

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AN	05/08/19
Planning Development Manager authorisation:	TF	06/08/19
Admin checks / despatch completed	AP	6/8/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	W	6/8/19

Application: 18/01981/DETAIL **Town / Parish:** Great Bentley Parish Council

Applicant: CALA Homes (North Counties) Ltd

Address: Land at Station Field Plough Road Great Bentley

Development: Reserved matters application in respect of layout, scale, access, landscaping and appearance for Phases A, B, C and D of the approved outline planning permission.

1. Town / Parish Council

Great Bentley Parish Council

Great Bentley Parish Council considered the above application at its meeting on 3rd January 2019 and resolved to comment as follows:

1. The majority of properties along Plough Road which are on the boundary of this plan are bungalows. The plan proposes two storey houses rather than bungalows along this boundary which will overlook the properties in Plough Road, denying the residents of privacy.
2. There is a lack of Affordable Housing for First Time Buyers in this development.
3. The splay at the entrance to Plough Road is very small and does not allow for the amount of traffic which would enter and exit this development.
4. There is currently no Construction Management Plan. Construction traffic should not pass across the railway line and through the village as this will cause congestion and chaos in the village centre.

2. Consultation Responses

Building Control and Access Officer

No adverse comments at this time.

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 occupation of any of the proposed development the internal road and footway layout shall be provided in accord with revised drawing numbers :
 - 1654/p/10.2c Amended block plan
 - L1081-2.1-1010 p4 Amended general arrangement (sheet 1 of 8)
 - L1081-2.1-1011 p4 Amended general arrangement (sheet

- 2 of 8)
- L1081-2.1-1012 p4 Amended general arrangement (sheet 3 of 8)
- L1081-2.1-1013 p4 Amended general arrangement (sheet 4 of 8)
- L1081-2.1-1014 p4 Amended general arrangement (sheet 5 of 8)
- L1081-2.1-1015 p4 Amended general arrangement (sheet 6 of 8)
- L1081-2.1-1016 p4 Amended general arrangement (sheet 7 of 8)
- L1081-2.1-1017 p4 Amended general arrangement (sheet 8 of 8)

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1.

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

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

3 The development shall not be occupied until such time as a car parking and turning area has been provided in accord with amended parking plan 1654/p/10.4c. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

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

4. Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles. A shorter third space depending on the plot no. would have the potential for the parked vehicle to overhang onto the footway; these spaces would need to be amended to the correct length to avoid this potential parking practice.

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

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

And all double garages should have a minimum internal measurement of 7m x 5.5m

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

6. The proposed/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.

7. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

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

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

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

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 DM 1.

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: Prior to occupation, the development shall be served by a system of operational street lighting of design approved from the Highway Authority along the Primary route, which shall thereafter be maintained in good repair.

Informative 3: Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future

maintenance, to be agreed with the Highway Authority.

Informative 4: The areas directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway.

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

Informative 5: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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

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

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.

Natural England
amended

Thank you for your consultation on the above dated and received by Natural England on 24 April 2019.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE - European designated sites¹

It has been identified that this development site falls within the 'Zone of Influence' (ZoI) of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

As you will be aware, the Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Tendring, working together to mitigate the recreational impacts that may occur on the interest features of the coastal European designated sites in Essex as a result of new residential development within reach of them; the European designated sites scoped into the RAMS are notified for features which are considered sensitive to increased levels of recreation (e.g. walking, dog walking, water sports etc.) which can negatively impact on their condition (e.g.

through disturbance birds, trampling of vegetation, erosion of habitats from boat wash etc.). For further information on these sites, please see the Conservation Objectives and Information Sheets on Ramsar Wetlands which explain how each site should be restored and/or maintained

In the context of your duty as competent authority under the provisions of the Habitats Regulations², it is therefore anticipated that, without mitigation, new residential development in this location is 'likely to have a significant effect' on one or more European designated sites, through increased recreational pressure, either when considered 'alone' or 'in combination' with other plans and projects.

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We understand that you have screened this proposed development and consider that it falls within scope of the Essex Coast RAMS, and that you have undertaken a Habitats Regulations Assessment (HRA) (Stage 2: Appropriate Assessment) in order to secure any necessary recreational disturbance mitigation, and note that you have recorded this decision within your planning documentation.

We consider that without appropriate mitigation the application would: have an adverse effect on the integrity of European designated sites within scope of the Essex Coast RAMS

We are generally satisfied that the mitigation described in your Appropriate Assessment is in line with our strategic-level advice (our ref: 244199, dated 16th August 2018 and summarised at Annex 1).

The mitigation should rule out an 'adverse effect on the integrity' (AEOI) of the European designated sites that are included within the Essex Coast RAMS from increased recreational disturbance.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these mitigation measures.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided in APPENDIX 3 of this letter.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Environmental Protection

Prior to the commencement of any demolition and construction works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Pollution and Environmental Control. In addition to the guidance on working hours, plant specification, and emission controls given above, the following additional notes should be considered when drafting this document: -

- 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 Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:2009.
- 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) 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.

The Construction Method Statement should also refer to the Air Quality Assessment submitted and include the recommendations made by this report. The AQA makes reference to dust suppression and recommendations should be implemented as outline in part 5 and 6 of this report.

Putting the above in place 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).

I have also looked at the assessment submitted to the LPA and it should be noted that recommendations have been made. This development should be carried out in accordance with the discussion in the acoustic report submitted to this Service and note section 4.29 (Glazing and Ventilation) and section 4.34 (required boundary

fencing). This will ensure that the adequate provisions are put in place to mitigate the adverse effects of existing noise on this development.

Housing Services

The applicants is proposing 11 homes to be gifted to the Council (6 x 2BH and 5 x £BH). I can confirm that I am happy with this proposal to meet the affordable housing requirements on this site.

UU Open Spaces

No comments to add on the layout of the open space. And are happy for the open space/play contribution to go towards improvement at the play are in Heckfords Road

3. Planning History

13/00345/LUEX	Use of land as garden land including vehicular access.		30.05.2013
14/01750/OUT	Outline application for a mixed use scheme comprising up to 150 dwellings and open space, a class B1 employment area and structural landscaping.	Refused	19.11.2015
16/00950/OUT	Outline application for up to 50 market and affordable dwellings including open space, structural landscaping and minor diversion of bridleway.	Withdrawn	03.10.2016
17/01681/DISCON	Discharge of condition 08 (Phasing Plan) of planning permission 14/01750/OUT allowed at appeal APP/P1560/W/15/3141016.	Approved	08.11.2017
19/00125/DISCON	Discharge of Condition 17 (Ecological Mitigation Scheme) - approved (via appeal) on Planning Application 14/01750/OUT.	Approved	16.04.2019
19/00126/DISCON	Discharge of Condition 13 (Site Investigation Appraisal) - approved (via appeal) on Planning Application 14/01750/OUT.	Approved	22.02.2019

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL9 Design of New Development

- QL11 Environmental Impacts and Compatibility of Uses
- QL12 Planning Obligations
- QL10 Designing New Development to Meet Functional Needs
- HG1 Housing Provision
- HG3A Mixed Communities
- HG5 Local Needs Affordable Housing Outside Village Development Boundaries
- HG6 Dwelling Size and Type
- HG7 Residential Densities
- HG9 Private Amenity Space
- HG14 Side Isolation
- COM2 Community Safety
- COM4 New Community Facilities (Including Built Sports and Recreation Facilities)
- COM6 Provision of Recreational Open Space for New Residential Development
- COM21 Light Pollution
- COM23 General Pollution
- COM26 Contributions to Education Provision
- COM29 Utilities
- COM31A Sewerage and Sewage Disposal
- EN1 Landscape Character
- EN6 Biodiversity
- EN6A Protected Species
- EN13 Sustainable Drainage Systems
- EN29 Archaeology
- TR1A Development Affecting Highways
- TR3A Provision for Walking
- TR4 Safeguarding and Improving Public Rights of Way
- TR5 Provision for Cycling
- TR6 Provision for Public Transport Use
- TR7 Vehicle Parking at New Development

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP4 Safeguarded Local Greenspace

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL7 Archaeology

CP1 Sustainable Transport and Accessibility

CP3 Improving the Telecommunications Network

Essex Design Guide

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 (including Site Description and Proposal)

Site Description

The application site known as 'Station Field', forms part of St Mary's Hall Farm, lies on the south eastern edge of Great Bentley and immediately to the east of existing built development fronting onto Plough Road. The site is generally level with the southern and eastern boundaries of the site open. To the south and east of the site are a number of tree plantations which punctuate the landscape. To the north of the western half of the site is an area set aside for allotments and beyond that an existing industrial estate. New commercial development will be provided to the north of the eastern section of the site which formed part of the outline planning permission for the site (more on this below).

The area of the land related to this reserved matters application is approximately 7.7 hectares.

Proposal

This application seeks approval of the reserved matters (access, appearance, landscaping, layout and scale) for the residential element of the mixed-use approval of outline planning permission 14/01750/OUT for a mixed use scheme comprising up to 150 dwellings and open space, a Class B1 employment area and structural landscaping. The outline planning permission was allowed on Appeal on 29 September 2016.

The proposed development will comprise 139 private dwellings of which 4 will be two bed houses, 64 three bed houses, 65 four bed houses and 6 five bed houses. The private mix includes the provision of four bungalows. A total of 11 affordable houses are also to be provided (as agreed through the provisions of the Section 106 Agreement attached to the outline permission) of which the mix comprises 6 two bed houses and 5 three bed houses.

Vehicular, cycle and pedestrian access into the site is achieved predominately from a new access road entering Plough Lane on the southern boundary of the site.

Principle of Development

The principle of development for up to 150 dwellings (including 11 affordable units) has already been established through the granting on appeal of outline planning application reference 14/01750/OUT.

This application therefore seeks approval of the detailed aspects of the proposal, namely: access, appearance, landscaping, layout and scale.

Access

The site is well served by vehicular, cycle and pedestrian routes. Vehicular, cycle and pedestrian access into the site will be achieved predominantly from a new access road linked to Plough Road to the west. The proposed road layout and junctions for the development have been designed following consultation with Highways Officers and to comply with appropriate highway design standards. It has been confirmed that ECC Highways has no objections to the application - including the proposed form and specification of the access road to Plough Road - subject to the imposition of a number of highway specific conditions.

Appearance

A Design and Access Statement (DAS) that supports this detailed application confirms that the scheme has been informed by a character study of existing dwellings in Great Bentley to ensure that the scheme connects with the local wider context. This study has informed the external elevations of the proposed development, which includes such features as red and buff brickwork, light-coloured render and weatherboarding with red or grey roof tiles.

The DAS advises that the scheme has been designed to provide a modern interpretation of the traditional vernacular architecture of Great Bentley. In particular, attention has been paid to the ratio between the rhythm and proportionality to reflect that of existing buildings in the locality. Furthermore the DAS refers to the proposed buildings being designed to maintain a depth and model size that is contextually appropriate and efficient.

It is considered that the proposed external design and form of dwellings is appropriate to its setting and provides a sufficient mix and variety of units to create a strong sense of place. Accordingly, the proposal is considered acceptable with respect to Chapter X of the National Planning Policy Framework (which sets out the Government's commitment in terms of delivering a wide choice of high quality homes) and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) which sets out the council's commitment to supporting the aims and objectives of the NPPF in terms of Policies SD1, SD2 and SD5 (sustainable development) and SD9 (good quality design).

Landscaping

The landscape layout proposed, which includes a central area of open space as well as substantial outer landscape buffers, would create an attractive setting for future residents as well as the surrounding area.

It is considered that the central open space will offer a natural and informal green space which will meet recreational needs as well as providing community links. Furthermore, the position of the open space to the centre of the development will assist with way-finding across the new neighbourhood.

The 25 metre landscape buffers to the eastern and southern perimeters of the site will provide a natural setting to frame the development and assist in creating an appropriate transition from the built edge with the wider open countryside beyond. The 10 metre buffers to the northern and western boundaries will provide natural corridors for wildlife as well as providing opportunities for increased biodiversity. In particular, the buffer to the west will provide screening between the existing dwellings along Plough Road and the proposed new dwellings on the site.

The information provided in relation to soft landscaping is considered comprehensive and sufficient to ensure that the new planting associated with the development of the land will enhance its appearance and be 'fit for purpose'.

Layout

The illustrative layout forming part of the outline permission has been used to inform the general approach adopted in the detailed layout. The layout includes the provision substantial landscape buffers along the eastern and southern boundaries (25 metres) and northern and western boundaries (10 metres), which ensure that the proposed development provides an appropriate transition to the surrounding open countryside and relates well to existing properties to the west.

The layout is in the form of a perimeter block of outward looking dwellings (set within a new landscaped setting) with a central core focussed around a new open space which will create a sense of place. The properties that surround the open space and landscape buffers have been sited and orientated to frame this area to maximise activity and activity and surveillance.

The majority of plots comply with the Council's private amenity standards but where they fall short these are principally located along the western boundary of the site, where a 10 metre landscape buffer zone is proposed to provide an enhanced level of privacy to existing properties on Plough Road. The provision of the landscape buffer zone 'in lieu' of private amenity space is considered appropriate in this instance as a means of creating a balance between garden provision and privacy between dwellings. In addition, the wider scheme provides a significant opportunity to access green open space including the perimeter landscape belt and the central open space.

In terms of car parking, the majority will be provided 'on-plot' with only a small pocket of plots provided with 'off-plot' communal parking directly in front of dwellings (14 plots in total). Secure and covered cycle storage will be provided within garages which have also been designed to accommodate further storage. Where garages are not provided cycle parking will be provided through secure cycle stores to the rear gardens. The proposed car and cycle parking accords with the Essex County Council Parking Standards SPD.

The site layout has been designed to allow sufficient room for refuse and recycling vehicles to safely and adequately collect waste. ECC Highways has confirmed that the scheme is acceptable from a highways layout perspective.

Scale

A total of 150 dwellings and open space is proposed across an area of approximately 7.7ha, resulting in a density of 19 dwellings per hectare, which is considered appropriate for this edge of settlement location.

A mix of dwelling types and sizes are proposed and will consist of one and two storeys, ranging from 2 bed properties up to 5 bed properties, and will be a mix of detached, semi-detached and terraced units. The proposals will provide a variety of building heights across the site which will add interest to the street scene. The scale and form of development in relation to its semi-rural location and juxtaposition with existing dwellings to the west on Plough Lane is considered acceptable. With respect to the relationship with the existing properties on Plough Lane, representations have been received from a local resident and the Parish Council which question the use of two-storey houses to the back of these properties given that the existing Plough Road dwellings are predominantly bungalows. However, in this instance the proposed 'back-to-back' distances between the existing and proposed dwellings will be in the region of 45-50 metres which includes a 10 metre landscape buffer which is considered appropriate in terms of avoiding any undue loss of privacy, daylighting and other amenities to these existing properties.

Ecology

Policies within Chapter 6 of the Tendring District Local Plan (2007) and Policy PLA4 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seek to ensure that where development is likely to harm nature conservation or geo-diversity interests, planning

permission will only be granted in exceptional circumstances, where the benefits of the development clearly outweigh the harm caused and where appropriate mitigation measures must be incorporated into the development to the satisfaction of Natural England and other appropriate authorities.

No part of the development site or any land that immediately abuts it has any type of statutory or non-statutory conservation designations. However, it has been identified that this development falls within the 'Zone of Influence' (ZoI) of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and accordingly there has been a requirement to carry out a Habitats Regulations Assessment (HRA)(Stage 2: Appropriate Assessment) in order to secure any necessary recreational disturbance mitigation. Natural England has confirmed that subject to the proposed on-site mitigation in the form of open space provision and recreational dog walking routes (and other associated measures) being provided, along with a developer financial contribution towards off-site mitigation to be secured by way of a legal agreement (in this case a Unilateral Undertaking), that they have no objection to the application. The unilateral undertaking to secure the RAMS contribution has now been completed.

Noise and Air Quality Assessment

Condition 14 of the outline permission states "A noise assessment and an air quality assessment shall be carried out and submitted to the Council concurrent with the submission of reserved matters and the development shall be carried out in line with the findings and recommendations of the assessments to the extent that the same have been approved in writing by the local planning authority." Condition 18 also requires submission and approval of a construction method statement.

The Council's Environmental Protection team have assessed the submitted noise assessment and air quality assessment. The AQA makes reference to dust suppression and provides recommendations at part 5 and 6 which are required in order to significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The impacts relate solely to the construction phase of the development and can therefore be addressed under the discharge of condition application for the Construction Method Statement.

The noise assessment makes recommendations at section 4.29 (Glazing and Ventilation) and section 4.34 (boundary fencing) which form conditions to ensure that the adequate provisions are put in place to mitigate the adverse effects of existing noise on this development and from the commercial element upon existing residents.

6. Recommendation

Approval - Reserved Matters/Detailed

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 1654/P/10.01 (Location Plan), 1654/P/10.02 REV-C (Site Layout), L1081-2.1-1000 REV-P4 (Landscape Masterplan), 1654/P/10.03 REV-C (Boundary Treatments Plan), 1654/P/10.04 REV-C (Parking Plan), 1654/P/10.05 REV-B (Private Amenity Space), L1081-2.1-1001 REV-P3 (Provision of Open Space), L1081-2.1-1010 REV-P4, L1081-2.1-1011 REV-P4, L1081-2.1-1012 REV-P4, L1081-2.1-1013 REV-P4, L1081-2.1-1014 REV-P4, L1081-2.1-1015 REV-P4, L1081-2.1-1016 REV-P4, L1081-2.1-1017 REV-P4, 854-05-01, 854-05-02, 854-05-03, 854-05-04, 854-06-01, 854-06-02, 854-06-03, 854-06-04, 1654/P/20.01, 1654/P/20.02, 1654/P/20.03, 1654/P/20.201, 1654/P/20.202, 1654/P/20.11, 1654/P/20.12, 1654/P/20.13, 1654/P/20.211, 1654/P/20.212, 1654/P/20.21, 1654/P/20.22, 1654/P/20.23, 1654/P/20.24, 1654/P/20.25, 1654/P/20.31A, 1654/P/20.32A, 1654/P/20.33A, 1654/P/20.34, 1654/P/20.35, 1654/P/20.41, 1654/P/20.42, 1654/P/20.61, 1654/P/20.62, 1654/P/20.63, 1654/P/20.51, 1654/P/20.52, 1654/P/20.53, 1654/P/20.71, 1654/P/20.72, 1654/P/20.73, 1654/P/20.81, 1654/P/20.82, 1654/P/20.83, 1654/P/20.91, 1654/P/20.92, 1654/P/20.93, 1654/P/20.101, 1654/P/20.102, 1654/P/20.103, 1654/P/20.104, 1654/P/20.111, 1654/P/20.112, 1654/P/20.121, 1654/P/20.122,

1654/P/20.123, 1654/P/20.124, 1654/P/20.141, 1654/P/20.142, 1654/P/20.143, 1654/P/20.131, 1654/P/20.132, 1654/P/20.133, 1654/P/40.1A, and 1654/P/40.2A. Noise Assessment by Cass Allen ref RP01-17297. Air Quality Assessment by RPS Project number JAR10700. European Sites Mitigation Strategy by Ethos Environmental Planning dated April 2019.

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

- 2 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscape masterplan L1081-2.1-1000 REV-P4, Provision of Open Space Plan L1081-2.1-1001 REV-P3, General Arrangements Sheets 1 to 8 inclusive drawing nos. L1081-2.1-1010 REV-P4 to 1017-2.1 REV-P4 (inclusive) and Levels Layouts Sheets 1 to 4 inclusive drawing nos. 854-05-01 to 854-05-04 inclusive 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 development.

- 3 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.

- 4 Prior to the occupation of any of the hereby approved dwellings the internal road and footway layout serving that dwelling shall be provided in accord with revised drawing numbers 1654/p/10.2c, L1081-2.1-1010 p4, L1081-2.1-1011 p4, L1081-2.1-1012 p4, L1081-2.1-1013 p4, L1081-2.1-1014 p4, L1081-2.1-1015 p4, L1081-2.1-1016 p4 and L1081-2.1-1017 p4

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

- 5 Prior to commencement of any above ground works, 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. Development shall be carried out in accordance with the approved details.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

- 6 Prior to the occupation of any of the hereby approved dwellings the car parking and turning area serving that dwelling shall have been provided in accord with amended parking plan 1654/p/10.4C. These parking and turning facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

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

- 7 Development shall be carried out in full accordance with the Noise Assessment by Cass Allen ref RP01-17297 in relation to method of glazing at paragraph 4.29 and Appendix 4, and boundary fencing at paragraph 4.34, unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of noise mitigation for existing and future residents of the development.

- 8 Prior to commencement of any above ground works a scheme for the on-site mitigation of the recreational impact of the development on protected Essex Coast European sites shall have been submitted to and approved in writing by the Local Planning Authority. This mitigation scheme shall comprise;
- a) a circular walking route; dog off lead area; dog waste bins; and residents' information leaflets as indicated within the European Sites Mitigation Strategy;
 - b) full details of the long-term maintenance and management of the green space;
 - c) a program for implementation

Development shall be undertaken in strict accordance with the approved mitigation scheme and program and thereafter managed and retained as approved. Any approved information leaflet shall be included within the new residents welcome pack to every dwelling.

Reason - To encourage the future residents to remain on-site for day to day recreation/dog walking, so as to minimise pressures upon Hamford Water SPA and Ramsar, Colne Estuary SPA and Ramsar, Blackwater Estuary SPA and Ramsar, Dengie SPA and Ramsar, and Essex Estuaries SAC, Hamford Water SPA and Ramsar site, pursuant to the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy.

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.

Legal Agreement Informative - Recreational Impact Mitigation

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

Guidance related to submission of Construction Method Statement:

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 Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:2009.
- 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) 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.

The Construction Method Statement should also refer to the Air Quality Assessment submitted and include the recommendations made by this report. The AQA makes reference to dust suppression and recommendations should be implemented as outline in part 5 and 6 of this report.

Putting the above in place 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).

This development should be carried out in accordance with the discussion in the acoustic report submitted to this Service and note section 4.29 (Glazing and Ventilation) and section 4.34 (required boundary fencing). This will ensure that the adequate provisions are put in place to mitigate the adverse effects of existing noise on this development.

Highways Informatives

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: Prior to occupation, the development shall be served by a system of operational street lighting of design approved from the Highway Authority along the Primary route, which shall thereafter be maintained in good repair.

Informative 3: Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.

Informative 4: The areas directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway.

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

Informative 5: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO1 - Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ

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.

