

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AN	4/12/18
Planning Development Manager authorisation:	SCE	04.12.18
Admin checks / despatch completed	AP	5/12/18

WRE

Application: 18/00735/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr Lee Walsom - Stockplace Homes Limited

Address: Bramcote Thorpe Road Clacton On Sea

Development: Variation of Condition 2 of planning permission 16/02107/FUL to substitute approved drawings with new drawings to include additional garages, changes to the detailed design and boundary treatments, pumping station and amended drainage strategy, and details to discharge conditions 3, 8, 9, 15, 17, 18, 19, 22, 23, and 24 of 16/02107/FUL.

1. Town / Parish Council

N/a

2. Consultation Responses

ECC SuDS
Consultee

Essex County Council as the Lead Local Flood Authority (LLFA) has received the above planning application. This application has been reviewed for surface water drainage aspects in accordance with our statutory consultee role.

Currently, consultants from McCloy CONSULTING are working on behalf of the Flood Risk Management team to provide comments. These have formed the basis of our recommendation to this planning application, please see attached letter:

As the Lead Local Flood Authority (LLFA) this ECC provides advice on SuDS schemes for major developments. ECC have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council, and their appointed consultants, looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the additional information supplied by email, acting on behalf of ECC we do not object to the granting of planning permission based on the following:

Condition 1

No works 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 rates from the site to a maximum of 6.7l/s for the 1 in 100 year plus 40% climate change rainfall event with allowance

for urban creep.

Provide sufficient surface water storage so that the runoff volume is discharged at a rate that does not adversely affect flood risk and that unless designated to flood that no part of the site floods for a 1 in 100 year plus 40% climate change rainfall event that would adversely affect development on site or elsewhere.

- Final modelling and (or) calculations for all areas of the drainage system. - The appropriate level of treatment for all runoff leaving the site, in line with the

CIRIA SuDS Manual C753.

- 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.

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.

Condition 2

No works shall take place until 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 before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 3

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.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the

proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures); - Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, ECC advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

Tree & Landscape
Officer

The main body of the application site has been cleared of all significant vegetation.

In order to establish the extent of the constraint that the remaining trees are on the development potential of the land and to show their Root Protection Areas (RPA's) the applicant provided a Tree Survey and Report with planning application 16/02107/FUL. This information was in accordance with BS5837: 2012 Trees in relation to design, demolition and construction; Recommendations.

The information previously provided makes provision for retention and physical protection of the trees included in the tree report. If the information relating to existing trees remains extent then no other information is required. Otherwise similar information should be provided with this application.

In terms of new planting associated with the layout of the site the Ground Floor Site Plan shows a reasonable amount of soft landscaping including tree planting. It would appear necessary to secure details of this planting by way of a condition attached to any planning permission that may be granted.

ECC Highways
Dept

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.

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 principle vehicular access, visibility splays and the internal road and footway layout shall be provided in accord with Drawing Numbered 6550-1114-P1.

2 Prior to the occupation of the proposed development, the proposed vehicular turning facilities for service and delivery vehicles as shown on the approved plans, shall be provided within the site which shall be retained and maintained free from obstruction thereafter.

3 Prior to first occupation of the proposed development, a (communal) recycling/bin/refuse collection point shall be provided within 15m of the highway boundary or adjacent to the highway boundary and additionally clear of all visibility splays at accesses and retained thereafter.

4 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary or throughout.

5 Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

6 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.

7 All carriageways should be provided at 5.5m between kerbed footways or 6.0m where vehicular access is taken but without kerbing.

8 All footways should be provided at no less than 2.0m in width.

9 The development shall not be occupied until such time as the car parking facilities, indicated on the approved plans, has been hard surfaced and sealed. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

10 Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of each dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

11 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) 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 under body washing facilities

12 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of Residential Travel Information Packs for sustainable transport sufficient for the occupants of each dwelling, approved by the Local Planning Authority.

13 Prior to the occupation of any of the proposed dwellings the Applicant/Developer shall provide a new 3m wide kerbed footway across the entire sites frontage to Thorpe Road and southerly towards the roundabout junction also at 3m or extended to the limits of the highway and making an appropriate connection to the existing footway, being provided entirely at the Applicant/Developer's expense including new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway channel to the specifications of the Highway Authority

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

Informative 2: 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.

Anglian Water
Services Ltd
Building Control
and Access Officer

See document dated 23.05.18

No comments at this time.

Anglian Water
Services Ltd

We have assessed the submitted information and note that the applicant intends to connect to the surface water network. We are concerned that the discharge rate is high and we would expect, as previously advised, a discharge rate of no more than 6.7L.S. We would require a revised surface water drainage scheme be submitted.

3. Planning History

16/02107/FUL	Demolition of existing dwelling and erection of 47 no. bungalows and 2 no. houses with garages, access and public open space.	Approved	20.10.2017
--------------	---	----------	------------

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

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
- HG3A Mixed Communities
- HG4 Affordable Housing in New Developments
- HG6 Dwelling Size and Type
- HG7 Residential Densities
- HG9 Private Amenity Space
- COM6 Provision of Recreational Open Space for New Residential Development
- COM26 Contributions to Education Provision
- COM31A Sewerage and Sewage Disposal
- EN1 Landscape Character
- EN6 Biodiversity
- EN6A Protected Species
- EN13 Sustainable Drainage Systems
- TR1A Development Affecting Highways
- TR3A Provision for Walking
- TR5 Provision for Cycling
- 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

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

PP12 Improving Education and Skills

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP2 Improving the Transport Network

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) 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.

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 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. 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.

In relation to housing supply:

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. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal (including Site Description and Proposal)

Proposal

- Variation of Condition 2 of planning permission 16/02107/FUL to substitute approved drawings with new drawings to include additional garages, changes to the detailed design and boundary treatments, pumping station and amended drainage strategy, and details to discharge conditions 3, 8, 9, 15, 17, 18, 19, 22, 23, and 24 of 16/02107/FUL. The plans have been amended a number of times to reduce the number of garages; improve garden sizes/shapes; increase soft landscaping provision; retain the raised footpaths internal to the site which were requested by Members in previously deferring the original planning application; improve construction materials; improved boundary treatments; and amendments to the submitted construction method statement and surface water drainage strategy. X

History

- 16/02107/FUL was approved at Planning Committee on 8/8/2017 for 'Demolition of existing dwelling and erection of 47 no. bungalows and 2 no. houses with garages, access and public open space'. The reason for deferral to planning committee was that the site lies outside of any settlement development boundary in the 2007 adopted local plan, and is a major development proposing housing within the settlement development boundary of the emerging local plan. As the principle of development has now been accepted by the grant of planning permission, and this variation of condition application (following amendments in relation to internal footpaths etc) does not conflict with Members decision in granting the original planning permission, this is a delegated decision. The proposal also seeks confirmation of compliance with 10 conditions on the original planning permission.

- 16/02107/FUL was also subject to a S106 legal agreement dated 13/10/2017 addressing education, affordable housing and open space. There were no provisions within that S106 to allow it to apply to future variations so a fresh S106 has been required to link the new application to the existing S106 agreement.

Assessment

- The requested variations involve changes to the detailed design of the plots; addition of a pumping station; changes to the three affordable units; and addition of garages.

- The S106 requires three 3 bedroom bungalows to be provided for affordable housing and approved on an affordable housing plan. This relates to plots 3, 39 and 44 as shown on drawing number 6550-1115 P6 'Affordable Housing Plots'. It also requires an open space plan to be submitted three months prior to commencement drawing number 6550 - 1101 C 'Ground Floor Site Plan' - for S106 provides this information and is acceptable as detailed under the associated discharge of condition 17 below. X

- The additional garages are unfortunate in relation to the amount of built form on the site. They have been reduced in number with additional soft landscaping provided within the open spaces to add more overall screening. They are set within rear/garden areas so do not compromise the soft landscaping to front garden areas and all plots still provide the minimum private amenity space as required by saved Policy HG9.
- The changes to the detailed design of the dwellings are minor and acceptable providing an adequate variety across the development in terms of detailed design and construction materials. The overall bulk of the dwellings is not materially different from the original proposal.
- The addition of a pumping station within the open space has resulted from the need for an amended drainage strategy. SUDs and Anglian Water have been consulted and after amendment have no objection to the proposal.

Condition discharge

- The application also seeks discharge of conditions 3, 8, 9, 15, 17, 18, 19, 22, 23, and 24 of 16/02107/FUL as considered below.
- Condition 3: facing and roofing materials. The proposed materials as amended provide adequate quality and variety across the development with a palette of red multi brick, buff multi brick, grey plain tile, red pantile, and red plain tile.
- Condition 8: prevention of surface water discharge onto the highway and Condition 9: Wheel cleaning facility. The Highway Authority have confirmed the submitted details are sufficient to enable these two conditions to be discharged.
- Condition 15: Hard and soft landscaping. The amended landscaping proposal has provided additional soft landscaping to the open space areas as there is little space within the plot frontages for substantial soft landscaping. A mixed native hedgerow is provided along the full western boundary to Thorpe Road, soft landscaping/hedges around the plots fronting the main internal roads and around the three areas of open space. Additional trees have also been provided to the three areas of open space to compensate for the increase in garages across the development site. Block paving is proposed to the parking bays and raised footway with tarmac to the road surfaces. The landscaping proposal is therefore acceptable.
- Condition 17: Public Open Space equipment. The Open Space team have confirmed they are satisfied with the proposed on site play area which is located within the largest of the three areas of open space. This comprises a Playdale "Playspace 2" with 9 different pieces of equipment plus a bench, waste bin and sign.
- Condition 18: Construction Method Statement. The amended CMS provides the additional information requested and is now acceptable.
- Condition 19: Boundary treatments. The amended boundary treatments comprise brick walls to prominent internal boundaries such as those fronting the internal road and open spaces. Less prominent and internal boundaries are close boarded fence. This is acceptable in terms of both visual and residential amenity.
- Condition 22: Surface water drainage scheme. Condition 23: Scheme to minimise off site flooding. Condition 24: Maintenance Plan. The submitted surface water drainage scheme has been subject to amendments and lengthy discussions with ECC SUDs with has now resulted in them supporting the proposal. As this is a variation of condition application this effectively relates to a discharge of the previously imposed conditions and the wording provided by ECC SUDs does not reflect this. The case officer has had numerous discussions with the SUDs team about this proposal and they are aware that this relates to discharge of conditions imposed on the original permission. The requested wording is therefore incorrect and has been changed to reflect the approval of the submitted details and to secure their implementation and maintenance. The comments from Anglian Water incorrectly refer to the wrong discharge rate and this matter has been resolved as agreed by ECC SUDs in their recommendation.

Conclusion

- The amendments proposed to the original planning permission are therefore considered acceptable. Conditions have been reimposed on this new permission with rewording where appropriate to reflect the details submitted and approved as part of this application. The new S106 agreement has now been completed to link the new application to the existing S106 agreement dated 13/10/2017 and submitted under 16/02107/FUL.

6. Recommendation

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be begun before 20th October 2020.

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:

Submitted under 16/02107/FUL: Arboricultural Impact Assessment Ref TPSarb6020316, Ecological Scoping Survey dated June 2017, Contamination Assessment Report No: 15-2491r, Transport Statement dated December 2016, Flood Risk Assessment and Surface Water Management Plan Report No 10156/R01/03, and Noise Assessment dated 17th May 2017.

Drawing numbers 6550 - 1101 C, 1103 F, 1111 P8, 1112 P8, 1113 P8, 1114 P8, 1115 P6, 1260 P1, 1261 P1, 1262, 1263 P1, 1264 P1, 1265 P1, 1266 P1, 1267 P1, 1268 P1, 1269 P1, 1270 P1, 1271 P1, 1272 P2, 1360 P1, 1361 P1, 1362 P1, 1363 P1, 1364 P1, 1365 P1, 1366 P1, 1367 P1, 1368 P1, 1369 P1, 1370 P1, 1371 P1, 1372 P2, 1504, 1506, and 2001 P1; 17-028/ 365 P2, 580 T1, 1010 T2, and 571 T1; 6352/1601; and NC 17.416-P-200 A.

Construction Method Statement - Revision B.

Operation and maintenance requirements for attenuation storage tanks; Exceedance Plan 17-028-1011 P1; Withers Design Associates letter Ref: MW/17/028 dated 1st October 2018; Design Criteria for Adoptable Storm.SWS dated 23th[rd] May 18; and Surface Water Drainage Management Plan Version 2 October 2018.

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

- 3 The external facing and roofing materials to be used in construction shall be as shown on drawing number 6550 - 1103 F unless otherwise agreed in writing, by the Local Planning Authority.

Reason - In the interests of visual amenity.

- 4 Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 70 metres to the north and south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and thereafter retained free of any obstruction at all times.

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

- 5 Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plan 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.

- 6 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.

- 7 The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway and shall provide, but not be limited to, the following aspects;
- o Adoptable carriageways measuring no less than 5.5 metres in width
 - o 2x2m Footways on both sides of the adoptable road
 - o Appropriate pedestrian crossing facilities where the new road joins the existing highway
 - o Shared use carriageways measuring no less than 6 metres in width
 - o Kerb radii where the new road joins Thorpe Road measuring 10.5 metres

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

- 8 The means to prevent the discharge of surface water from the development onto the highway shall be as shown on drawing number 17-028-1010 T2 unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained as approved at all times.

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.

- 9 The wheel cleaning facility within the site and adjacent to the egress onto the highway shall be as detailed within Methodology To Reduce And Manage Off-Site Flooding, Water Run Off And Wheel Cleaning During Construction Works unless otherwise agreed in writing by the Local Planning Authority. The wheel cleaning facility shall be provided at the commencement of the development and maintained during the period of construction.

Reason - To ensure that loose materials and spoil are not brought out onto the highway, in the interests of highway safety.

- 10 The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing 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 carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

Reason - To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety.

- 11 Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

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

- 12 Any single garages shall have a minimum internal measurement of 7m x 3m. Any double garages shall have a minimum internal measurement of 7m x 6m. All garages shall be retained for the purposes of vehicle parking in perpetuity.

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

- 13 Prior to occupation of the development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, to include six one day travel vouchers for use with the relevant local public transport operator.

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

- 14 Prior to occupation of any dwelling a shared use cycleway/footway measuring no less than 3 metres in width shall be provided on the eastern side of Thorpe Road between the existing facilities located on the two roundabouts north and south of the development site.

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

- 15 The approved landscaping scheme shall as be as shown on drawing numbers NC 17.416-P-200 A and 6550 - 1103 F unless otherwise agreed in writing by the Local Planning Authority.

Reason - An appropriate landscaping scheme is a visually essential requirement in order to soften the appearance of the development.

- 16 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.

- 17 The equipment to be provided to the public open space shall be as shown on drawing number 6550 - 1101 C unless otherwise agreed in writing by the Local Planning Authority. The public open space equipment shall be provided as approved prior to occupation of any of the hereby approved dwellings.

Reason - To ensure a satisfactory provision of public open space equipment in the interests of the amenities of the occupiers of the approved development.

- 18 The construction method statement shall be as Construction Method Statement - Revision B unless otherwise agreed in writing with the Local Planning Authority. The method statement shall be implemented as approved for the duration of the demolition and construction period.

Reason - In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works.

- 19 The screen walls and fences shall be as shown on drawing numbers 6550 - 1103 F, 6550 - 1504, and 6550 - 1506 unless otherwise agreed 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.

Reason - In the interests of visual and residential amenity.

- 20 No development shall take place until the existing trees have been protected as detailed within the Arboricultural Impact Assessment Ref TPSarb6020316. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Any trees dying or becoming severely damaged as a result of any

failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.

Reason - To minimise disturbance to and help to ensure the satisfactory retention of the trees.

- 21 Prior to occupation of the hereby approved development full details of the provision of bird and bat nest boxes and hedgehog fencing and homes as recommended within the Ecological Scoping Survey dated June 2017 shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the development and retained as approved thereafter.

Reason - In the interests of biodiversity.

- 22 The surface water drainage scheme, scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works, and Maintenance Plan shall be as submitted under: Operation and maintenance requirements for attenuation storage tanks; Exceedance Plan 17-028-1011 P1; Withers Design Associates letter Ref: MW/17/028 dated 1st October 2018; Design Criteria for Adoptable Storm.SWS dated 23th[rd] May 18; and Surface Water Drainage Management Plan Version 2 October 2018 unless otherwise agreed in writing by the Local Planning Authority.

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. 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.

- 23 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.

8. 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.

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement.

Highways informatives:

- This condition requires a Legal Agreement between the Applicant/Developer and the Highway Authority using the powers in Section 278 of the Highways Act, 1980.

- All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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: Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

- Cost of Works - 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.

- Site Workers - Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

Pollution and Environmental Control informatives:

- Noise Control

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

2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Friday. 0800-1300 on Saturdays 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 5228:1984.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents. 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

- Emission Control

1) A scheme of measures for the control and suppression of dust emissions shall be submitted to and approved in writing by the L.P.A. Such agreed works shall be implemented in the approved form prior to the commencement of any development of the site and shall be maintained in the approved form until the development is completed and ready to be signed off as complete for the permitted purpose.

1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

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

3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

- Lighting control

1) Any lighting of the site under development shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to adjacent residential properties/ constitute a traffic hazard/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Professionals.

Adherence to the above will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

Suds 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.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

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.