. This application proposes approximately 22 dwellings per hectare. The original 360 dwelling development from the host developer is occurring immediately to the east.

Therefore, there would be minimal landscape impact whilst sufficient spacing to existing residents is retained to safeguard amenity.

- 1.7 In the current situation the Council cannot demonstrate a 5 year housing supply and therefore in accordance with the provisions of the National Planning Policy Framework (NPPF) the presumption in favour of sustainable development applies. The development is considered to meet the economic, environmental and social strands of sustainability as outlined in the NPPF.
- 1.8 Subject to the applicant entering into a Section 106 agreement to cover the provision of affordable housing and healthcare/RAMS contributions, the proposal is considered to be acceptable with no material harm to visual or residential amenity, heritage assets, ecology interest or highway safety, and the application is therefore recommended for approval.

Recommendation:

That the Head of Planning be authorised to grant planning permission for the development subject to:-

- a) **Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):**
 - **Financial Contribution towards RAMS**
 - **Affordable Housing Provision:**
 - **Education contribution**
 - **NHS contribution**
 - **Open Space**
- b) Subject to the conditions stated in section 8.2
- c) That the Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

2. Planning Policy

- 2.1 The following Local and National Planning Policies are relevant to this planning application:

NPPF National Planning Policy Framework 2019
National Planning Practice Guidance

Tendring District Local Plan 2007

QL1	Spatial Strategy
QL2	Promoting Transport Choice
QL3	Minimising and Managing Flood Risk
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
QL12	Planning Obligations
HG1	Housing Provision
HG3	Residential Development within Defined Settlements
HG3A	Mixed Communities
HG4	Affordable Housing in New Developments
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
HG14	Side Isolation
COM2	Community Safety
COM4	New Community Facilities (Including Built Sports and Recreation Facilities)
COM6	Provision of Recreational Open Space for New Residential Development
COM21	Light Pollution
COM23	General Pollution
COM26	Contributions to Education Provision
COM29	Utilities
COM31A	Sewerage and Sewage Disposal
EN1	Landscape Character
EN2	Local Green Gaps
EN4	Protection of the Best and Most Versatile Agricultural Land
EN5	Areas of Outstanding Natural Beauty (AONB's)
EN6	Biodiversity
EN6A	Protected Species
EN6B	Habitat Creation
EN11A	Protection of International Sites European Sites and RAMSAR Sites
EN11B	Protection of National Sites SSSI's, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites
EN12	Design and Access Statements
EN13	Sustainable Drainage Systems
EN23	Development Within the Proximity of a Listed Building
EN29	Archaeology
TR1A	Development Affecting Highways
TR4	Safeguarding and Improving Public Rights of Way
TR5	Provision for Cycling
TR6	Provision for Public Transport Use
TR7	Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP5	Infrastructure & Connectivity

SP6	Place Shaping Principles
SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP1	Improving Health and Wellbeing
HP2	Community Facilities
HP3	Green Infrastructure
HP4	Safeguarded Local Greenspace
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
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
PPL6	Strategic Green Gaps
PPL7	Archaeology
PPL9	Listed Buildings
CP1	Sustainable Transport and Accessibility
CP2	Improving the Transport Network
CP3	Improving the Telecommunications Network

Other Guidance

Essex County Council Car Parking Standards - Design and Good Practice
Essex Design Guide for Residential and Mixed-Use Areas.
Essex Design Guide (2005)
Urban Place Supplement (2007)

Status of the Local Plan

- 2.2 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.
- 2.3 Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications

will be required – including the removal of two of the three Garden Communities ‘Garden Communities’ proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

- 2.4 The three North Essex Authorities are currently considering the Inspector’s advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.
- 2.5 The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.
- 2.6 In relation to housing supply:
- 2.7 The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years’ worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.8 At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF (which applies until such time that the figures in the new Local Plan are adopted).
- 2.9 In addition, the actual need for housing (as set out in the emerging Local Plan) was found to be much less than the figure produced by the standard method when tested at the recent Examination in Public of the Local Plan, as recently endorsed by the Local Plan Inspector. Therefore, in weighing the benefits of residential development against the harm, the Inspector’s endorsement of the lower housing requirement figure is a strong material consideration which tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing to address the perceived shortfall

– given that, against the Local Plan housing requirement there is, in fact, a surplus of supply as opposed to a shortfall.

3. Relevant Planning History

15/30021/PREAPP	Screening Opinion request for mixed use development including community building, school access with drop off and pick up area, village green, parking and residential development (360 dwellings).		06.02.2015
15/00876/OUT	The erection of 360 houses (including Lawford Enterprise Trust Housing), with associated garages on 22.76ha with two vehicular access points, site roads, pedestrian and cycle routes, a new primary school access with off-road pickup and drop-off parking, a community building with public access toilets, a junior camping field, village green, public open space, structural landscaping and playground.	Approved	13.04.2017
17/01527/DETAIL	Reserved matters application with details of appearance, landscaping, layout and scale pursuant to Phase 1 of outline permission (15/00876/OUT) including 120 dwellings, community building with parking, junior camping field, village green, structural landscaping and playground.	Approved	14.03.2018
18/00304/DISCON	Discharge of conditions 3 (Masterplan), 7 (Construction Management Plan), 12 (Surface Water Drainage Scheme), 13 (Foul Water Strategy), 14 (Hard and Soft Landscaping), 16 (Ecological and Management Plan), 17 (Tree Protection Measures), 19 (Refuse/Storage points, Dwelling External Materials), 20 (construction Management Statement), 21 (Broadband Connection) and 23 (Water, Energy and Resource Efficiency Measures) of approved planning application 15/00876/OUT	Approved	30.10.2018
18/00750/DISCON	Discharge of conditions 18 (Archaeology), 22 (Local Recruitment Strategy), 24 (Contamination) of approved	Approved	02.07.2018

	planning application 15/00876/OUT.		
18/01094/DISCON	Discharge of Condition 19 (street lighting) of 15/00876/OUT.	Approved	17.08.2018
18/01548/DISCON	Discharge of condition 7) Construction Management Plan - to approved Planning Application 15/00876/OUT.	Approved	11.02.2019
19/00211/FUL	Re-location of approved electrical substation (retrospective) and parking spaces.	Approved	07.06.2019
19/00274/DISCON	Discharge of Condition 18C (Archaeological Excavation Report) of application 15/00876/OUT.	Approved	28.03.2019
19/00900/DISCON	Discharge of Condition 14 (Landscaping) of application 15/00876/OUT.	Approved	12.07.2019
19/01475/DETAIL	Reserved matters application with details of appearance, landscaping, layout and scale pursuant to Phase 2 of outline permission (15/00876/OUT) including 140 dwellings, associated hardstanding, boundary treatments, landscaping and drainage.	Approved	09.07.2020
19/01498/NMA	Non Material Amendment to approval of 15/00876/OUT for substitution of "Cornelia" house type for "Barbier" house type at plots 86-87, 90-93, 100-101. Proposed substitution of "Cornelia" house type for "Cornelia Variation" housetype at plots 54-57. Change of rear and side elevations, and internal layout to "Alexander" house type at plots 75-79.		04.11.2019
19/01698/DISCON	Discharge of condition 07 (construction Management Plan) 12 (Surface Water Drainage) 13 (Foul Water Strategy) 14 (soft	Approved	29.05.2020

Landscaping) 16 (Ecological mitigation scheme) 18 (Archaeology WSI) 19 (Refuse and external materials) 20 (construction Method Statement) and 24 (Remediation) of planning permission 15/00876/OUT.

19/01751/DETAIL	Reserved matters application following outline permission 15/00876/OUT - Application to substitute "Cornelia" house type for "Barbier" house type at plots 86-87, 90-93, 100-101 as previously approved by 17/01527/DETAIL. Proposed substitution of "Cornelia" house type for "Cornelia Variation" housetype at plots 54-57. Change of rear and side elevations, and internal layout to "Alexander" house type at plots 75-79.	Approved	28.08.2020
20/00178/NMA	Non Material Amendment to approval of 15/00876/OUT for substitution of plots 39, 60 and 81 from "Braithewaite Variation" house type to "Braithewaite" house type. Hand plot 63.	Approved	25.03.2020
20/00458/OUT	Variation of condition 9 of 15/00876/OUT amending the delivery requirement of the spine road before the 201st occupation.	Approved subject Section 106	
20/00707/DISCON	Discharge of conditions (phase 3) 12 (Surface Water), 13 (Foul Water), 14 (Landscaping), 16 (Ecology Mitigation), 17 (Tree Protection), 19 (Refuse Collections and Materials Only), (phase 3 and 5) 18 (Archaeology) and 24 (Contamination) of planning permission 15/00876/OUT.	Approved	18.06.2020
20/00773/DISCON	Discharge of conditions (phase 3) 12 (Surface Water), 13 (Foul Water), 14 (Landscaping), 16 (Ecology Mitigation), 17 (Tree Protection), 19 (Refuse	Current	

Collections and Materials Only),
(phase 3 and 5) 18 (Archaeology)
and 24 (Contamination) of
planning permission
15/00876/OUT.

4. Consultations

Essex County
Council
Ecology
02.09.2020

No objection subject to securing

- a. A proportionate financial contribution in line with the Essex Coast RAMS tariff to deliver mitigation measures to avoid adverse effects on the integrity of the Essex Estuaries SAC and the Stour and Orwell SPA and Ramsar
- b. mitigation and enhancement measures

Summary

ECC Ecology have reviewed the Badger Survey Report (Geosphere Environmental Limited, November 2019), the Ecological Mitigation and Management Plan (Geosphere Environmental Limited, July 2019) and the Updated Ecological Survey (Geosphere Environmental Limited, June 2019) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats.

ECC Ecology are satisfied that there is sufficient ecological information available for determination.

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

ECC Ecology note that this application will require the LPA to prepare a project level HRA Appropriate Assessment as the development lies within the Zone of Influence (ZOI) for the Essex Coast RAMS, approximately 1km from the Stour and Orwell Estuaries SPA and Ramsar, and delivery of mitigation measures in perpetuity will therefore be necessary to ensure that this proposal will not have an adverse effect on the integrity of the above Habitats sites from recreational disturbance, when considered 'in combination' with other plans and projects. A proportionate financial contribution will need to be secured from the applicant under a legal agreement.

The mitigation measures identified in the Badger Survey Report (Geosphere Environmental Limited, November 2019), the Ecological Mitigation and Management Plan (Geosphere Environmental Limited, July 2019) and the Updated Ecological Survey (Geosphere Environmental Limited, June 2019) should be secured and implemented in full. These should be collated into a Construction

Environmental Management Plan for Biodiversity (CEMP: Biodiversity).

As mentioned in the Badger Survey Report (Geosphere Environmental Limited, November 2019), as more than 6 months have passed since the badger survey was undertaken, this should be updated, within 6 months prior to works commencing on-site, to identify if the usage of the setts identified has changed. This should be secured as a condition of any consent.

ECC Ecology also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. These should be included in a Biodiversity Enhancement Strategy as secured as a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Badger Survey Report (Geosphere Environmental Limited, November 2019), the Ecological Mitigation and Management Plan (Geosphere Environmental Limited, July 2019) and the Updated Ecological Survey (Geosphere Environmental Limited, June 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

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

2. PRIOR TO COMMENCEMENT: ADDITIONAL MEASURES FOR BADGERS

"No development shall take place (including any demolition, ground works, site clearance) until a further badger survey and updated mitigation statement has been submitted to and approved in writing by the local planning authority. This further survey shall be undertaken to identify whether any Badger activity has changed since the previous surveys were undertaken and whether further mitigation and/or works are required for badgers during the construction phase. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter."

Reason: To conserve Protected species and allow the LPA to discharge its duties under the Badger Protection Act 1992 and s17 Crime & Disorder Act 1998.

3. CONCURRENT WITH RESERVED MATTERS: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

"A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

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

4. CONCURRENT WITH RESERVED MATTERS: BIODIVERSITY ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

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

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

5. CONCURRENT WITH RESERVED MATTERS: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

"A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial

action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details."

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

Arch. Liaison
Off, Essex
Police
17.08.2020

Essex Police and the applicant are already involved in constructive consultation in relation to incorporating Secured By Design - Homes 2019 accreditation into Phase 2 and 3 of this development. We are content the ethos of Crime Prevention Through Environmental Design (CPTED) is being addressed adequately within Phase 4 and 5 . Essex Police are keen to continuing to work with the applicant to additionally achieve Secured By Design accreditation for Phases 4 and 5.

Network
Planner - UK
Power
Networks

No Comments Received

Essex County
Council
Archaeology
14.08.2020

The above planning application has been identified as having the potential to harm non-designated heritage assets with archaeological interest.

The Essex Historic Environment Record (HER) and Tendring Historic Environment Characterisation Project, demonstrate that the proposed development lies within an area of archaeological interest.

The site lies adjacent to an area of recorded cropmark features indicative of a Roman road, further cropmark features extend into the development area which include trackways and enclosures. The above site lies within the extent of application 15/00876/OUT which has an archaeological condition and for which a Written Scheme of Investigation has been submitted and approved. The archaeological fieldwork for Phase 1 of this application has been completed, the archaeological evaluation and excavation has identified Roman and prehistoric settlement activity, the potential for further Roman activity to lie within the above development site is high.

The following recommendations are made in line with the National Planning Policy Framework:

RECOMMENDATION: A Programme of Archaeological evaluation

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which

has been submitted by the applicant, and approved in writing by the local planning authority.

2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.

3. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Further Recommendations:

A professional team of archaeologists should undertake the archaeological work. A brief outlining the level of archaeological investigation will be issued from this office on request. Tendring District Council should inform the applicant of the recommendation and its financial implications.

TTC Planning
Policy Section

No Comments received

Cadent Gas
Limited
21.08.2020

An assessment has been carried out with respect to Cadent Gas Limited, National Grid Electricity Transmission plc's and National Grid Gas Transmission plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus. For details of Network areas please see the Cadent website (<http://cadentgas.com/Digging-safely/Dial-beforeyou-dig>) or the enclosed documentation.

Are My Works Affected?

Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified. Can you please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application.

If the application is refused for any other reason than the presence of apparatus, we will not take any further action.

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to Cadent Gas Limited, National Grid Electricity Transmission plc (NGET) and National Grid Gas Transmission plc (NGGT) and apparatus. This assessment does NOT include:

- Cadent and/or National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent and/or National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Plant Protection.
- Gas service pipes and related apparatus
- Recently installed apparatus
- Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is YOUR responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on either the National Grid or Cadent website.

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to Cadent and/or National Grid's easements or wayleaves nor any planning or building regulations applications.

Cadent Gas Limited, NGGT and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

ASSESSMENT

Affected Apparatus

The apparatus that has been identified as being in the vicinity of your proposed works is:

- High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment
- Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)

As your proposal is in proximity to apparatus, we have referred your enquiry / consultation to the following department(s) for further assessment:

- Cadent Pipelines Team

We request that you take no further action with regards to your proposal until you hear from the above. We will contact you within 28 working days from the date of this response. Please contact us if you have not had a response within this timeframe.

Requirements

BEFORE carrying out any work you must:

- Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.
- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 - 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

Essex County Fire Officer No Response

NHS East Essex CCG 14.08.2020 The proposed development is likely to have an impact on the services of 2 GP practices operating within the vicinity of the application site. These GP practices do not have capacity for the additional growth resulting from this development.

The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. As the commissioner of primary care services, North East Essex CCG would therefore expect these impacts to be fully assessed and mitigated.

North East Essex CCG acknowledges that the planning application includes a Planning Statement which suggests that a capital contribution may be required to mitigate against the healthcare impacts arising from the proposed development

A Healthcare Impact Assessment (HIA) has been prepared by North East Essex CCG to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 167 residents and subsequently increase demand upon existing constrained services.

The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

At the earliest stage in the planning process it is recommended that work is undertaken with NHS England and Public Health England to understand the current and future dental needs of the development and surrounding areas giving consideration to the current dental provision, current oral health status of the area and predicted population growth to ensure that there is sufficient and appropriate dental services that are accessible to meet the needs of the development but also address existing gaps and inequalities.

Encourage oral health preventative advice at every opportunity when planning a development, ensuring that oral health is everybody's business, integrating this into the community and including this in the health hubs to encourage and enable residents to invest in their own oral healthcare at every stage of their life.

As an Integrated Care System it is our ambition that every one of the one million people living in Suffolk and North East Essex is able to live as healthy a life as possible and has access to the help and treatment that they need in the right place, with good outcomes and experience of the care they receive.

Suffolk and North East Essex Integrated Care System, recognises and supports the role of planning to create healthy, inclusive communities and reduce health inequalities whilst supporting local strategies to improve health, social and cultural wellbeing for all aligned to the guidance in the NPPF section 91.

The way health and care is being delivered is evolving, partly due to advances in digital technology and workforce challenges. Infrastructure changes and funds received as a result of this development may incorporate not only extensions, refurbishments, reconfigurations or new buildings but will also look to address workforce issues, allow for future digital innovations and support initiatives that prevent poor health or improve health and wellbeing.

The NHS Long term plan requires a move to increase investment in the wider health and care system and support reducing health inequalities in the population. This includes investment in primary medical, community health services, the voluntary and community sector and services provided by local authorities so to boost out of hospital care and dissolve the historic divide between primary and community health services. As such, a move to health hubs incorporating health and wellbeing teams delivering a number of primary and secondary care services including mental health professionals, are being developed. The Acute hospitals will be focussing on providing specialist treatments and will need to expand these services to cope with additional growth. Any services which do not need to be delivered in an acute setting will look to be delivered in the community, closer to people's homes.

The health impact assessment (HIA) submitted with the planning application will be used to assess the application. This HIA will be cross-referenced with local health evidence/needs assessments and commissioners/providers own strategies so to ensure that the proposal impacts positively on health and wellbeing whilst any unintended consequences arising are suitably mitigated against.

The development would give rise to a need for improvements to capacity, in line with emerging STP Estates Strategy; by way of refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of The Riverside Health Centre or through other solutions that address capacity and increased demand. For this a proportion of the cost would need to be met by the developer.

The Capital Cost Calculation of additional primary healthcare services arising from the development proposal, has been calculated as £44,334.40 towards creating additional floor space at The Riverside Health Centre. Payment should be made before the development commences.

North East Essex CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

Conclusions

In its capacity as the primary healthcare commissioner, North East Essex CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

Assuming the above is considered in conjunction with the current application process, North East Essex CCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

The terms set out above are those that North East Essex CCG deem appropriate having regard to the formulated needs arising from the development.

North East Essex CCG is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

North East Essex CCG look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

ECC Schools
Service
28.08.2020

As no residential unit mix has been provided it has been assumed that all of these homes are dwellings with two or more bedrooms. Therefore a development of this size can be expected to generate the need for up to 6.84 Early Years and Childcare (EY&C) places; 22.8 primary school, and 15.2 secondary school places.

Please note that any developer contribution figures referred to in this letter are calculations only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation.

This proposal forms part of the larger Long Road development and includes land formally owned by Manningtree High School. There are a number of obligations included in the extant section 106 agreement (dated 12th April 2017), pertaining to the earlier phases of this development, and this additional phase will add to the impacts that these obligations were secured to address. It would thereby appear appropriate that these obligations are extended pro rata.

Early Years and Childcare

Essex County Council has a statutory duty under the Childcare Act 2006 to ensure that there is sufficient and accessible high-quality early years and childcare provision to meet local demand. This includes provision of childcare places for children aged between 0-5 years as well as wrap around provision for school aged children (5-11 or up to 19 with additional needs).

The Early Years and Childcare Service have secured the provision of a 30 place childcare facility through the S106 agreement from the Lawford (Bromley Road) development. This provision, along with existing provision within the surrounding 3 mile radius, will be sufficient to meet the demand generated by this new housing development. The Early Years and Childcare Service does not require further contributions for any additional housing at this stage, subject to the completion and sealing of the Deed of Variation currently being processed to secure the EY&C facility referred to above.

ECC would caveat that should the Deed of Variation not proceed to completion and be sealed then a request for a contribution toward EY&C provision of £94,926.00, index linked to April 2015, would be made. This equates to £13,878.00 per place.

Primary Education

With regard to the additional demand generated by this development, a developer contribution of £277,522.00, index linked to April 2015 is sought to mitigate its impact on local primary school provision. This equates to £12,172.00 per place.

Secondary Education

With regard to the additional demand generated by this development a developer contribution of £281,063.00 index linked to April 2015, is sought to mitigate its impact on local secondary school provision. This equates to £18,491.00 per place.

School Transport

Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council will not be seeking a school transport contribution, however, the developer should ensure that safe direct walking and cycling routes to local schools are available.

Libraries

ECC seek contributions to support the expansion of the library service to meet customer needs generated by residential developments of 20+ homes.

The provision of a Library Service is a statutory duty under the 1964 Public Libraries and Museums Act and it's increasingly become a shared gateway for other services such as for accessing digital information and communications.

In this case the suggested population increase brought about by the proposed development is expected to create additional usage of Manningtree library. As outlined in the adopted Essex Developers' Guide to Infrastructure Contributions (2016), a contribution is therefore considered necessary to improve, enhance and extend the facilities and services statutorily provided to account for the expected increase in number using these facilities.

The requested contribution is based on the following calculation:
Average. RICS East of England Library tender value cost per m2 for library provision x 30m2 / 1000 x av. household occupants + av. fitting out costs of a new provision in Essex + provision of stock per dwelling.

In this case, and taking the above into account, it is calculated that a contribution of £23,006.72 is required and should be included in any Section 106 Agreement should the Council be minded to grant permission.

In view of the above, I request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on primary and secondary education and libraries. The contributions requested have been considered in connection with the CIL Regulations 2010 (as Amended) and are CIL compliant. Our standard formula s106 agreement clauses that ensure the contribution would be necessary and fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

If your Council were minded to turn down the application, I would be grateful if the lack of surplus primary and secondary education and library provision, in the area to accommodate the proposed new homes can be noted as an additional reason for refusal, and that we are automatically consulted on any appeal or further application relating to the site.

TDC Housing
Services
09/09/2020

The application proposes up to 76 dwellings in total and as such, there will be a requirement for affordable housing to be delivered. The applicant, in their planning statement, has acknowledged that up to 23 dwellings need to be delivered as affordable housing and this is consistent with the requirements in the emerging Local Plan.

There remains a high demand for housing in Lawford and there are currently the following number of households on the housing register seeking housing in the village:

1 bedroom – 138 households*
2 bedroom - 100 households
3 bedroom – 60 households
4 bedroom - 24 households

*of the 138 households seeking a 1 bedroom home, 52 are aged 60 or over which would imply a requirement for level access accommodation.

My department would prefer to see affordable housing delivered on site and would prefer another provider be sought to take on the affordable homes. I have had discussions with the applicants regarding the tenure split and have recommended a 70/30 split in favour affordable rented homes/low cost home ownership therefore a 16/7 split.

ECC SuDS
Consultee
25.09.2020

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

The surface water drainage strategy should be implemented as agreed in the accompanying drainage strategy and maintenance plan. We also recommend the following conditions:

Condition 1

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory

storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 2

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

ECC
Highways
Dept
06.11.2020

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.

The Highway Authority has considered all the information submitted with the planning application. The Highway Authority is satisfied that the applicant has demonstrated (in accordance with the NPPF) the impact of the proposal on the highway network would be unlikely to be severe. With the proposed upgrade of the Wignall Street/Bromley road priority junction to a mini roundabout and subject to the link road being completed and connected to Long Road the traffic will be distributed 50:50 between the Bromley Road and Long Road accesses so this is key to the operation. Therefore, from a highway and transportation perspective, the increase in up to 76 dwellings housing has no significant impact on the junctions assessed.

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

1. 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. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities
 - v. prior to the commencement of any work on the site, a joint inspection of the route to be used by construction vehicles should be carried out by the Applicant and the Highway Authority, including photographic evidence.

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.

2. No occupation of the development shall take place until the following have been provided or completed:
 - a) A priority junction with ghosted right turn lane (with two pedestrian refuge islands) in Long Road to provide access to the proposal site. Priority junction shall have minimum 10.5 metre kerbed radii with dropped kerbs/tactile paving crossing points, a minimum 6.75 metre access road carriageway with two 3 metre footway/cycleways, pedestrian/cycle refuge island and a minimum 109m x 2.4m x 120m clear to ground visibility splay.

- b) A mini-roundabout at the junction of Wignall Street and Bromley Road in principal and in accordance with approved Ardent Consulting Engineers drawings K297-002C.
- c) A minimum 3-metre-wide footway/cycleway along the proposal site's Long Road frontage.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10.

3. A financial contribution of **£**,000 (index linked)** towards the provision of a new footway along Grange Road between its junction with School Lane and Bromley Road.

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.

Notes:

- The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate
- In making this recommendation the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site as illustrative only
- Prior to any works taking place in the highway the developer should enter into an S278/ S106 agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works
- All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible).

- All highway related details should be agreed with the Highway Authority.
- The proposed junction layouts, and footway proposals will require an initial Stage 1 Road Safety Audit.
- The development should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009.

Informative:

1: 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.

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

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

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

Waste
Management
06.07.2020
Environmental
Protection

No comments at this stage.

Building
Control and
Access Officer
02.07.2020

No comments at this time.

UU Open
Spaces
06.11.2020

Current Position

There is currently a deficit of -3.44 hectares of equipped play/open space in Lawford.

Any additional development in the Lawford area will increase demand on already stretched facilities. Although there has been some play equipment added to the first phase of the development, there still needs to be improvements to existing facilities to cope with any additional development. The closest play area to the development is located close by on School Lane.

Recommendation

Due to the significant lack of play facilities in the area it is felt that a contribution towards play is justified and relevant to this application. The nearest play area at School Lane would see the biggest impact and is in need of improvement and modernisation.

Anglian Water
Services Ltd
06.07.2020

ASSETS

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site.

Anglian Water would ask that the following text be included within your Notice should permission be granted. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Manningtree Water Recycling Centre that will have available capacity for these flows

Section 3 - Used Water Network

This response has been based on the following submitted documents: Foul sewer records, Planning statement A connection has been assessed to the north of the site into our sewer run, via a gravity connection. If any documentation is given to illustrate a different method of connection, we would wish to be reconsulted. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

(1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent

will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

TDC Tree & The application site comprises of land that appears to be in
Landscape agricultural use. There is an established hedgerow on part of the
Officer boundary with Long Road and established trees on the northern
15.07.2020 section of the western boundary of the land.

In terms of trees and other vegetation on the application site and adjacent land the applicant has provided a detailed tree survey and report. The report accurately describes the health and condition of existing trees and the extent to which they are a constraint on the development potential of the land. The information contained in the report is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction. Recommendations.

The tree report adequately demonstrates that the development of the land could take place without causing harm to the important trees on the land.

In terms of formal legal protection of the trees it should be noted that the site is not affected by a tree preservation order and is not situated within a conservation area.

As none of the trees are threatened with removal associated with the development of the land it is not considered necessary or expedient to make any of the trees on the land the subject of a tree preservation order.

Should planning permission be likely to be granted then details of soft landscaping should be secured as a reserved matter.

Essex Wildlife This development falls within the ZOI for Stour and Orwell Estuaries
Trust SPA in respect of the Essex RAMS scheme. Developer contributions
17.08.2020 are therefore required.

5. Representations

5.1 10 letters of objection were received by the Local Authority, the issued raised related to the following:

- loss of wildlife and green land;
- the additional cars associated with his development will create pollution and noise;
- there is not enough truly affordable housing included in the proposal;
- there could be up to 100-300 people extra and the local infrastructure (schools, gp surgeries, road network etc) do not have the capacity;
- already a large amount of development due to take place in the area, these are not needed;
- The roads cannot cope with the extra traffic; and
- Build-up of traffic at Manningtree station crossing is already at breaking point

6. Assessment

Site Context

- 6.1 The host site is located on the eastern edge of Lawford's settlement boundary, south of Long Road in Lawford. The site is in part behind a row of existing housing that fronts Long Road. East of the host site are more agricultural fields that have planning permission for 485 dwellings by Tendring Farms Ltd. Directly opposite the site, on the north eastern side of Long Road are more agricultural fields, although existing housing extends to the north-west as part of Lawford.
- 6.2 The host site was previously in agricultural use, however now it forms the eastern part of the wider housing development project called "Lawford Green", for 360 dwellings along with a community building, a new access to the school and a village green (ref: 15/00876/OUT). Work on this development (western section) is well underway. The eastern side of the site (including the host site) is therefore fenced off and forms part of the existing construction area. The existing vehicular access to the site is via Bromley Road however there is a construction only access from Long Road.
- 6.3 The site includes a narrow strip of land that lies between 92 and 94 Long Road from which access to the site is gained. Overall, the application site measures 3.4 hectares (8.4 acres) in size and is approximately rectangular in shape. The western section of the site (south of the existing dwellings on Long Road, numbers 118 – 80 Long Road) was originally allocated for housing developments under the extant outline approval. The eastern side of the site was not allocated for housing under the extant outline approval and was simply a landscaped entrance to the wider Lawford Green development.
- 6.4 The land is flat and bounded by perimeter hedgerows and trees marking the field boundaries. The site is outside the settlement boundary of the adopted local plan however within the settlement boundary of the emerging Local Plan. The draft Local Plan (2017) also includes a 50m deep strip along the southern edge of Long Road as being within the 'Green Gap' via emerging Policy PPL6. There are no Listed Buildings or Conservation Areas near the host site, or effected by the proposed development. There are no public rights of way within the red line area either.
- 6.5 Existing housing to the north and east comprises detached and semi-detached houses of two-storeys. There is a mixture of material types and colours, including exposed brick, boarding and render.

Planning History

- 6.6 The host site as established forms part of the Lawford Green development. Outline planning permission (ref: 15/00876/OUT) was granted in April 2017 for 360 dwellings, along with a community building, a new access to the school and a village green. Subsequent reserved matters applications were approved for Phase 1 (ref: 17/01527/DETAIL) in 2017, Phase 2 (ref: 19/01475/DETAIL) in 2019 and Phase 3 (20/00480/DEATIL) in 2020. These Reserve Matters applications concluded the siting of all 360 dwellings on site. However, approximately 20% of the total original site area, in the north east corner, was left unaccounted for, hence this additional proposal for 76 extra dwellings on site.
- 6.7 The layouts for Phases 1, 2 and 3 fully complied with the restrictions set out by the associated masterplan and local development management criteria for such proposals.

The scheme has achieved a net residential density of 22 dwellings per hectare and provided 2.2 hectares of open space through the perimeter trail, village green, campsite and public open spaces, which equates to 10% of the development site. However, the development had 3.4 hectares of land unaccounted for hence this current proposal.

- 6.8 Phase 1 is currently under construction and it is anticipated that phase 2 will be started in 2021. Phase 3 will follow in due course. The development primarily comprises 2-storey houses, although there are a small number of chalet bungalows also included.

Proposal

- 6.9 This application seeks outline planning permission for the erection of 76 dwellings and associated roads, hardstanding, fencing, outbuildings and drainage on the site. The application is in outline form with all matters reserved except for access. The application therefore seeks approval of the access along with the principle of development only.
- 6.10 The proposed vehicular access from Long Road uses the approved accesses as part of the original outline Lawford Green development (15/00876/OUT). This access was considered appropriate for 360 dwellings, therefore an assessment of whether an additional 76 households is required as part of this application. The access road will form an estate road through the site connecting with Phase 3 (20/00480/DETAIL) along with various secondary roads and private drives. Access for pedestrians and cyclists is gained via the main access, also via the land between 92 and 94 Long Road. This secondary pedestrian access follows the outline approval's use of that land.

Principle of Development

- 6.11 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.
- 6.12 Due to the Local Authorities inability to demonstrate a 5 year housing supply, the application must be assessed under the NPPF's principles of 'Sustainable Development'. As far as the NPPF is concerned, 'Sustainable Development' is development that contributes positively to the economy, society and the environment. Under the 'presumption in favour of sustainable development', authorities are expected to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 6.13 One of the NPPF's core planning principles is to "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable". With this in mind, Policy SPL1 in the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations.
- 6.14 Although outside the settlement boundary of the adopted Local Plan, the 2015 Outline approval clearly indicates that the development site should be treated as within the

settlement boundary of Lawford. Indeed, the site is now shown as within the emerging settlement boundary of Lawford (that also includes Maningtree). Furthermore, the area is classified as a 'Town' in the adopted Local Plan and a 'Smaller Urban Settlement' in the emerging Local Plan. These areas have larger populations relative to rural settlements and benefit from a range of existing infrastructure and facilities. 'Smaller Urban Settlement' are said to *'provide for the use of sustainable transport modes because they have established town centres, employment areas and infrastructure'*. The emerging Local Plan also states of these areas, that it is possible to *'create a significant number of additional jobs and deliver sustainable housing growth on a large scale'*.

- 6.15 To maintain the Council's housing supply position going forward and prior to the adoption of the emerging Local Plan it is acknowledged that sustainable sites on the edge of Strategic Urban Settlements will be assessed on a case by case basis. In this instance the site forms part of an approved development that has been planned out via the Reserved Matters approvals, with considerable space left over. Indeed, approximately half of the land 'left over' was always according to the original indicative layout planned to have housing on it. The development extends in a linear fashion eastwards sharing a similar building line as the 485 dwellings by Tendring Farms Ltd development (Ref: 17/01537/OUT) immediately to the east.
- 6.16 The proposal seems a logical development site on the edge of one of this 'Smaller Urban Settlement'. The site will help to contribute towards the housing supply required and due to the character of the site and its surroundings, have a minimal impact upon the landscape character locality.
- 6.17 One area of caution however would be the principle of building within the 50 metres or so 'Green Gap' strip south of Long Road. This has been allocated as such within the emerging Local Plan. This 'Green Gap' has been respected by the neighbouring development to the east and Officers believe this application should follow suit. Therefore, a Planning Condition is recommended that no residential development should take place in the 'Green Gap' as allocated in the emerging Local plan.
- 6.18 As set out above, the presumption in favour of sustainable development is also applicable to this case as set out in Paragraph 11 of the NPPF. The proposal therefore needs to be considered against the three dimensions within the definition of 'sustainable development,' providing for an economic, social and environmental role.
- 6.19 In terms of the social and economic strands the scheme is considered to be in a sustainable location as identified within recent decisions of the Council for sites in the immediate locality having regard to the relatively good access to local services and facilities. The proposal would also contribute economically to the area by supporting existing construction jobs and also increasing the population within the area to help sustain local services and amenities.
- 6.20 From an environmental perspective, as discussed further below, the development, subject to planning conditions, is not considered to cause any significant harm to visual amenity within the area and would be positioned sufficient distance from neighbouring dwellings not to cause any loss of privacy or outlook.

6.21 The site is therefore considered to be a suitable location for this form and scale of development and is acceptable 'in principle'. Consideration therefore turns to the technical design aspects covered below.

Visual Impact

6.22 The redevelopment of the site will lead to a change in character from the original agricultural fields to a residential housing estate. However, the principle of residential development on the western side of the application site especially, is already established through the extant residential planning permission that exists.

6.23 A clear building line has been established from the larger development to the immediate east of the site for 485 dwellings (Ref: 17/01537/OUT). This development respects the 'Green Gap' as outlined in the emerging Local Plan under Policy PPL6. Effectively, the first 50 metres or so of land south of Long Road is left for visual amenity purposes. Such a planning condition shall only effect approximately 3 dwellings in the development, according to the applicant's indicative layout plans and supporting details. Officers consider that this emerging designation should be respected. A failure to do so, could lead the neighbouring development to the east, to apply for similar piecemeal development. This in turn would erode the openness of the area and undermine the integrity of the emerging local land designations.

6.24 As such, notwithstanding the concern regarding developments in the emerging 'Green Gap', the visual impact of this development is considered acceptable. The character of the development is likely to create a sense of place that respect its surroundings, seamlessly 'blending in' to the original Lawford Green planning approval. This is achieved through the creation of different character areas within the site. Primarily these are i) formal estate road and entrance, ii) secondary streets, and iii) amore permeable rural edge. This last element is further developed in the Layout section below.

6.25 The residential density of the proposal site would be 22 dwellings per hectare, which broadly matches the density achieved on Phases 1-3 of the Lawford Green development. Existing properties on Long Road are at a density of approximately 26 dwellings per hectare and the adjacent development site for 485 homes to the immediate east, achieves approximately 30 dwellings per hectare. Within this context, it is clear that the application site has a relatively low residential density, which reflects its edge of settlement position.

6.26 Consequently, the site is relatively well-contained and would only be visible from the public realm from its single frontage to Long Road. The development of the site would therefore not have a significant adverse impact upon the character and setting of the locality and subject to condition would not result in the loss of any emerging designated landscape or 'Green Gap' area.

Layout

6.27 The indicative layout makes use of the already approved access onto Long Road. ECC Highways have confirmed that there are no objections to the proposed arrangement. As all matters are reserved including layout, Officers are not prescriptively drawn into what has been put forward in the indicative layout. However, there appears to be an approximate 50 / 50 split of residential dwellings both on the western side, (south of the

existing dwellings on Long Road) and on the eastern side via the entrance to the development.

- 6.28 The previous 'Visual Impact' section highlighted the recommended development 'set back' from Long Road, therefore respecting the 'Green Gap' allocation within the emerging Local Plan. Indeed, the applicant is aware of this possibility if one looks at pages 14 and 15 of their Planning Statement (March 2020, Job Number H574). The indicative layout on page 15 highlights the 'fall back' position that Officers recommend in this instance.
- 6.29 The layout demonstrates that the proposed dwellings could achieve the required garden sizes and parking space provision. If the total of 76 dwellings cannot be achieved this is not problematic as the condition with this decision notice, if approved, would read 'up to 76 dwellings' can be built on site. Therefore, if 75 or 74 dwellings were plotted in the final layout submission that would not be problematic.
- 6.30 The scheme as indicted also includes landscape buffer as one enters the site. Although as discussed above, this is only on one side of the road at present, as residential development is indicated immediately east of dwelling 80 Long Road within the indicative layout plan. Officer's advise against this element, reinforced via planning condition as explained. A further important landscape buffer is indicated within the site between the eastern and western sections, this helps break up the built form. Equally, there is scope for an open pedestrian landscaped path between 92 and 94 Long Road on the second pedestrian access point. Again, this helps break up the mass and bulk of the built form on site.
- 6.31 The width of the entrance road and associated secondary roads follow the agreed standards of the rest of the Lawford Green development. Rose Builders often utilise swales as a Suds features, adjacent to pavements before one reaches the private curtilage of a said dwellinghouse. Such a use of swales is evident in the Lawford Green estate build out to the west. The net result of using drainage features in this way is that the front buildings lines are further set back from the Highway. Thus, creating a more spacious appearance within the street scene, ultimately giving dwellings the appearance of having larger front gardens to the benefit of the street scene.
- 6.32 Rose Builders often develop their larger 'show homes' close to the entrances of their sites. This is evident at the entrance to the Lawford Green development off Bromley Road to the west and also at, their proposed development at Stourview Avenue, Mistley. This not only looks impressive but also, due to the hipped roofs and gaps between dwellings, provides a more 'permeable' appearance. Especially as one views the development from either exiting the site into a more rural setting, or entering the site from a rural to semi-rural to sub urban setting. This is considered a subtle yet extremely effective design consideration. One would imagine this arrangement could be admirably achieved in this location, confirmed of course via the Reserve Matters application.
- 6.34 The indicative layout also shows that back to back distances to existing dwellings on Long Road and the rear of dwellings within the Tendring Farms Ltd development to the east accords with the recommend distance of 25m in the Essex Design Guide and in some cases this distance is exceeded. Also, the new homes provided within the site would appear to have space to have private gardens that accord or perhaps even exceed the minimum size standards set out in the Council's Local Plan. Therefore,

subject to design considerations at Reserve Matters stage, that the privacy of neighbouring residents will be maintained, and levels of private amenity space are acceptable.

- 6.35 The layout also demonstrates that an area of open space equating to 13% the total site area can be achieved to meet the requirements of saved policy COM6 which states that sites measuring over 1.5 hectares should provide 10% useable open space. The site would benefit from open space delivered as part of the wider Lawford Green development, including equipped play space and a perimeter trail.

Scale

- 6.36 As scale is being assessed at the Reserved Matters stage the submitted indicative plan does not details on this element. Although, if the design trend of the existing Lawford Green development is continued, one would expect two storey dwellings throughout the site. However, the Housing Officer who commented on this application indicated, that up to 23 dwellings need to be delivered as affordable housing.
- 6.37 The Housing Officer states *'there remains a high demand for housing in Lawford and there are currently the following number of households on the housing register seeking housing in the village:*

*1 bedroom – 138 households**
2 bedroom - 100 households
3 bedroom – 60 households
4 bedroom - 24 households

**of the 138 households seeking a 1 bedroom home, 52 are aged 60 or over which would imply a requirement for level access accommodation'.*

- 6.38 As the Housing Officer speaks of a high demand for 1 beds and 'level access' accommodation for the over 60's. The maths on this application would account for 43% of the total Affordable Housing being 1 bed out of a requirement of 23 in total. Therefore 10 of the Affordable Housing units should be 1 beds of that number 38% ie 4, should be one bed bungalows for the over 60's. This has been agreed by the agent, therefore Officers expect to see 4 bungalows submitted at Reserve Matters stage. It is likely the remainder of the proposed properties would be two-storey in scale.
- 6.39 Overall, this arrangement represents an appropriate response to the character and scale of properties in the vicinity and, through the submission of detailed design proposals at a later stage, will safeguard existing resident's amenity.

Impact on Residential Amenity

- 6.40 The NPPF (2019) at paragraph 127 states that planning should secure developments with a high standard of amenity for existing and future users. Saved Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

6.41 The proposed layout has been carefully considered and although Officers note the representations raised by residents living in close proximity to the site, the indicative layout submitted demonstrates that sufficient spacing to existing properties to the south can be achieved thereby not causing any adverse impacts in respect of loss of light, outlook or privacy. This arrangement is considered to be in accordance with the Essex Design Guide which states that;

Where new development backs on to the rear of existing housing, existing residents are entitled to a greater degree of privacy to their rear garden boundary. Where the rear faces of the new houses are approximately parallel to those of the existing homes, the rear of the new houses may not encroach any closer than 15m to an existing rear boundary – even though with a closer encroachment, 25m between the rears of the houses could still be achieved.

6.42 The indicative plans provided demonstrate that a minimum of 15m from the rear elevation of the proposed properties to the southern boundary of the site can be achieved in conjunction with the required 25m back to back distances.

6.43 As established in the section above, 4 bungalows are expected on site. These by definition of their design will not give rise to any overlooking issues. Overall, Officers are confident that a proposal can be detailed at Reserve Matters stage that shall preserve the amenity of neighbouring residential properties.

Highway Safety/Parking

6.44 Paragraph 108 of the NPPF (2019) requires Councils to, when making decisions, take account of whether;

- a) appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

6.45 Saved Policy QL10 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.

6.46 As established, the proposal will use the same design of junction at Long Road approved under the original Lawford Green approval. This access has been accepted by County Highways, the width of the access is adequate as are the visibility splays and crossing refuges.

6.47 The application indicates that both a pedestrian footpath and a dwelling could be sited between 92 and 96 Long Road. This would strictly be assessed at Reserve Matters stage, however officers are not supportive of having a dwelling in this location. This would narrow the pedestrian access from the site to Long Road, thus making the pedestrian access a more intimidating process.

- 6.48 The Highway Authority is satisfied that the application has demonstrated the impact of the proposal on the highway network would be unlikely to be severe. With the proposed upgrade of the Wignall Street/Bromley road priority junction to a mini roundabout and subject to the link road being completed and connected to Long Road the traffic will be distributed 50:50 between the Bromley Road and Long Road accesses so this is key to the decision. Therefore, from a highway and transportation perspective, the increase in up to 76 dwellings housing has no significant impact on the junctions assessed. The Highway Authority have asked for a Construction Management Plan and a various off site and on site highway improvements as a Condition of approval, both of which Officers support. The Highways Officer has also suggested a financial contribution towards a footpath that is required at nearby Grange Road. However, this is not supported by Officers as such a contribution is not directly associated with the host proposal due to the fact the two sites are in no way interconnected. Therefore, the request is not considered necessary or appropriate in this circumstance.
- 6.49 The indicative plan shows that each property would be served by a minimum of 2 no. parking spaces either through open bays or garaging. Large driveways are shown which could absorb visitor parking. This provision accords with the requirements of the current parking standards.

Ecology/Trees

- 6.50 Paragraph 170 of the NPPF requires Councils, when determining planning applications, to minimise impacts on and providing net gains for biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Saved policies EN6 of the adopted Local Plan and emerging policy PPL4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.
- 6.51 In this respect an ecological appraisal was submitted for the original planning application on the wider site. This biodiversity survey identified that bats are active along the existing hedgerows. Accordingly, this application submitted a new report, and this recommends that such hedges should be retained where possible. Furthermore, subsequent surveys have been undertaken on the site and have revealed badger activity on parts of the site. Therefore, measures to manage and mitigate the impact of this development for both bats and badgers is set out in the updated ecology report. The recommendations are advised to be included as a Planning Condition of this decision, if approved.
- 6.52 Essex County Council Place Services Ecology Team and Essex Wildlife Trust have reviewed the information provided and both have no objections subject to the application securing a financial contribution towards visitor management measures in respect of RAMS and a condition securing ecological mitigation and enhancement measures.
- 6.53 The Council's Tree and Landscaping Officer states there is an established hedgerow on part of the boundary with Long Road and established trees on the northern section of the western boundary of the land. Furthermore, development of the land could take place without causing harm to the important trees. However, in terms of formal legal protection of the trees, the site is not affected by a tree preservation order and is not situated within a conservation area.

6.54 Officers note, as none of the trees are threatened with removal associated with the development, it is not considered necessary or expedient to make any of the trees on site the subject of a tree preservation order. Should planning permission be likely to be granted then details of soft landscaping shall be secured as a reserved matter. Officers are content with this approach and have no objections to the application with regards to trees or ecology.

Drainage

6.55 A Flood Risk Assessment and sustainable drainage strategy has been provided with the application. The site lies within Flood Zone 1 and is therefore at low risk of flooding from rivers and the sea. Surface water from the development must be adequately managed to prevent runoff and risk of flooding elsewhere. The sustainable drainage strategy proposes to utilise rainwater storage where possible for landscape irrigation, permeable hard surfacing and catchment areas.

6.56 Essex County Council Flood Water Management Team raises no objection to the proposal subject to conditions set out below.

6.57 Anglian Water in their consultation response confirms that the foul drainage from this development is in the catchment of Manningtree Water Recycling Centre that will have available capacity for these flows

Archaeology

6.58 The site has been identified as having the potential to harm non-designated heritage assets with archaeological interest.

6.59 Essex Historic Environment Record (HER) and Tendring Historic Environment Characterisation Project, demonstrate that the proposed development lies within an area of archaeological interest.

6.60 The site lies adjacent to an area of recorded cropmark features indicative of a Roman road, further cropmark features extend into the development area which include trackways and enclosures.

6.61 The extent of application 15/00876/OUT had an archaeological condition and for which a Written Scheme of Investigation was required. This has not been discharged for the host area of the site, therefore this condition is recommended to be attached again.

Section 106 – Legal Obligations

6.62 The following obligations are to be secured as part of a Section 106 Legal Agreement;

- NHS Provision

6.63 There is a requirement for a developer contribution of £44,334.40, for the improvement of health care facilities at both, The Riverside Health Centre and Lawford before development commences.

- Affordable Housing

6.64 The Council's Housing Department have confirmed the requirement of 30% affordable housing for this scheme. Therefore, 23 dwellings need to be delivered as affordable housing and this is consistent with the requirements in the emerging Local Plan.

6.65 There remains a high demand for housing in Lawford and there are currently the following number of households on the housing register seeking housing in the village:

- 1 bedroom – 138 households*
- 2 bedroom - 100 households
- 3 bedroom – 60 households
- 4 bedroom - 24 households

*of the 138 households seeking a 1 bedroom home, 52 are aged 60 or over which would imply a requirement for level access accommodation.

6.66 The high demand for 1 beds and 'level access' accommodation for the over 60's, this accounts for 43% of the total Affordable Housing requirement of 23 in total. Therefore 10 of the Affordable Housing units should be 1 beds of that number 38% ie 4, should be one bed bungalows for the over 60's.

- RAMS

6.67 Legal advice has been sought to confirm that Tendring District Council should now seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment (HRA) has been carried out to confirm that the mitigation will be the RAMS contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Site (Stour Estuary SPA and Ramsar).

- Open Space

6.68 The Open Space Officer has said, there is currently a deficit of -3.44 hectares of equipped play/open space in Lawford. Any additional development in the Lawford area will increase demand on already stretched facilities. The Officer goes on to say, although there has been some play equipment added to the first and second phase of the development, there still needs to be improvements to existing facilities to cope with any additional development. The closest play area to the development is located close by on School Lane. Due to the significant lack of play facilities in the area it is felt that a contribution towards play is justified and relevant to this application. The nearest play area at School Lane would see the biggest impact and is in need of improvement and modernisation.

6.69 This considered justifiable and in accordance with Policy COM6 and is therefore included within the terms of the Section 106 document.

- Education & Libraries

6.70 Essex County Council have requested that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on primary and secondary education and libraries. The sum of £581,591.72 is requested for Schools and Library's in the area.

Other Matters

6.71 The site is currently governed but the conditions attached to the original extant outline permission on site for 360 dwellings. Where relevant, these original conditions are re imposed on this application as they have not been previously been discharged. Thus making the scheme in line with Phase 1, 2 and 3 of the outline permission that have been fully approved at Reserve Matters stage.

7 Conclusion

7.1 The proposal for 76 dwellings is considered to represent sustainable development, on the western edge of the wider Lawford Green development.

7.2 The indicative layout and the proposed density and scale of the development is considered to be acceptable. Subject to planning condition, the proposal would result in no material harm to residential amenity, highway safety and biodiversity interests. Subject to completion of the S106 legal agreement and the conditions set out below the application is recommended for approval.

8 Recommendation

8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives and the prior completion of a section106 legal agreement with the agreed Heads of Terms, as set out in the table below:

CATEGORY	TERMS
Affordable Housing Provision	30% affordable housing (23 dwellings including 4 bungalows)
NHS contribution	£44,334.40 for improvements to the The Riverside Health Centre and Lawford Practice
Education contribution	£581,591.72 for Schools and Library's in the area.
Financial contribution towards RAMS.	£125.85 per dwelling
Open Space	Dependant of Reserve Matters i.e. the number & size of dwellings approved.

8.2 Conditions and Reasons

1 The approval of Reserved Matters must be submitted before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last of the Reserved Matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 3 Approval of the details of the appearance, landscape, scale and layout (hereinafter called "the Reserved Matters") shall be obtained for the development before any development on such phase is commenced. The development shall be carried out in accordance with any such approval.

Reason - The application is in outline and detailed matters require approval before development can commence.

- 4 The maximum number of dwellings to be contained in the development shall be up to (but no more than) 76 dwellings.

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

- 5 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. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities
 - v. prior to the commencement of any work on the site, a joint inspection of the route to be used by construction vehicles should be carried out by the Applicant and the Highway Authority, including photographic evidence.

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.

- 6 No occupation of the development shall take place until the following have been provided or completed:
 - a) A priority junction with ghosted right turn lane (with two pedestrian refuge islands) in Long Road to provide access to the proposal site. Priority junction shall have minimum 10.5 metre kerbed radii with dropped kerbs/tactile paving crossing points, a minimum 6.75 metre access road carriageway with two 3 metre footway/cycleways, pedestrian/cycle refuge island and a minimum 109m x 2.4m x 120m clear to ground visibility splay.

b) A mini-roundabout at the junction of Wignall Street and Bromley Road in principal and in accordance with approved Ardent Consulting Engineers drawings K297-002C.

c) A minimum 3-metre-wide footway/cycleway along the proposal site's Long Road frontage.

Reason - To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10.

- 7 Prior to occupation of the approved development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport (in consultation with Essex County Council), to include six one day travel vouchers per household 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.

- 8 No development shall take place until a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be implemented in accordance with the approved details.

In particular the drainage scheme shall include:

- o Drainage modelling calculations showing how the run-off for all events up to and including the 1 in 100 year plus climate change is controlled within the site.
- o Where infiltration techniques are being proposed, and all run-off cannot be infiltrated, attenuation storage must be provided for any overflow volumes calculated.
- o Where run-off is proposed to be discharged to a watercourse, discharge should be limited to the greenfield 1 in 1 year rate for all events.
- o Where different SuDS features are being proposed, the drainage modelling should show how these are cascaded together and show clearly their combined effect in controlling both the water quantity and improving water quality within the development. .
- o Account for a 10% urban creep in the calculation of run-off from the development.
- o Provide the appropriate number of treatment stages from the different areas of the development.
- o Provide the details of the adoption and maintenance of the scheme for the lifetime of the development.
- o Provide the Drainage Scheme Layout showing the SuDS features and their dimensions as appropriate.

Reason - To prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water in a range of rainfall events and ensure the system operates as designed for the lifetime of the development.

- 9 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason - To prevent environmental and amenity problems arising from flooding.

- 10 No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for that phase, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction."

Reason - In the interest of visual amenity and the character of the area.

- 11 All changes in ground levels in relation to the soft landscaping, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure that the development provides a satisfactory setting, in the interests of the character and appearance of the landscape and the visual amenity of the site.

- 12 No development shall commence until an Ecological Mitigation Scheme and Management/Enhancement Plan has been submitted to and approved, in writing, by the Local Planning Authority. The document shall include:

i) A survey to confirm (or otherwise) the presence of protected species on the application site.

If protected species are present, the survey shall be accompanied by a scheme of appropriate mitigation measures (including bat protection measures and precise details of the timing and method/s of protection). No development shall be undertaken except in full accordance with any such approved scheme of mitigation.

ii) A management plan to demonstrate how biodiversity within the site will be encouraged by the development.

Reason - In order to safeguard protected wildlife species and their habitats and in the interests of biodiversity.

13 A. No development or preliminary ground-works within the development can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the Local Planning Authority. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ through re-design of the development, shall be submitted to the Local Planning Authority.

B. No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the Local Planning Authority.

C. Following completion of the archaeological fieldwork, the applicant will submit to the Local Planning Authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the Local Planning Authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason - The proposed development is located within an area with potential for below ground archaeological deposits. The development would result in harm to non-designated heritage assets with archaeological interest.

14 No development shall commence until precise details of lighting, refuse storage/collection points and the manufacturer and types and colours of the external facing and roofing materials for the dwellings to be used in the construction have been submitted to and approved, in writing, by the Local Planning Authority. Such lighting, refuse points and materials so approved shall be those used in the development.

Reason - To ensure a satisfactory development in relation to external appearance.

15 Within the hereby permitted development, no dwelling shall be occupied until a high-speed broadband connection is installed utilising resistant tubing to that dwelling, all in accordance with details that shall be submitted and approved, in writing, by the Local Planning Authority. If the applicant is unable to achieve this standard of connection, and can evidence through consultation that this would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 24mbps) wireless service will be considered acceptable.

Reason - To ensure the development is able to be equipped with high speed broadband to enable opportunities for web-based communication and homeworking.

16 Prior to commencement of development the applicants shall submit to the Local Planning Authority, in writing, a Local Recruitment Strategy to include details of

how the applicant/ developer shall use their reasonable endeavours to promote and encourage the recruitment of employees and other staff in the locality of the application site, for the construction of the development and for the uses of the development thereafter. The approved Local Recruitment Strategy shall be adhered to therein after.

Reason - To promote and encourage the recruitment of employees and other staff in the locality of the application site.

- 17 Prior to the commencement of development, a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development shall be submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.

Reason - To enhance the sustainability of the development through better use of water, energy and materials.

- 18 No development shall commence until an assessment of the risks posed by any contamination within that the application site is carried out. This assessment shall be in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the Local Planning Authority within 20 days of the report being completed and approved in writing by the Local Planning Authority.

Reason - To ensure that any risks (to future users of the land and neighbouring land and to controlled waters, property and ecological systems) arising from any land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

19. No residential development shall take place in the land designated as a 'Green Gap' with the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Reason - In the interests of visual amenity.

8.3 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 Informatives

1: 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.

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

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

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

Anglian Water Informative: Your attention is drawn to the letter from Anglian Water dated 06/07/2020

Cadent Gas Informative: Your attention is drawn to the letter from Cadent Gas dated 21/08/2020

Essex Suds Informative: Your attention is drawn to the letter from Essex Suds dated 25/09/2020

S106 Informative: The applicant is reminded that this permission is linked to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

9 **Additional Considerations**

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the 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 to:
 - 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
 - 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is

unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.

- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

10 **Background Papers**

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

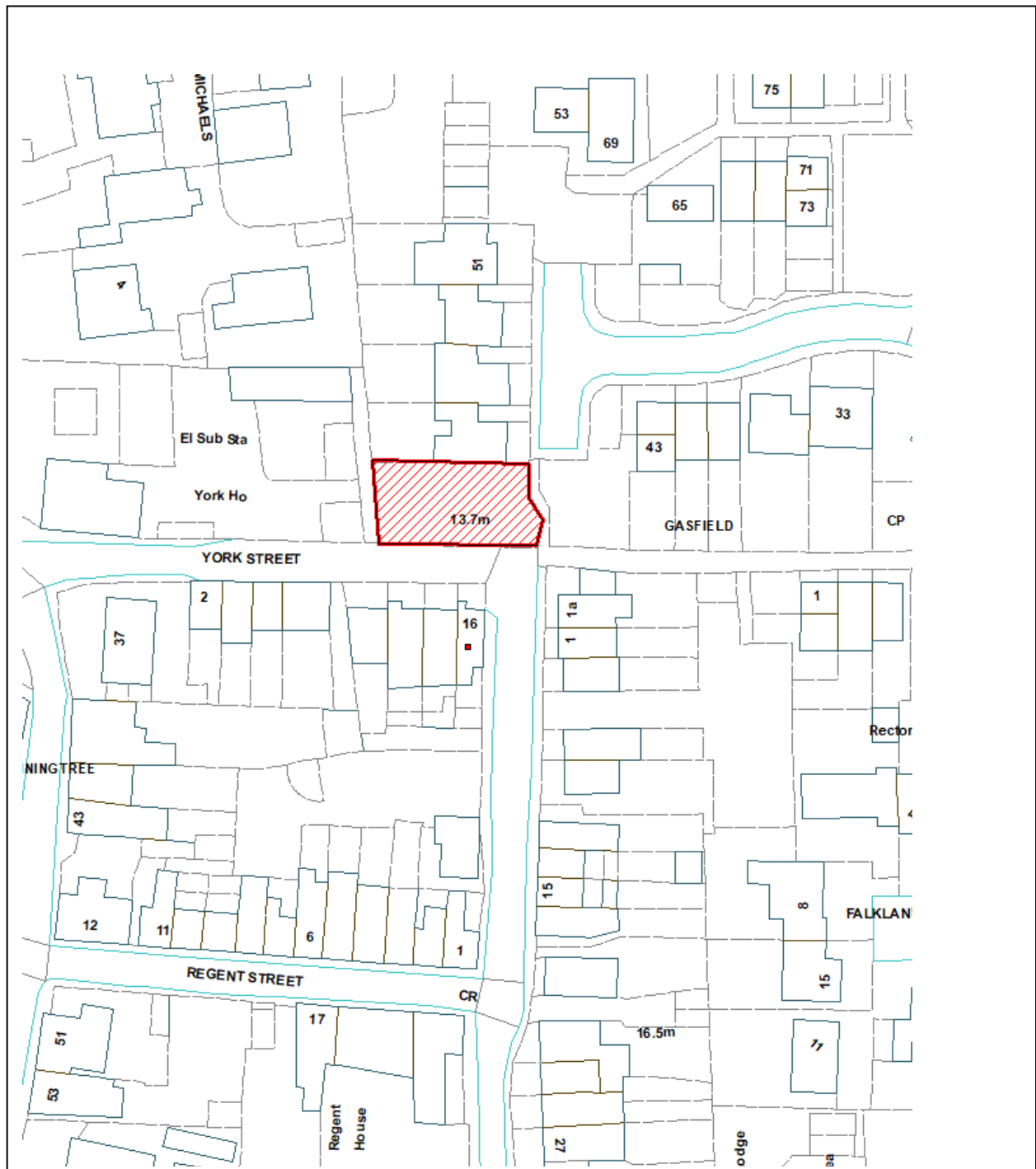
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PLANNING COMMITTEE

17 November 2020

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.3 PLANNING APPLICATION – 20/01034/FUL – WALL OPPOSITE 16 YORK STREET MANNINGTREE CO11 1DD



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Application: 20/01034/FUL

Town / Parish: Manningtree Town Council

Applicant: Mr Andy White - Tendring District Council

Address: Wall opposite 16 York Street Manningtree CO11 1DD

Development: Retrospective application to demolish and reinstate part of a wall in a Conservation Area.

1. **Executive Summary**

- 1.1 This application is referred to the Planning Committee as the applicant is Tendring District Council.
- 1.2 This application seeks retrospective planning permission to demolish and reinstate part of a wall located opposite 16 York Street, Manningtree.
- 1.3 The proposed demolition and reconstruction of the wall is considered acceptable. The proposed works will be a visual improvement to the street scene and will not result in any harm to neighbouring amenities, cause any adverse impact on highway safety or cause any harm to the Conservation Area.

Recommendation:

That the Head of Planning be authorised to grant planning permission for the development subject to:-

- a) Subject to the conditions stated in section 8.2

2. **Planning Policy**

- 2.1 The following Local and National Planning Policies are relevant to this planning application.

National Policy:

National Planning Policy Framework
National Planning Policy Guidance

Local Policy:

Tendring District Local Plan 2007

- QL1 Spatial Strategy
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- EN17 Conservation Areas

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

- SPL3 Sustainable Design
- PPL8 Conservation Areas

Local Planning Guidance

Essex Design Guide

Status of the Local Plan

- 2.2 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.
- 2.3 Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.
- 2.4 The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

2.5 The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

20/01034/FUL	Retrospective application to demolish and reinstate part of a wall in a conservation area.	Current
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4. Consultations

Essex County Council Heritage
25.09.2020

Upon inspection of the wall it was agreed that the wall was in an unsafe condition and therefore required emergency repairs.

A scope of works and method statement was submitted by the applicant. Given the urgent nature of the repair works, the repairs were commenced in accordance with the submitted scope of works and method statement.

Site visits were made to check on the progress of the works and images were shared with ECC Heritage showing the works completed in accordance with the method statement and scope of works submitted.

The team support this application.

ECC Highways Dept
15.09.2020

The Highway Authority does not object to the proposals as submitted.

Informative1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

5. Representations

5.1 Manningtree Town Council have not commented on this application.

5.2 No letters of representation have been received.

6. Assessment

Site Context

6.1 The application refers to Wall opposite 16 York Street, Manningtree. The application site is located within the settlement boundary and is also located within the Conservation Area.

Proposal

6.2 This application seeks retrospective planning permission for the demolition and to reinstate part of the wall along York Street. As demonstrated within the accompanying reports and as viewed on site, the wall had become unsafe particularly in high winds where there was a danger of it falling over with risk to passers-by and to adjacent properties.

Principle of Development

6.3 The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Design and Appearance

6.4 Saved Policy QL9 sets out a range of general design principles, including requirements for developments to have regard in their design approach to local character and distinctiveness, architectural quality, scale and massing, and landscaping. This policy requires all new development to make a positive contribution to the quality of the local environment, and to protect or enhance local character. Draft Policy SPL3 sets out the requirement for development to achieve sustainable design.

6.5 Paragraph 124 of the NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

6.6 The proposed demolition and rebuild section of the wall will be visible to the neighbouring dwellings along York Street, however as the works are to replace the existing wall, it is not considered to cause any harm upon visual amenities. The works include: a new brickwork panel to be constructed in Flemish bond profile to match the original; original brick coping; new brick piers to be two bricks wide and two bricks deep; two courses of brickwork above the highway to match the existing in Flemish Bond; rubble wall to be constructed from reclaimed materials and to reinstate random stone dealing with the details of the stones to be located as close as possible to the original positions; reinstate the original brick detail; brickwork capping; and the existing pier and wall beyond to be retained.

6.7 It is therefore considered that the proposed works will be a visual improvement to the existing wall.

Heritage

6.8 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.

6.9 Paragraph 196 of the Framework adds that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

6.10 Policy EN17 of the Tendring District Local Plan 2007 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016) state that development within a Conservation Area must preserve or enhance the special character or appearance of the Conservation Area.

6.11 The ECC Historic Environment Team have been consulted on this application and have stated that upon inspection of the wall it was agreed that the wall was in an unsafe condition and therefore required emergency repairs. A scope of works and method statement was submitted by the applicant. Given the urgent nature of the repair works, the repairs were commenced in accordance with the submitted scope of works and method statement.

6.12 Site visits were made to check on the progress of the works and images were shared with the ECC Historic Environment Team showing the works completed in accordance with the method statement and scope of works submitted. The team support this application.

6.13 Therefore, there is not considered to be significant harm identified to cause any impact upon the Conservation Area, and the proposed works are therefore acceptable against this criteria

Impact on Residential Amenity

6.14 The NPPF (2019) at paragraph 127 states that planning should secure developments with a high standard of amenity for existing and future users. Saved Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

6.15 The wall referred to in this application will be visible to the neighbouring dwellings along York Street, however as the application is to replace the existing wall, it is considered that the proposal will not cause any significant impact upon neighbouring amenities.

7. Conclusion

7.1 The proposed demolition and reconstruction of the wall is considered acceptable. The proposed works will be a visual improvement to the street scene and will not result in any harm to neighbouring amenities or have any adverse impact on highway safety.

8. Recommendation

8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives.

Conditions and Reasons

1 The development hereby permitted shall be carried out in accordance with the following approved plan and document;

- Drawing No. 102 Rev A – Elevations
- Drawing No. 103 Rev A – Panels and Sections
- Drawing No. 104 Rev A – Sections
- Drawing No. A/2020/16 – Site Plan and Block Plan
- Drawing No. TM1062-01-D-01 – Temporary Traffic Management Plan
- TDC – Dangerous Structure Report Sheet - dated 08/07/2020
- Method Statement - dated 06/07/2020
- Wall Survey – Ref 19/5679 – Dated 3rd June 2019

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

Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways

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

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

SMO1 – Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the 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 to:
- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

10. Background Papers

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

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PLANNING COMMITTEE

17th NOVEMBER 2020

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.4 PLANNING APPLICATION – 20/00822/FUL – THE LAURELS PARSONAGE LANE TENDRING CLACTON ON SEA



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Application: 20/00822/FUL	Town / Parish: Tendring Parish Council
Applicant: Pemberton, Copping and Holben - Maison Investments Ltd	
Address: The Laurels Parsonage Lane Tendring Clacton On Sea CO16 0DE	
Development: Erection of 3 no. bungalows.	

1. Executive Summary

- 1.1 The application has been referred to the Planning Committee at the request of Councillor Harris by virtue of the site being 'backfill' development, the site is outside the settlement boundary; the site is an unsustainable development with insufficient infrastructure; overdevelopment, the development would lead to unacceptable disturbance to neighbours; unacceptable access and highways issues; and there is no proven need for this type of property in an area that has already seen significant development.
- 1.2 The application relates to what is essentially the rear garden area of The Laurels, Parsonage Lane, Tendring. The site is roughly 'L' in shape and approximately 0.2 hectares in size. The Laurels is one of a variety of dwelling types in the locale which comprises detached and terraced two-storey, chalet and single-storey bungalows. The Laurels is unique in terms of its rear garden which is of a significant size in comparison to any other dwelling in the settlement.
- 1.3 The site is centrally located within the Tendring Green Settlement Development Boundary as defined within both the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017. The principle of residential development in this location is therefore acceptable subject to detailed design and impact considerations.
- 1.4 The application seeks full planning permission for the erection of 3 detached three-bedroom detached single-storey bungalows, served by way of a single access providing access to a parking/turning area. The dwellings are provided with surface parking and secure cycle-storage.
- 1.5 The proposal would not result in the loss of an area of public open space or safeguarded green space. The proposed bungalows are of a scale, design and appearance which is comparable with other bungalows in the vicinity. The retention of the brick-built garage provides a significant degree of screening from the public domain. The proposal would result in the loss of ten trees in total – the site does not benefit from any protection in the form of preservation orders, as such any trees can be removed without any consent required from the Local Planning Authority. Two of these are damaged/dangerous having limited life expectancy, five are small fruit trees and the remaining three are not mature or established specimens – all mature,

established trees are to remain and offer a significant verdant backdrop to the site. The proposed dwellings are single storey and located sufficient distances from neighbouring dwellings so as not to result in a material loss of residential amenities. The new dwellings and retained dwelling are served by private garden areas and parking that accords with standards.

- 1.6 The proposed development is in a location supported by Local Plan policies and will not result in any material harm to the character of the area, residential amenities or highway safety.
- 1.7 The application is therefore recommended for approval subject to conditions and the completion of the required legal agreement.

Recommendation:

Subject to the conditions stated in section 8.2

A legal agreement has been completed to account for contributions towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and toward improvements at the play area located on Heath Road, Tendring.

2. Planning Policy

- 2.1 The following Local and National Planning Policies are relevant to this planning application.

National Policy:

NPPF National Planning Policy Framework February 2019

NPPG National Planning Practice Guidance

Local Policy:

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG9 Private Amenity Space

HG13 Backland Residential Development

- LP1 Housing Supply
- COM6 Provision of Recreational Open Space for New Residential Development
- EN6 Biodiversity
- EN11A Protection of International Sites European Sites and RAMSAR Sites
- EN29 Archaeology
- TR1A Development Affecting Highways
- TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

- SP1 Presumption in Favour of Sustainable Development
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- LP8 Backland Residential Development
- HP5 Open Space, Sports & Recreation Facilities
- PPL4 Biodiversity and Geodiversity
- PPL7 Archaeology

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

- 2.2 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.
- 2.3 Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May

2018, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities ‘Garden Communities’ proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

- 2.4 The three North Essex Authorities are currently considering the Inspector’s advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.
- 2.5 The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.
- 2.6 In relation to housing supply:
- 2.7 The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years’ worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.8 At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF (which applies until such time that the figures in the new Local Plan are adopted).
- 2.9 In addition, the actual need for housing (as set out in the emerging Local Plan) was found to be much less than the figure produced by the standard method when tested at the recent Examination in Public of the Local Plan, as recently endorsed by the

Local Plan Inspector. Therefore, in weighing the benefits of residential development against the harm, the Inspector's endorsement of the lower housing requirement figure is a strong material consideration which tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing to address the perceived shortfall – given that, against the Local Plan housing requirement there is, in fact, a surplus of supply as opposed to a shortfall.

3. Relevant Planning History

20/00822/FUL Erection of 3 no. bungalows. Current

4. Consultations

UU Open Spaces
10.08.2020 There is currently a deficit of 1.33 hectares of equipped play/formal open space in the village of Tendring.

Any additional development in Tendring will increase demand on already stretched facilities and increase the current deficit further.

Due to the significant lack of provision in the area if it is felt that a contribution is justified and relevant to the planning application the contribution received would be used to upgrade and improve the play equipment and the only play area in Tendring. The play area is located on Heath Road, Tendring

ECC Highways Dept
11.08.2020 From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to mitigation and conditions.

Building Control and Access Officer
10.07.2020 No adverse comments at this time.

Essex Wildlife Trust No comments received

Tree & Landscape Officer
28.07.2020 The application site currently forms part of the residential curtilage of the host property and contains a range of shrubs and trees. There are some large trees on the boundary of the land. The location of the garden is such that none of the trees on the land feature prominently in the public realm and consequently have low amenity value. For this reason none merit formal legal protection by means of a Tendring District Council Tree Preservation Order.

Environmental Protection
23.07.2020 I have reviewed the application and Phase 1 land contamination risk assessment and the Environmental Protection Team are satisfied with the findings of the Phase 1 land contamination risk assessment.

Waste Management
20.07.2020 Access road to be constructed to suitable standard to allow full access to properties and withstand weight of 26 tonne refuse and recycling vehicles.

Essex County Council Archaeology
28.07.2020 The above planning application has been identified as having the potential to harm non-designated heritage assets with archaeological interest. It is recommended that a Programme of Archaeological evaluation is undertaken.

5. Representations

Twenty contributions were received in response to the display of the site notice and the written public consultation. The objections are tabulated here; those in bold indicate an objection from the Parish Council in this regard:-

Nature of objection	No. of Comments received	Where in the report this is addressed
The site is outside the settlement boundary	14	Paragraphs 6.11 to 6.12
Backland form of development	14	Paragraphs 6.19 to 6.23
Harm the amenity of neighbours (noise)	13	Paragraph 6.33
Ecology/Protected Species	15	Paragraphs 6.27 to 6.29
Vehicle access	16	Paragraphs 6.24 to 6.26
Not a sustainable location	15	Paragraph 6.11 to 6.12
Out of keeping/cramped development	6	Paragraphs 6.15 to 6.18
Decrease property values	1	This is not a material consideration in the determination of this planning application
Loss of a garden	1	Paragraph 6.32
Drainage	6	As this application is not defined as a 'major development' the requirement to incorporate a sustainable drainage system is not a material consideration in the determination of this planning application.
Sufficient housing exists	5	This is not a material consideration in the determination of this planning application
Loss of privacy	1	Paragraph 6.33
Speed limit	6	Paragraph 6.26
Removal of the garage	1	Paragraph 6.10
Pollution	1	Paragraph 6.33
Loss of outlook	5	There is no "right to a view" which planning controls should seek to safeguard for the continuing benefit of an existing landowner, except where the view from a particular location is also a valued public asset. This was underlined by the judgement in <i>Wood-Robinson v Secretary of State for the Environment (1998)</i> .
Security	1	It is the applicant's personal choice to have part of their un-enclosed; this is not a material consideration in the determination of this planning application.
Construction Noise	4	Noise generated during construction is not a material consideration in the determination of this planning application.

6. Assessment

Site Context

- 6.1 The application site is located south of Parsonage Lane, Tendring Green. The site forms part of the rear residential garden of The Laurels; it has a site area in the region of 0.2ha and this is the largest plot by some considerable size in comparison to other plots in the vicinity.

- 6.2 In regards to built form the plot contains two garages (one finished externally in a grey-type buff brick and the other in a traditional red brick with weatherboarding features), sheds, greenhouses, a walled vegetable garden and an established pond. In regards to soft landscaping the plot is mainly laid to lawn which undulates significantly; the garden contains a substantial number of established conifers to the southernmost boundary and a small established orchard of fruit trees beyond the rear boundary of Wychwood. The substantial hedges on the boundaries with Wychwood and The Chase are to remain.
- 6.3 The property benefits from two separate parking areas – one is accessed via the existing driveway alongside the west flank and the other is located to the left hand of the dwelling and is currently laid to lawn.
- 6.4 The site is surrounded by residential development to the east, south and west, and is located within the heart of the settlement boundary. The surrounding dwellings are of a mixed vernacular and comprise both two-storey, chalet and single-storey bungalows. Immediate neighbours comprise Wychwood (east) – a much-enlarged single-storey bungalow; Fir Tree Cottage (west) – a late twentieth century dwelling; The Chase (east) – a mid-1970's two-storey dwelling sited in the side/rear garden of Rose Cottage; Chapel Lodge (south east) – a large single storey bungalow; and Wellan House (south west) – a two-storey dwelling.
- 6.5 New residential developments exist close to the application site; namely on: land at the entrance to Parsonage Lane, allowed on appeal under reference 14/01435/OUT for five dwellings - this is approximately 80m from the application site; and east of Chapel Lane under reference 16/00668/OUT for five dwellings - this is approximately 170m from the application site.

Proposal

- 6.6 The proposal seeks the erection of three single-storey bungalows; following sub-division of the plot, the bungalows would be sited in what was the rear garden of The Laurels.
- 6.7 The dwellings would be accessed by utilising the first 32.5m metres of the existing driveway; a new internal access roadway would then sweep around behind the garage in a south-easterly curve providing driveway access to each of the dwellings.
- 6.8 Each of the three properties has variations in their external appearance but are of similar heights and have uniform eaves; all three dwellings have their own parking spaces, bin stores and secure cycle storage.
- 6.9 The sub-division of the site necessitates the provision of addition boundary treatment; a fence is proposed to delineate the new rear garden of the host property and this would be roughly in line with the existing fence panels to the boundary with The Chase and Chapel Lodge are also proposed. Along with additional boundary treatments, a new area of hardstanding for parking/turning for the host dwelling would be provided located forwards of the red-brick garage which is to remain.
- 6.10 In order to facilitate Plot 3 the grey-buff garage with its attached shed, the greenhouses and the pond will be removed.

Principle of Development

- 6.11 Tendring District Local Plan 2007 Policy QL1 defines (in general terms) the main focus for new sustainable patterns of development in the District. The Policy also defines the District's Settlement Development Boundaries. Development proposed within a settlement boundary is deemed to be sustainable.
- 6.12 The site is located centrally within the Development Boundary of Tendring Green therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Appearance and Layout

- 6.13 The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.
- 6.14 Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.
- 6.15 Plot one is a three-bedroomed dwelling which would be located near the east boundary of the sub-divided plot; it is roughly 'L' shaped and a maximum of 11m wide and 9.5m deep. Its siting would require the loss of the four fruit trees, one sapling and one conifer; one sapling would be retained. Its rear elevation would be separated from the rear boundary with Wychwood by at least 4.2m. The main ridge runs in an east-west direction and this has a height of approximately 4.4m – in projecting forwards in a southerly-direction the ridge changes direction to north-south direction and this has a height in the region of 4.7m – this highest point is approximately 8.2m from the rear boundary with Wychwood. At its closet point (serving the dining room bay window) the side elevation would be approximately 9m from the rear boundary with The Chase – this separation distances increases to 11.3m. In regards to the higher of the two ridges, this would be over 14m away from The Chase's rear boundary.
- 6.16 Plot two is a three-bedroomed dwelling which would be located near the east boundary of the sub-divided plot. It would have a front-to-front relationship with plot one. It is roughly 'T' shaped and a maximum of 11m wide and 10.5m deep. Its siting would require the loss of one conifer. Its rear elevation would be separated from the rear boundary with Chapel Lodge by more than 9m. The main ridge runs in an east-west direction and this has a height of approximately 4.5m; in extending sideways in an easterly direction the ridge changes direction to north-south direction and this has a height in the region of 3.7m – this lower ridge is the one that runs almost parallel with the rear boundary of The Chase. At its closet point the side elevation would be approximately 5m from the rear boundary with The Chase – this separation distances increases to 7m. In regards to the higher of the two ridges, this would be over 9.8m away from The Chase's rear boundary.

- 6.17 Plot three is a three-bedroomed dwelling which would be located near the south boundary of the sub-divided plot. It is an irregular shape and a maximum of 11.1m wide and 10.3m deep. Its siting would require the loss of one cedar, one scots pine and two other trees. The cedar has suffered from a lightning-strike which has led to catastrophic damage to upper branches and the tree is at risk of being unstable. The damage to the cedar had a 'knock-on' effect on the adjacent pine which in turn has led to damage and this tree now has a limited life expectancy. This plot also requires the removal of the garage, shed, greenhouses and the infilling of the pond. Its rear elevation would be separated from the side boundary with Fir Tree Cottage by between 3.9m and 4.2m; The main ridge runs in an east-west direction and this has a height of approximately 4.7m; in extending sideways in a northerly direction the ridge changes direction to north-south direction and this has a height in the region of 4.4m, this direction change increases the separation distances to the boundary with Fir Tree Cottage to 6.9m. Separation distances between the flank elevation and the rear boundary of Chapel Lodge are a little over 10m.
- 6.18 The site layout makes provision for two undeveloped areas – one in excess of 140sqm and the other in excess of 230sqm; these are an extremely positive feature in the overall appearance of the development by reason of contributing and maintaining a verdant and low-scale characteristic. It is considered appropriate to attach a condition to any forthcoming permission that these areas remain un-enclosed. The single-storey height, footprint and external construction materials accord with the overall established form of development within the locale and for these reasons the development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design.

Backland Development

- 6.19 With regards to the siting of the proposed dwellings the development does constitute "Backland" development which is, for the purposes of the Policy, defined as the proposed erection of one or more dwelling houses on a parcel of land which lies generally behind the line of existing frontage development; has little or no frontage to a public highway; and which would constitute piecemeal development in that it does not form part of a large area allocated for development. Typical sites include the back gardens of existing dwellings, smallholdings, yards, or small vacant sites.
- 6.20 The District Council is committed to making effective use of land within existing built-up areas and this is reflected in the policies and objectives set out elsewhere in this Plan. However, clearly this should always be achieved through the development of sites well related to existing development and by schemes which would integrate well with their surroundings. It is often difficult to achieve this on backland sites and such sites also normally have restricted access potential. Consequently only in particular circumstances with careful planning and good design may such sites be acceptable for residential development.
- 6.21 There are seven criterion that must be met in order for backland development to be considered appropriate; these are listed here – alongside how the proposed development complies:-

The site is within a defined settlement development boundary

The site is located inside the defined settlement development boundary of

Tendring Green	
Where a proposal includes existing private garden land which would not result in less satisfactory access or off-street parking arrangements, an unacceptable reduction in existing private amenity space or any other unreasonable loss of amenity to existing dwellings	Access and off street parking is acceptable to the Highways Authority. An acceptable degree of private amenity space is retained
A safe and convenient means of vehicular and pedestrian access/egress can be provided that is not likely to cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will be discouraged	Access and off street parking is acceptable to the Highways Authority
The proposal does not involve "tandem" development using a shared access.	The layout of the scheme does not cause an unacceptable inter-relationship between existing and proposed development in terms of its spatial configuration
The site does not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution	The site is unique in shape and form, sat centrally amongst the cluster. The site does not disrupt the rhythm or form of the locality to a detrimental degree
The site is not on the edge of defined settlements and likely to produce a hard urban edge or other form of development out of character in its particular setting	The site sits centrally to the defined settlement
The proposal would not be out of character with the area or set a harmful precedent for other similar forms of development	The proposal is in-keeping with the character of the area which comprises a varied mix of dwellings

- 6.22 In terms of 'backland' developments nearby, the dwelling adjacent to the rear boundary - 'The Chase' - is the product of a late 1970's development in a rear/side garden. A subsequent planning approval for the dwellinghouse makes reference to it as "Due to its setback from the highway, and siting behind properties which front the highway, the dwelling is not prominent in the street scene." The current application would have similar circumstances, though the dwellings would be sited beyond a garage.
- 6.23 The proposal is defined as a backland form of development, it is however considered to adequately comply with the seven criteria and is therefore deemed an appropriate form of development.

Highways Safety/Parking

- 6.24 Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 109 of the NPPF 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. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 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. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

- 6.25 Essex County Council Parking Standards requires that new dwellings provide a minimum of two off-street spaces; sufficient space for the remaining development must also be provided.

Landscaping and Biodiversity

- 6.26 Paragraph 175 of the National Planning Policy Framework requires that Local Planning Authorities "conserve and enhance biodiversity".
- 6.27 The application is accompanied by a very detailed Preliminary Ecological Appraisal which was dated 11th June 2020; the appraisal confirms that four surveys were undertaken during the peak great crested newt survey season (18th April to the 12th May 2020). The outcome of the survey is that no great crested newts were recorded in the on-site pond, or the pond 75m to the west (Fir Tree Cottage), which was the only other known pond within 500m of the site that was holding water at the time of the survey. The appraisal states that the pond in the neighbouring property had potential to support amphibians and was included within the newt survey. However, the pond had a very high fish population reducing the potential for presence of great crested newts, though other priority amphibians (e.g., toads) could be present. The majority of the area of impact was well-managed and short-mown lawn grassland, unlikely to support grass snakes, common lizards or other widespread reptiles.
- 6.28 In regards to the loss of existing trees on the site; the cedar has suffered from a lightning-strike which has led to catastrophic damage to upper branches and the tree is at risk of being unstable. The damage to the cedar had a 'knock-on' effect on the adjacent pine which in turn has led to damage and this tree now has a limited life expectancy. In regards to the loss of the fruit trees, these are of a low height typical of their species – there is negligible opportunity for nesting birds to occupy these trees and whilst they offer a small amount of positive biodiversity to the site, the significant benefit that the existing established tree line on the south boundary (which will remain as existing, save for the damaged trees), far outweighs the loss.

Impact on Residential Amenity

- 6.29 The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.30 Different dwelling sizes and types provide accommodation for individuals and families with a wide range of expectations and need for private amenity space. "Private amenity space" comprises a private outdoor sitting area not overlooked by adjacent or opposite living rooms or outdoor sitting areas. It will therefore not necessarily always amount to the entire rear garden. Apart from its private recreation function, private amenity space is also important in achieving well laid out development.
- 6.31 Private amenity space shall be provided to new dwellings in accordance with the following standards: a three or more bedroom house - a minimum of 100 square

metres. It is also a requirement that the retained dwelling's amenity space also accords. The host dwelling would have an amenity space in the region of 240sqm, Plot 1's amenity space is in excess of 210sqm, Plot 2's amenity space is in excess of 270sqm and Plot 3's amenity space is in excess of 280sqm. In accordance with the policy requiring the area to not be overlooked by adjacent or opposite living rooms or outdoor sitting areas, the proposed dwellings would have more than sufficient private amenity space available.

6.32 In regards to the privacy, daylight or other amenities of occupiers of nearby properties:-

Privacy

6.33 The scheme presents no opportunity for overlooking, as there are no openings at first floor level. The upper parts of openings at ground floor level are approximately 2.1m above external ground level and, with boundary treatments of 1.8m proposed, there is potential of only 30cm of window visible above the fence-line. Plot 3 has two windows on their north facing flank, one window serves a bedroom and the other an en-suite – this flank is in the region of 40m away from the rear elevation of Fir Tree Cottage.

Daylight

6.34 The focus of the development is towards the southernmost boundary and, with the path of the sun moving from right to left, the siting of the development would be well contained beneath the extremely established and dense tree line.

Amenity

6.35 Built form visible from a private vantage point does not necessarily result in adverse residential amenity. The highest ridge of Plot 1 is some 27m away from the rear elevation of Wychwood, an oblique relationship exists between Plots 1 and 2 and The Chase – as such the rear elevation of Plot 1 is closest to the flank of The Chase – notwithstanding this the highest ridge point of Plot 1 is at least 14m away from the boundary – with Plot 2's highest ridge being approximately 18m from the flank elevation. The highest ridge of Plot 3 is in excess of 46m from the rear elevation of Fir Tree Cottage. In regards to noise and pollution (vehicles etc); Fir Tree Cottage has a boundary fence in the region of 2m in height with established planting above it as well as a large detached outbuilding and both of these will contribute to a degree of protection.

6.36 For the reasons given above, the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

Archaeology

6.37 Archaeological sites are a finite and non-renewable resource. In many cases they are highly fragile and vulnerable to damage or destruction. These sites contain information about our past, are part of our sense of place and are vulnerable for their own sake and for their role in education, leisure and tourism. As a result it is important that they are not needlessly or thoughtlessly destroyed. Within Tendring

approximately 1880 sites of archaeological interest are recorded on the Essex Heritage Conservation Record (EHCR) of which 27 are Scheduled Ancient Monuments. These sites range from Palaeolithic deposits of international significance through those of the prehistoric Roman, Saxon and medieval periods and up to modern industrial and World War II/ Cold War monuments. However, the EHCR records only a proportion of the total with many more important sites remaining undiscovered and unrecorded. The nature of archaeological evidence means that all areas of high potential may not have yet been identified. Important archaeological evidence may exist on any site, and thus may be at risk from proposed developments. The District Council, in conjunction with the County Archaeologist and relevant bodies, is determined to identify and protect all-important remains through the use of appropriate policies and their implementation through the development control process. Where the Council believe important archaeological remains are likely to exist, it is reasonable to request a field evaluation funded by the developer, but carried out independently, is carried out prior to determining a planning application. Not all surviving archaeological remains are of equal importance and Policy EN29 reflects this hierarchy. Where permission is granted for development affecting archaeological remains, and preservation in situ is not possible or feasible, conditions will be imposed to ensure that the remains are properly recorded and evaluated and where practicable, preserved, prior to development. Saved Policy EN29 states that development will not be permitted where the Council considers that it will adversely affect nationally important archaeological sites and their setting and permission will be refused where development proposals do not satisfactorily protect archaeological remains of local importance.

- 6.38 The Essex Historic Environment Record (HER) and Tendring Historic Environment Characterisation Project, demonstrate that the proposed development lies within an area of archaeological interest.
- 6.39 The site lies within a historic green, identified on the Chapman and Andre map of 1777 as Parsonage Green and later known as Tendring Green. Settlement around greens was common in the medieval period, Thatched Cottage lies to the west and dates from the 16th/17th century. Historic mapping shows that the green was infilled before c.1870. The 1st edition OS map shows a house and outbuildings located within the development area, it is identified as a beer house on the 2nd edition OS map. To the east aerial photographic evidence has recorded cropmark features of a rectangular enclosure which meets Chapel Lane and may be earlier in date than the green. In the surrounding area further cropmark evidence of circular enclosures may indicate prehistoric activity.
- 6.40 There is potential for the survival of below ground remains of the outbuildings and structures associated with the historic beer house on the site as well as earlier features relating to the nearby cropmarks. The Historic Environment Officer recommends that pre-commencement and post-excavation conditions in regards to requiring written scheme of investigation are attached to any forthcoming permission.

Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)

- 6.41 Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no

alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. The contribution is secured by unilateral undertaking.

- 6.42 The application scheme proposes three new dwellings on a site that lies within the Zone of Influence (Zol) being approximately 5,400metres from Hamford Water Special Protection Area. Since the development is for 3 dwellings only, the number of additional recreational visitors would be limited and the likely effects on Hamford Water from the proposed development alone may not be significant. However, new housing development within the Zol would be likely to increase the number of recreational visitors to Hamford Water; and, in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.
- 6.43 A unilateral undertaking has been prepared to secure this legal obligation. This will ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Public Open Space

- 6.44 Paragraph 54 of the National Planning Policy Framework (2019) states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 56 of the NPPF states planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly relate to the development and fairly and reasonably relate in scale and kind to the development.
- 6.45 Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built". These sentiments are carried forward within emerging Policy HP5.
- 6.46 In line with the requirements of saved Policy COM6 and emerging Policy HP5 the Council's Open Space Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution toward public open or play space. The outcome of the consultation is that there is a deficit of 1.33 hectares of equipped play/formal open space in the village of Tendring.
- 6.47 Due to the significant lack of provision in the area if it is felt that a contribution is justified and relevant to the planning application the contribution received would be used to upgrade and improve the play equipment and the only play area in Tendring. The play area is located on Heath Road, Tendring.

7. Conclusion

- 7.1 The principle of residential development in this locality is supported by Local Plan policy. The proposal does not amount to any visual harm, harm to residential amenities

nor harm to highway safety that would warrant refusal of planning permission. The application is therefore recommended for approval.

8. **Recommendation**

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions, informatives and completed Section 106 Legal Agreement with the agreed Heads of Terms, as set out in the table below:

CATEGORY	TERMS
Financial contribution towards RAMS.	£125.58 per dwelling
Open Space	To fund improvements at the play area at Heath Road, Tendring

8.2 **Conditions and Reasons**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:- 1810/19/02 A (Plot 1 - Proposed Floor Plan, Elevations), 1810/19/03 A (Plot 2 - Proposed Floor Plan, Elevations), 1810/19/04 A (Plot 3 - Proposed Floor Plan, Elevations) and Preliminary Ecological Appraisal; received 24th June 2020 and 1810/19/01, REV D (Amended Existing & Proposed Site Plan) received 4th September 2020.

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

- 3 Prior to occupation of the development, the road junction / access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 90 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic from the development and retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety.

- 4 Prior to the occupation of the development the internal layout shall be provided in principle with amended drawing number:- 1810/19/01 Rev. D Site plan existing and proposed block plan (received 4th Sept 2020).

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

- 5 The development shall not be occupied until such time as a car parking and turning area has been provided in principal with proposed drawing no. 1810/19/01 Rev. D. 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.

- 6 Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 4.77 metres for at least the first 6 metres from the back of Carriageway / Footway / Highway Boundary and provided with an appropriate dropped kerb crossing of the footway/verge.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

- 7 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

- 8 Any new 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.

- 9 Cycle parking shall be provided 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.

- 10 Prior to occupation of the proposed dwellings, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

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

- 11 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. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. 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.

- 12 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no dormers shall be inserted in the north-facing roofslope of plot 1 or the east facing roofslope of plots 1 and 2 except in accordance with details which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To protect the privacy and amenities of the occupiers of adjoining properties.

- 13 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed on the open green space which encompasses either the west elevation of Plot 1 or the north elevation of Plot 3.

Reason - In the interests of visual amenity.

- 14 No development or preliminary groundworks of any kind shall take place until the applicant has secured and undertaken a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason - The site may be of archaeological interest.

- 15 The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason - To enable full investigation and recording of this site of archaeological importance.

8.3 Informatives

Determination of the Application:-

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways:-

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.

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

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

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

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.

Environmental Protection:-

Demolition & Construction

In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, the following should be considered:-

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents. 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.
- 6) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- 7) No materials produced as a result of the site development or clearance shall be burned on site.
- 8) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- 9) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Failure to follow the above may result in enforcement action under nuisance legislation (Environmental Protection Act 1990) or the imposition of controls on working hours (Control of Pollution Act 1974).

Legal Agreement Informative - Public Open Space:-

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: public open space in accordance with saved Policy COM6.

Legal Agreement Informative - Recreational Impact Mitigation:-

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the 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 to:

- 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 and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

- 9.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.3 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.4 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.5 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.6 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.7 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.8 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.9 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision

maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

10. Background Papers

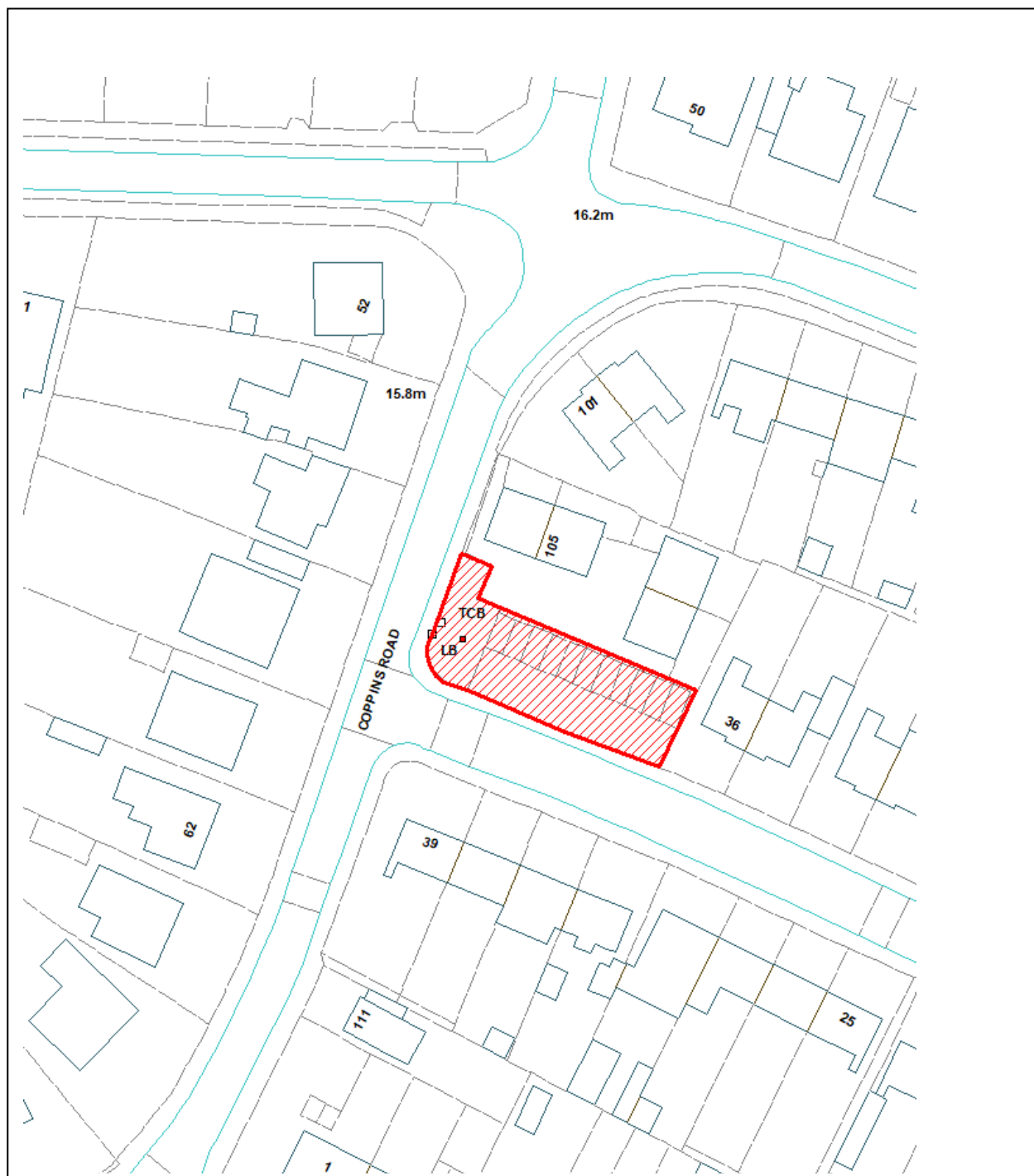
- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

PLANNING COMMITTEE

17 NOVEMBER 2020

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.5 PLANNING APPLICATION – 20/00611/FUL – GARAGE BLOCK 1-10 WARGRAVE ROAD CLACTON ON SEA CO15 3EQ



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Application: 20/00611/FUL	Town / Parish: Clacton Non Parished
Applicant: Mr Daniel Mills	
Address: Garage Block 1-10 Wargrave Road Clacton On Sea CO15 3EQ	
Development: Construction of 10 no. attached flat roof single garages.	

1. **Executive Summary**

- 1.1 This application is referred to the Planning Committee as the applicant is Tendring District Council.
- 1.2 The application involves the replacement of the already-demolished row of eleven flat roofed garages with ten flat-roofed garages.
- 1.3 The garages would not result in an unacceptable impact upon the character, appearance or visual amenity of the surrounding area and would not result in an unacceptable impact to residential amenity or have a detrimental impact upon the private amenity of local residents in respect of noise. Furthermore, the proposal would not result in any harm to the safety of the surrounding public highway network.

Recommendation:

That the Head of Planning be authorised to grant planning permission for the development subject to:-

- a) Subject to the conditions stated in section 8.2

2. **Planning Policy**

- 2.1 The following Local and National Planning Policies are relevant to this planning application.

National Policy:

National Planning Policy Framework
National Planning Policy Guidance

Local Policy:

Tendring District Local Plan 2007

- QL1 Spatial Strategy
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

- SP1 Presumption in Favour of Sustainable Development
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

- 2.2 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.
- 2.3 Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

- 2.4 The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.
- 2.5 The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. **Relevant Planning History**

95/00919/FUL	(Footpath corner of Coppins Road and Wargrave Road, Clacton on Sea) To site a pouch box on a pedestal for use by postal delivery staff	Approved	11.09.1995
20/00611/FUL	Construction of 10 no. attached flat roof single garages.	Current	

4. **Consultations**

ECC Highways Dept 16.06.2020	From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to mitigation and conditions.
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5. **Representations**

- 5.1 No representations have been received in response to either the public consultation or the site notice.

6. **Assessment**

Site Context

- 6.1 The application site is located at the corner of Wargrave Road and Coppins Road; sharing its northern boundary with numbers 103, 105 and 109 Coppins Road and its eastern boundary with 36 Wargrave Road.
- 6.2 The site is entirely flat, of an irregular rectangular shape and having an area in the region of 438sqm. The majority of the rectangular parts of the area serves the garage block itself and a hardstanding area forward of this. The irregular parts of the plot

comprises a small parcel of grassed land which contains a telephone box and two post-boxes.

- 6.3 The plot measures 12.5m deep and 34.5m wide; of the 12.5m deep approximately 6.4m is laid to hardcore.

Proposal

- 6.4 The application proposes replacing the garages; there would be a reduction on the number of units from 11 down to 10; this is as a consequence of modern cars being larger than when the garages were originally constructed.
- 6.5 In terms of the original overall width of the block, the proposed garages would occupy a similar footprint to the original ones but would be marginally deeper – again to more-closely reflect adopted parking standards.
- 6.6 The hardstanding depth is reduced to 6.2m, the depth of the garage block would be 5.5m and its width would be 28.6m and they would be inset from the rear boundary by approximately 0.5m. Externally the garages would have a shallow mono-pitched roof with a 2.7m height falling to 2.6m towards the rear. Externally the block would be constructed in red stock brick, have a fibreglass roof and have steel up-and-over garage doors. The gravel/hardcore hardstanding would be replaced with a permeable surface.

Principle of Development

- 6.7 The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Appearance

- 6.8 Saved Policy QL9 sets out a range of general design principles, including requirements for developments to have regard in their design approach to local character and distinctiveness, architectural quality, scale and massing, and landscaping. This policy requires all new development to make a positive contribution to the quality of the local environment, and to protect or enhance local character. Draft Policy SPL3 sets out the requirement for development to achieve sustainable design.
- 6.9 Paragraph 124 of the NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.10 Housing stock in the locale has a typical post-war appearance, comprising part red-brick, part render.
- 6.11 The original garages were of typical pre-fabricated concrete appearance and had a typically functional, though architecturally unattractive form. The replacement garages, having a red brick external finish would introduce a form of development which is considered to respect the wider streetscene in general. In terms of height and

footprint, the scale of the proposed is similar in most aspects to the original garages and no objection exists in this regard.

Highway Safety/Parking

- 6.12 Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 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. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.
- 6.13 Manual for Streets, published by the Department of Transport in 2007 states that garages are not always used for car parking, and this can create additional demand for on-street parking. The publication suggests that many authorities now recommend a minimum internal size of 6m by 3 m. The Council's preferred bay size for cars is 5.5 metres by 2.9 metres and the minimum bay size is 5 metres by 2.5 metres.
- 6.14 The plans indicate that the internal dimensions fall marginally short of the preferred bay size, being 2.75m wide (or 2.5m at the pinch-point where internal supporting piers exist) and approximately 5m deep. The Highway Authority observes that the internal dimensions of the proposed garages are not in accord with the current Parking Standards and therefore unlikely to be used for their intended purposes but, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the mitigation and conditions.

Impact on Residential Amenity

- 6.15 The NPPF (2019) at paragraph 127 states that planning should secure developments with a high standard of amenity for existing and future users. Saved Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 6.16 There are no dimensions available for the existing garages, notwithstanding this it is evident that the proposed garages would not be materially larger in terms of their height than the previous form of development. For this reason the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

7. Conclusion

- 7.1 The construction of a replacement block of garages is considered to be acceptable in principle. There will be a nominal improvement to the wider streetscene in general as a consequence of the external construction materials. The proposal does not result in any material harm to visual amenity, impact upon neighbouring amenities or have any adverse impact on highway safety.

7.2 For the reasons set out above, the proposal is considered to represent a sustainable form of development in a location supported by national and local plan policy that will not result in any material environmental or residential harm that warrants refusal of planning permission.

8. Recommendation

8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives.

8.2 Conditions and Reasons

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans: DM/2020/01/B; received 15th May 2020.

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

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

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

8.3 Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informatives

The Highway Authority observes that the internal dimensions of the proposed garages are not in accord with the current Parking Standards and therefore unlikely to be used for their intended purposes.

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

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

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CO4 9YQ

9. Additional Considerations

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- 9.2 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 and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
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10. Background Papers

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

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