

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	29/05/19
Planning Development Manager authorisation:	AN	3/6/19
Admin checks / despatch completed	AN SB	4/6/19 04/06/19

Application: 18/01967/FUL **Town / Parish:** Harwich Town Council

Applicant: Mr Lawrence Catantan

Address: New Hall Low Road Dovercourt

Development: Proposed six new dwellings.

1. Town / Parish Council

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

2. Consultation Responses

ECC Highways Dept 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 first occupation of the development, the proposed road junction at its bell-mouth junction with Low Road shall be constructed at right angles to the highway boundary and to the existing carriageway as shown in principle in the amended Proposed Site Plan, drawing no.21-2018-12 Rev: PA to a carriageway width of 5.5 metres with 2 metre width footway on one side to connect to the existing footway on Low Road.

Reason: To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety and in accordance with Policy DM1 and DM6.

2. Prior to first occupation of the development, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 43 metres by 2.4 metres to the northwest and 43 metres by 2.4 metres to the southeast as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be 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 in accordance with policy DM1.

3. Prior to first occupation of the development the size 3 vehicular turning facility shown in principle in the amended Proposed Site Plan, drawing no. 21-2018-12 Rev: PA shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a

forward gear in the interest of highway safety in accordance with policy DM1.

4. 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 to ensure accordance with policy DM1.

5. Any gates provided at the vehicular access (for New Hall) shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway or where no provision of footway is present, the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/carriageway in the interest of highway safety in accordance with policy DM1.

6. Prior to first occupation of the development vehicle parking shall be provided in accordance with the EPOA Parking Standards as shown in principle in the amended Proposed Site Plan, drawing no. 21-2018-12 Rev: PA constructed ready for use. The vehicle parking area and associated turning area shall be retained in the agreed form at all times.

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

7. 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. Prior to occupation of the proposed development, 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.

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

9. 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.

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 and in accordance with Policy DM1

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

Informative 1: 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.

Informative 2: The applicant should be advised to liaise with the appropriate agency(s) regarding the water course to ensure that all necessary precautions are taken to protect the integrity of the site and, more importantly, the condition of the water course. This section of watercourse could form part of the Environment Agency's "Flood Warning Areas" and may also be affected by PPG25.

Informative 3: 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.

Informative 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 ' Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester.
CO4 9YQ.

(Original Comments)

inspected the application, as submitted, and have no objection to this planning application because the site is currently defended and the SMP policy for this area has an aspiration for hold the line. If the SMP policy is not taken forward the development would be unsafe in the future. We do request a condition on finished floor levels. Please take note of this and the other flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below.

Flood Risk

We note that the applicant made a recent enquiry with us in October, to which we confirmed the data they have been provided in the past was still current. However, since October the Open Coast 2008 levels and Stour and Orwell FRS 2011 levels have been superseded with the Coastal 2018 data. We have used the new Clacton (Coastal 2018) 2D levels to assess the flood risk for this application.

Our maps show the site lies within tidal Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for proposed 6 new dwellings (bungalows), which is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA). If you are satisfied that the application passes these Tests and will be safe for its lifetime, we request the following condition be appended to any permission granted:

1. Finished ground floor levels are set no lower than 5.37 metres above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason - To reduce the risk of flooding to the proposed development and future occupants. To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, referenced AMA653 Rev A and dated 02/11/2018, are: Actual Risk

- The site is currently protected by flood defences with an effective crest level of 4.50m AOD which is above the present-day 0.5% (1 in 200) annual probability flood level. Therefore the site is not at risk of flooding in the present-day 0.5% (1 in 200) annual probability flood event. The defences will continue to offer protection over the lifetime of the development, provided that the hold the line SMP policy is followed and the defences are raised in line with climate change, which is dependent on future funding.

- At the end of the development lifetime with climate change applied to the design 0.5% annual probability flood event, if the SMP policy is not followed then through overtopping of the current defences the resulting on-site flood level would be 4.70 m AOD. The resulting actual risk depth of flooding on the site using the minimum site level of 4.15m AOD would be 0.55m deep, and would be dry within the building using the proposed finished floor levels of 5.37m AOD.

Residual Risk Our undefended flood levels show that in a worst-case scenario the site could experience breach flood depths of up to 0.80 metres during the 0.5% (1 in 200) annual probability including climate

change breach flood event with flood level of 4.95 m AOD, and up to 1.18 metres during the 0.1% (1 in 1000) annual probability including climate change breach flood event with flood level of 5.33 m AOD. You may wish to ask the applicant to provide a breach assessment for the development site in their FRA so that you can make a more informed decision on flood risk.

- Therefore assuming a velocity of 0.5m/s the flood hazard is danger for most including the general public in the 0.5% (1 in 200) annual probability flood event including climate change.

- Finished ground floor levels have been proposed at 5.37 m AOD. This is above the 0.5% (1 in 200) annual probability breach flood level including climate change of 4.95 m AOD and also above the 0.1% (1 in 1000) annual probability breach flood level including climate change of 5.33m AOD, so therefore dry in both events.

- Flood resilience/resistance measures have been proposed.

- A Flood Evacuation Plan has been proposed and is necessary to ensure the safety of the development in the absence of safe access / with internal flooding in the event of a breach flood.

Shoreline Management Plan The current defences protect this area against a tidal flood with a 0.5% (1 in 200) annual probability of occurrence. However, the impacts of climate change on sea levels over the development's lifetime will gradually reduce the level of protection afforded by the defences if they are not raised within this timeline. Without the raising of the defence, the site could flood should a tide with a 0.5% (1 in 200) annual probability flood event plus climate change occur, which could be contrary to the advisory requirements of Paragraphs 059 and 060 of the National Planning Policy Framework's Planning Practice Guidance. These advise that there should be no internal flooding in 'more vulnerable' developments from a design flood. This could also present challenges to the safety of the users of the buildings and a future reliance on evacuation or emergency response. The Essex & South Suffolk Shoreline Management Plan (SMP) has a policy of 'Hold the Line' until 2105 for Harwich location, so it is possible that the flood defences may be raised in line with climate change to continue to protect against the future 1 in 200 annual probability flood event for the lifetime of the development. The SMP policy is aspirational rather than definitive, so whether the defences are raised or reconstructed in the future will be dependent on the availability of funding. The level of funding that we can allocate towards flood defence improvements is currently evaluated through cost benefit analysis, and any identified shortfalls in scheme funding requirements would require partnership funding contributions from other organisations. When determining the safety of the proposed development, you should take this uncertainty over the future flood defences and level of flood protection into account. This may require consideration of whether obtaining the funds necessary to enable the defences to be raised in line with climate change is achievable. This would be required to prevent the proposed development being at unacceptable flood risk of internal flooding in the design event. Guidance for Local Council

Safety of Building - Flood Resilient Construction

The FRA propose to include flood resistant/resilient measures in the design of the building to protect/mitigate the proposed development from flooding. You should determine whether the proposed measures will ensure the safety and sustainability of the proposed development. Consultation with your building control department is recommended when determining if flood proofing measures are effective. Further information can be found in the document 'Improving the flood performance of new buildings' at:

http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf.

Additional guidance can be found in our publication 'Prepare your property for flooding', which can be found on our website at: <https://www.gov.uk/government/publications/prepare-your-property-for-flooding>

We trust that this advice is useful.

Environment Agency
(Amended Comments)

Thank you for your email and re-consultation dated 18 March 2019. Following the latest Coastal Modelling 2018 Data and updated flood zones we are providing an updated formal response to this application.

Flood Risk

We have no concerns regarding the above proposal as the latest Coastal Modelling 2018 Data and updated Flood Zones now show the site boundary is entirely within Flood Zone 1. Sequential Test / and Exception Tests.

The site is located within Flood Zone 1 with a 'low probability' of flooding, with less than a 1 in 1000 annual probability of river flooding in any year (<0.1%). Therefore, the Sequential and Exception Tests will not need to be undertaken as part of this planning application.

Other Sources of Flooding

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

3. Planning History

01/00226/FUL	New dwelling to side of New Hall	Withdrawn	08.05.2001
01/00242/FUL	New entrance gates and store	Approved	24.04.2001
01/01143/FUL	One dwelling house to side of new hall	Refused	13.08.2001
02/00638/FUL	Stable block, tack room and menage	Approved	31.05.2002
02/00639/FUL	Garage for vintage buses	Refused	16.05.2002
02/00640/FUL	New garages	Approved	13.05.2002
02/01365/FUL	Brick boundary wall.	Approved	10.09.2002
93/00945/FUL	(The Shaftesbury Society Holiday Centre, New Hall, Low) Continuation of use of a portable jack-legged cabin as an office for Holiday Centre (Renewal of Permission TEN/1234/90)	Approved	23.09.1993

97/00329/FUL	(The former Shaftesbury Centre, Low Road, Dovercourt) Erection of a single detached dwelling, including demolition of existing 2 storey dwelling and change of use to residential curtilage	Approved	08.07.1997
97/00360/OUT	(The Former Shaftesbury Centre, Low Road, Dovercourt) Residential care home for frail elderly persons	Refused	08.07.1997
97/01076/FUL	() Erection of single dwelling house and demolition of existing dwelling [as variation to planning consent TEN/97/0329 - including addition of balcony to rear elevation and raising floor level]	Approved	01.10.1997
02/01807/FUL	Amendment to approval 02/01365/FUL to reposition entrance gates and road crossing	Withdrawn	15.11.2002
04/01660/FUL	Detailed plans for development of scheduled caravan park site (re-submission of 04/01116/FUL)	Approved	24.03.2005
04/01926/TPO	Reduce outermost branches of Poplar by up to 3 metres.	Approved	12.11.2004
05/00611/FUL	04/01660/FUL - Variation of Condition 3 to read " Caravans shall be occupied only during a period from 1st March to 14 January in any one year"	Approved	31.05.2005
05/00652/TPO	Crown reduce Poplar by 30-35%.	Approved	12.05.2005
10/01397/FUL	Variation of condition 2 of planning permission 04/01660/FUL to enable under-utilised area of land adjacent to site entrance to accommodate 7 additional holiday lodges.	Approved	16.05.2011
13/01209/FUL	Construction of 6 dwellings.	Approved	20.12.2013
17/01586/TPO	T2 - Poplar - trim/pollard to clear road and pathway.	Approved	17.10.2017
17/02006/FUL	Erection of 10 new semi-detached and terraced dwellings with associated landscaping and car parking.	Withdrawn	20.03.2018

4. Relevant Policies / Government Guidance

National Planning Practice Guidance

Tendring District Local Plan 2007

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

QL1 Spatial Strategy

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

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP4 Housing Layout

CP1 Sustainable Transport and Accessibility

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

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 (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.

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 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. In addition, the actual need for housing 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. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal

Site Description

The application site is land to the front of New Hall, located to the south of Low Road within the parish of Dovercourt. The site falls within the Dovercourt Settlement Development Boundary within both the Saved Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft. The site is on the edge of an area of high flood risk, this predominantly relates to the areas of the curtilage immediately adjacent to New Hall. To the east and south of the site is an extensive holiday park with many mobile homes. To the west of the site is a residential care home and to the north is an area of housing.

The application site itself forms the front half of a larger parcel of land. This area of land comprises a single, substantial detached dwelling set centrally within a large rectangular plot. To the rear of the dwelling there is an area of private amenity space which accommodates a swimming pool and a number of outbuildings. The area to the front of the dwelling (the application site area) is laid out as a lawn with a circular access arrangement. The front boundary is formed by a 1.8 - 2 metre high brick wall.

Description of Proposal

The application seeks planning permission for the erection of six detached dwellings, all of which are to be single storey bungalows.

History

Under planning reference 10/01432/FUL, planning permission was refused for four dwellings which was subsequently dismissed on appeal. The main reasons for refusal related to the adverse impact of the proposed development on the character of the area and the lack of information regarding the management of surface water from the site, particularly in relation to the adjacent highway.

Under planning reference 13/01209/FUL, planning permission was granted for the erection of six dwellings, four of which were two storeys and two which were single storey. This approved scheme included numerous amendments such as a range of different house types to improve the design and provide a more active frontage, and details of how surface water was to be managed. However this permission expired on 20 December 2016.

Assessment

1. Principle of Development

The site is situated within the defined settlement limits of Dovercourt as defined by both the adopted Tendring District Local Plan (2007) and emerging Publication Draft (2017), and therefore the principle of residential development in this location is acceptable subject to the detailed considerations as set out below.

2. Design and Layout

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The original application that was refused and subsequently dismissed on appeal was considered to be at odds with the prevailing character in the Low Road area. The revised scheme approved in 2013 included numerous amendments in order to address these previous reasons for refusal. The scheme included a range of house types across the frontage of the site that addressed Low Road in comparison to the previous 'inward facing' development.

The proposal currently being determined markedly differs from that previously approved, ensuring all six dwellings are to be of a single storey nature. Given the character of the surrounding area includes a range of single and two storey properties, there is no principle objection to this, while the proposed layout largely accords with the previously approved scheme, with four dwellings facing Low Road and ensuring an active frontage, with two additional subservient dwellings beyond to the rear.

There were initially some concerns with the design of the dwellings; they were all of an incredibly similar design that lacked features to add some character to the development. Accordingly, following discussion, amended plans have been supplied that have sought to provide variety, including the use of bay windows, canopies, brick plinths, front gables and a differing use of materials. The dwellings at the front of the site will be set back by approximately 2.5 metres from the footpath to afford space for some landscaping and a 1m high picket fence. Given the single storey nature of the development, distance views of the principal building (New Hall) can be seen.

Concerns were also raised with the significant levels of hardstanding serving the proposed courtyard. It was considered this area would appear harsh, while it was also of a greater size than the scheme previously accepted on this site. Accordingly amended plans were supplied that have reduced the size of this courtyard and also now use a pea shingle, which will appear softer, thereby reducing the overall visual impacts of the development.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should be a minimum of 100sqm. The submitted plans demonstrate that this is achieved for all six dwellings.

3. Impact to Neighbouring Amenities

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).

Given the separation distance to all other properties in the surrounding area the only neighbouring property potentially impacted upon is 'New Hall', sited 10 metres to the south. While the dwellings are in relatively close proximity, the single nature will ensure no degree of overlooking. Further, the separation distance and the existing/proposed boundary planting will ensure the development will not appear imposing or result in significant loss of light. The car parking courtyard could result in some noise disturbance, however on balance the noise associated with six dwellings is not considered to be significant enough to warrant a reason for refusal.

4. Flood Risk

Initially the Environment Agency stated that the site lies within Tidal Flood Zone 3a and thereby had a high probability of flooding. However, following a re-consultation the Environment Agency have since confirmed that the latest Coastal Modelling 2018 Data and updated flood zones show that the entirety of the site falls within Flood Zone 1. Therefore, the site is now considered to have a low probability of flooding, and the Sequential and Exception Tests no longer need to be applied.

5. Tree Impacts

The site is affected by Tree Preservation Order 97/31 and the protected trees are identified on the Site Layout plan. There is good separation between the trees and the proposed dwellings and it appears that the development proposal could be implemented without harm being caused to the protected trees. A Tree Survey and Report submitted by the applicant identifies the steps needed to be taken to ensure the trees covered by the TPO will be physically protected for the duration of the construction phase of development.

The information submitted by the applicant adequately demonstrates that the development proposal could be implemented without harm being caused to the protected trees - 2 Sycamore on

the eastern boundary and 1 Grey Poplar just off the site to the west. The report states that it will be necessary to carry out minor root pruning of the Grey Poplar, which will be unlikely to cause harm to the tree. Although the root pruning will ensure the harm to the tree is minimised it may still be necessary for special construction techniques to be used for the foundations of the dwelling closest to the tree and positioned just within the sphere of influence of the roots.

The Poplar has been the subject of a crown reduction approximately 12-18 months ago and, because of its condition, it is likely to require similar works in the future. The large Cupressus situated to the east of the front gate is a prominent feature in the street scene, however it is over mature and has many pruning wounds where boughs have been removed. This tree species is particularly prone to dropping branches once it has reached maturity, is shedding bark at ground level and decay is present in the main stem. This tree is not viable and does not merit retention.

The front boundary with the highway is well planted with conifers, Bay trees, Evergreen Oak and Yew. Collectively they form an attractive screen but do not merit retention. The northern boundary adjacent to the narrow access road to the caravan park to the rear of New Hall is also planted with a strong boundary hedge comprising primarily of hedging conifers. This hedge also does not merit retention and does not fall within the scope of legislation under which it could be formally protected

6. Highway Issues

Essex Highways Authority have been consulted and initially stated they had no objection to the scheme subject to a number of conditions. However, within these comments it was stated that the width of the footpath to connect to the existing footway along Low Road should be a minimum of 2m, but was currently 1.5m. Following this, amended plans were supplied that addressed this concern.

Further conditions requesting cycle parking provision and a Residential Travel Information Pack were requested; however due to the plots being of a sufficient size to accommodate cycle parking and it being a minor development, it would not be reasonable to request these conditions.

Further, Adopted Car Parking Standards state that there should be minimum parking provision for a dwelling with two or more bedrooms for two parking spaces measuring 5.5m x 2.9m or, if being relied upon for one of the parking spaces, a garage should have minimum internal measurements of 7m x 3m. The plans submitted demonstrate this is achievable for all of the proposed dwellings.

7. Legal Obligations

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".

There is currently a deficit of -12.67 hectares of equipped play in Harwich and Dovercourt. Due to the overall deficit in both Open Space and Play Areas in the area a contribution is both relevant and justified to this application, with the money to be spent at Dovercourt Pool, Low Road.

However, there is a planning obligation given by way of a Section 106 Agreement dated 20 December 2013 in relation to application reference 13/01209/FUL. This payment was for six dwellings on this application site and therefore ensures that a further contribution will not be required on this occasion.

8. Habitats Regulation Assessment

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek

financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be the RAMS level 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 Sites. The contribution is secured by unilateral undertaking. There is therefore certainty 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.

Other Considerations

Harwich Town Council has no objection to the proposed works.

There has been one letter of support received.

6. Recommendation

Approval.

7. Conditions

- 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, drawing numbers 21-2018-10P, 21-2018-11PB, 21-2018-12PB, 21-2018-13PA, 21-2018-14PA, 21-2018-15PA, 21-2018-23PA, 21-2018-24PA, 21-2018-25PA, 21-2018-33PA, 21-2018-34PA, 21-2018-35PA, and the documents titled 'Tree Survey, Arboricultural Impact Assessment' and 'Design and Access Statement'.

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

- 3 Prior to the first occupation of the development, the proposed road junction at its bell-mouth junction with Low Road shall be constructed at right angles to the highway boundary and to the existing carriageway as shown in principle in the amended Proposed Site Plan, drawing no.21-2018-12PB to a carriageway width of 5.5 metres with 2 metre width footway on one side to connect to the existing footway on Low Road.

Reason - To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety.

- 4 Prior to first occupation of the development, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 43 metres by 2.4 metres to the northwest and 43 metres by 2.4 metres to the southeast as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be 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.

- 5 Prior to first occupation of the development the size 3 vehicular turning facility shown in principle in the amended Proposed Site Plan, drawing no. 21-2018-12 Rev: PA 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 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.

- 7 Any gates provided at the vehicular access (for New Hall) shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway or where no provision of footway is present, the carriageway.

Reason - To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/carriageway in the interest of highway safety.

- 8 Prior to first occupation of the development vehicle parking shall be provided in accordance with the EPOA Parking Standards as shown in principle in the amended Proposed Site Plan, drawing no. 21-2018-12PB and constructed ready for use. The vehicle parking area and associated turning area shall be retained in the agreed form at all times.

Reason - To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety.

- 9 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.

- 10 No development shall take place until the existing trees on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping, have been protected by the erection of temporary protective fences of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. 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 ensure the protected tree on site is not damaged during the construction of the proposed dwelling.

- 11 Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme 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 enhance the visual impact of the proposed works.

- 12 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 enhance the visual impact of the proposed works.

8. 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.

Highway Informatives

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

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.

The applicant should be advised to liaise with the appropriate agency(s) regarding the water course to ensure that all necessary precautions are taken to protect the integrity of the site and, more importantly, the condition of the water course. This section of watercourse could form part of the Environment Agency's "Flood Warning Areas" and may also be affected by PPG25.

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.