

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	13/08/2019
Planning Development Manager authorisation:	TF	14/08/2019
Admin checks / despatch completed	AP	14/8/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	KAE	14/08/19

Application: 19/00148/FUL

Town / Parish: Clacton Non Parished

Applicant: Mr Deady

Address: Rose Acre Thorpe Road Clacton On Sea

Development: Proposed erection of 6 dwellings and garages.

1. Town / Parish Council

Clacton non-parished.

2. Consultation Responses

ECC Highways Dept
AMENDED COMMENTS

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/ footway layout shall be provided in accord with revised drawing numbers :

- RA05 e Amended site layout plan
- RA06 f Amended site layout plan

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy 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 & 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 site layout plan RA05 e. 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. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

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

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

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

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

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

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

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

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

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy 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: 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 2: 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 3: 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.

ECC Highways Dept
ORIGINAL COMMENTS

The Highway Authority raises an objection to the above application for the following reasons:

As far as can be determined from the submitted plans the proposed parking facilities fail to provide sufficient space between parking spaces and opposite side of the private drive to enable efficient and convenient ingress and egress manoeuvres which is likely to lead to vehicles being left parked in the access route or adjacent carriageways causing conditions of danger, obstruction or congestion contrary to highway safety and Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

Informative1: The minimum aisle width should be 6.0m and off road parking spaces when constrained by structures should be 3.4m to enable circulation around the vehicle and for the doors to open fully.

Essex Wildlife Trust

No comments received.

Natural England

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 sites

It has been identified that this development falls within the 'Zone of Influence' (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS); see our recent advice to your authority on this issue (our ref: 244199, dated 16th August 2018) for further information.

In the context of your duty as competent authority under the provisions of the Habitats Regulations, it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased

recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Tendring District Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.

We therefore advise that you consider, in line with our recent advice, whether this proposal falls within scope of the RAMS as 'relevant development'. Where it does, this scale of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

Other advice:-

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

3. Planning History

03/00291/FUL

Proposed conservatory.

Approved

04.04.2003

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

HG1 Housing Provision

HG3 Residential Development Within Defined

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

TR1A Development Affecting Highways

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

SP1 Presumption in Favour of Sustainable Development

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (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 extends 0.27 hectares in size and is located to the east of Thorpe Road and north of Stephenson Road Industrial Estate, Clacton-on-Sea. The site comprises the wider garden area of the residential property known as Roseacre. The land is generally level, laid to grass and has a strong bank of trees on its north, east and south boundaries and partly to the west boundary. Beyond the trees to the south and east are employment units. To the west is the dwelling and garden of Roseacre and a proposed residential development of 48 no. dwelling comprising mostly bungalows, which are currently under construction; this being developed site is known as Bramcote.

The redlined side area includes access to Thorpe Road through the Bramcote site bringing the total application site area to 0.45 hectares.

Vehicular access to the application site is via the adjacent Bramcote scheme, which itself connects with Thorpe Road. An application under s73 of the Town and Country Planning 1990, (as amended) has been approved under application reference 19/00143/FUL to vary the approved layout of Bramcote to facilitate access to this application site at Roseacre.

Description of Proposal

The application seeks full planning permission for the erection of 6 no. dwellinghouses, all two storey and of three bedrooms. Four of the dwellings will be detached, each with a single garage and the remaining two, will be a pair of linked detached dwellings, each with two off-street parking spaces.

The proposed plans detail the external materials to be used in the construction of all plots comprising; Marley Eternit 'grey' plain tile to the roof of the dwellings and Marley Eternit 'grey' Mendip Pantile to garage roofs and red clay bricks - Vandersanden 'Maltings Antique' to all elevations.

Assessment

The main considerations in this instance are;

- Principle of Development;
- Scale, Layout and Appearance;
- Residential Amenities (including noise impact);
- Access and Parking;
- Biodiversity and Ecology;
- Trees and Landscaping;
- Financial Contributions - RAMS;
- Financial Contributions - Open /Play Space; and,
- Representations.

Principle of Development

The site lies outside but abuts the Clacton-on-Sea Settlement Development Boundary as defined within the adopted Tendring District Local Plan (2007) Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

Clacton-on-Sea is defined as a Town within saved Policy QL1 and as a Strategic Urban Settlement within emerging Policy SPL1. These Strategic Urban Settlements have the larger populations and a wide range of existing infrastructure and facilities, making them the most sustainable locations for growth.

These settlements provide better opportunities for the use of public transport, walking and cycling to get from place to place and, because they have established town centres, employment areas and infrastructure, they provide locations where, with the right action, it is possible to create a significant number of additional new jobs and deliver sustainable housing growth on a larger scale.

In applying a sustainable, fair and proportionate approach to the distribution of housing growth, these Strategic Urban Settlements are considered suitable to accommodate the largest proportion of the District's increase in housing stock over the plan period.

With this in mind the Clacton-on-Sea Settlement Development Boundary has been extended. The application site now lies within the extended development boundary as defined within the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

Emerging Policy SPL2 states that within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies. This echoes the aims of Saved Policy HG3 which states that within the defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria, as appropriate, and can take place without material harm to the character of the local area.

The principle of residential development on this site is therefore accepted subject to the detailed considerations set out below.

Scale, Layout and Appearance

Paragraph 8 of the National Planning Policy Framework 2019 (NPPF) sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment. Furthermore, Paragraph 127 of the NPPF requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes on to say that local distinctiveness should be promoted and reinforced. Saved Policy QL9 and EN1 of the Tendring District Local Plan (2007) and Policy SPL3 and PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape. Outside development

boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.

As stated above, the site comprises the wider garden area of the residential property known as Roseacre and now lies within the extended settlement development boundary for area. Furthermore, the proposed development is bounded by the approved residential development at Bramcote to the west (currently under construction), residential dwellings to the east and existing commercial units to the north. Therefore, the proposed development does not extend into the open countryside and does not result in any material harm to the character and appearance of the area or any wider landscape impact.

The layout of the development is a continuation of the spine road through the adjacent Bramcote development with a shared surface, private drive arrangement serving the proposed 6 dwellings.

The scheme is designed to be complementary to the design and appearance of the recently approved development adjacent. Likewise, external materials will be the same or similar. The scheme does not give rise to any material amenity issues and is therefore policy compliant in this respect.

Residential Amenities (including noise impact)

The NPPF, in paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) supports these objectives.

Officers consider that the layout and density of the development secures sufficient spacing around the dwellings to provide a development that achieves an internal layout and separation distances that will not detract from the amenities of existing or future occupiers of the dwellings.

Furthermore, each property is provided with a private garden in excess of the standards set out within Saved Policy HG9 of the adopted Local Plan, the smallest being 119m² and the largest, 369m².

A noise survey has been conducted; the noise climate at the site has been measured, assessing the influence of the nearby Oakwood Business Park on the closest properties to the eastern boundary with the Business Park. Internal and external noise level criteria have been proposed in line with the standards set out in BS4142:2014, BS 8233:2014 and the World Health Organisation Guidelines. External noise levels are such that no mitigation measures would be necessary to achieve an acceptable internal and external noise environment for future residents against those design standards.

Access and Parking

Access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate.

The Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally.

The development has been amended and now provides garages and parking spaces of the correct dimensions to comply with the above standards. Each dwelling is served by a garage and 2 off-street parking spaces being in excess of the parking requirements set out within the adopted standards.

Essex County Council Highways Authority raise no objection to the development subject to conditions which will be imposed where necessary having regard to the scale of the development and the details already shown on the plans which can be secured by the approved plans condition. The suggested condition relating to details of the estate road and footways is not required in this

instance. The proposal is a continuation of the existing estate road at the adjacent Bramcote development and these details are therefore controlled by the original approval 16/02107/FUL and subsequent amendments under 18/00735/FUL and 19/00143/FUL.

Biodiversity and Ecology

Paragraph 174 of the National Planning Policy Framework 2019 requires Local Planning Authorities to protect and enhance biodiversity and geodiversity. Paragraph 99 of Circular 06/2005 states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision" it goes on to state "The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances". Paragraph 5.3 of government document 'Planning for Biodiversity and Geological Conservation: A Guide To Good Practice', states that "In the development control process, the onus falls on the applicant to provide enough information to enable the Local Planning Authority to assess the impacts on biodiversity and geological conservation. Planning applications must be supported by adequate information".

Saved Policies EN6 'Biodiversity' and EN6a 'Protected Species' of the adopted Tendring District Local Plan 2007 state that development proposals will not be granted planning permission unless existing local biodiversity and protected species are protected. These sentiments are carried forward within draft Policy PLA4 'Nature Conservation and Geo-Diversity' of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The application site has been the subject of a preliminary ecology assessment, which found the site to be of low ecological value. No additional surveys are recommended, and the assessment found there to be no significant ecological constraints to prevent the development from proceeding. However, there is opportunity to enhance the value of the site for local wildlife, resulting in a net gain for biodiversity, as is encouraged by the National Planning Policy Framework which will be secured by condition.

Trees and Landscaping

The main body of the application site is set to grass and does not contain any significant trees or other vegetation. There are however several individual trees, a group of trees and an established coniferous hedgerow on the site boundaries.

In order to describe the health and condition of the trees and to show the extent of the constraint that they are on the development potential of the land the applicant has provided a Tree Survey and Report. The report is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction 'Recommendations

The tree report includes a plan showing the extent of the Root Protection Area (RPA) of each tree overlaid with the proposed development layout. It is important to note that an old ditch exists between the trees and the development site and this will have influenced the way that tree roots will have grown.

Trees numbered T1 to T4 are mature healthy specimens that are well formed with a long Safe Useful Life Expectancy (SULE). However their position is such that views of them from a public place are restricted as they are set back from the highway and abut an industrial/retail park. Consequently, although the trees are very good examples of their species, their positions are such, that their amenity value is not high.

In terms of the potential impact of the development proposal on the retained trees it appears that the development of the land can take place without causing harm to them.

The site layout shows a slight incursion into the RPA's of the retained trees however if 'no dig' construction techniques are used then the development will not have a significant adverse impact on the health or long term viability of the retained trees. This will be secured by condition.

A condition is also considered necessary to secure details of the way that the trees will be physically protected for the duration of the construction phase of any approved development.

With regard to soft landscaping the site is secluded and there would be little public benefit gained from new planting. However, the submission of hard and soft landscaping details will be secured by condition in the interests of visual amenity and the quality of the development itself for the enjoyment of the future occupants of the dwellings.

Financial Contribution – RAMS

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 a proportionate financial 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.

A completed unilateral undertaking has been provided to secure this legal obligation and to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Financial Contribution – Open Space / Play Space

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built". These sentiments are carried forward within emerging Policy HP5.

There is currently a deficit of 41.08 hectares of play in the Clacton/Holland area. Any additional development in Clacton will increase demand on already stretched facilities.

Due to the close proximity to the site it is highly likely that the biggest impact would be felt at this play area. Therefore, to ensure the facilities are adequate and able to cope with the additional usage it would be necessary to increase the level of provision.

Due to the significant lack of play facilities in the area a contribution, towards play is justified and relevant to the planning application and that this money would be used to update the play equipment at the closest play area being Foots Farm, Clacton.

A completed unilateral undertaking has been provided to secure this legal obligation.

Representations

The site is located within the non-parished area of Clacton on Sea.

No letters of representation have been received.

Conclusion

For the reasons set out above, the proposal is considered to represent a sustainable form of development in a location supported by national and local plan policy that will not result in any material environmental or residential harm that warrants refusal of planning permission.

6. Recommendation

Approval - Full

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 strict accordance with the following approved plans (including materials details): RA LOC A, RA 05 E, RA 06 F, HT64 01 C, HT64 AG 02 B, HT64 AG 01 C, HT64 LG 02 B, HT64 LG 01 A, G 37 PR, G 38 and RA 07.

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

- 3 The development hereby permitted shall be carried out in strict accordance with the Preliminary Ecological Appraisal Version 1.0 Dated 25 October 2018.

Reason - To preserve and enhance the biodiversity of the site.

- 4 No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837:2012 Trees in relation to design, demolition and construction." The scheme shall incorporate the recommendations set out within the accompanying Preliminary Ecological Appraisal Version 1.0 Dated 25 October 2018.

Reason - In the interest of visual amenity, the design quality of the development and biodiversity gain.

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

Reason - In the interest of visual amenity, the design quality of the development and biodiversity gain.

- 6 No above ground level works shall take place until precise details of the provision, siting, design and materials of all screen walls and fences for the perimeter of the application site have been submitted to and approved in writing by the Local Planning Authority. The approved screen fences shall be erected prior to the occupation of the development and thereafter be retained in the approved form unless otherwise agreed in writing by the Local Planning Authority. The scheme shall incorporate the recommendations set out within the accompanying Preliminary Ecological Appraisal Version 1.0 Dated 25 October 2018.

Reason - To ensure that the development is appropriate within its setting in the interests of visual amenity and biodiversity gain.

- 7 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no provision of fences, walls or means of other enclosures erected forward of the dwellings.

Reason - In the interests of visual amenity and the design quality of the development.

- 8 Prior to any above ground works, an ecological mitigation and enhancement scheme in line with the recommendations set out within the accompanying Preliminary Ecological Appraisal Version 1.0 Dated 25 October 2018 shall be submitted to and approved in writing by the Local Planning Authority. The scheme, which shall include a timetable for its implementation, shall be implemented in accordance with the approved works prior to the occupation of the hereby approved development unless otherwise agreed in writing by the Local Planning Authority.

Reason - To preserve and enhance the biodiversity of the site.

- 9 No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to first occupation/use of the site. Any external lighting that is installed shall accord with the details so approved.

Reason - To ensure lighting is sensitively designed and minimises light spillage in order to preserve and enhance the biodiversity of the site.

- 10 All new parking areas and areas of hardstanding shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the site.

Reason - In the interests of sustainable development and to minimise the risk of surface water flooding.

- 11 The removal of any vegetation for site access/site clearance shall only be carried out outside of the bird nesting season (March to August inclusive).

Reason - To ensure the protection of birds potentially nesting on site.

- 12 The development hereby approved shall be carried in strict accordance with the Arboricultural Impact Assessment and Preliminary Method Statements Reference No. TPSarb8980918 Dated 23rd January 2019 and accompanying Appendix 1 Tree survey and explanatory notes.

Reason - To ensure that the trees to be retained are protected in the interests of visual amenity and landscape character.

- 13 Prior to the commencement of any demolition or construction works, an Arboricultural Method Statement (AMS) to show how the trees will be physically protected for the duration of the construction phase of any development shall be submitted to and approved in writing by the Local Planning Authority. The AMS shall include details of no dig construction methods for hard surfacing within the Root Protection Areas of the retained trees. The development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the trees to be retained are protected in the interests of visual amenity and landscape character.

- 14 Prior to the occupation of any of the proposed development the internal road/ footway layout shall be provided in accordance with the approved drawing numbers RA05 E and RA06 F.

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

- 15 The development shall not be occupied until such time as a car parking and turning area has been provided in accordance with approved drawings RA05 E and RA06 F. 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.

- 16 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 include the requirements of the Council Environmental Protection Team set out within their comments received on 12th February 2019 and 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.

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 Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Legal Agreement Informative - Recreational Impact Mitigation

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

Legal Agreement Informative - Open Space/Play Space Contribution

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: Public Open Space financial contribution in accordance with Policy COM6 of the adopted Tendring District Local Plan (2007) and Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Highways Informatives

Informative 1: 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 2: 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 3: 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.

Building Control Informative

Turning facilities are required for a fire fighting appliance.

Conditions Precedent

The proposal is a continuation of the existing estate road at the adjacent Bramcote development and will serve as a private drive. The specifications of the approved estate roads and footways are controlled by the original approval 16/02107/FUL and subsequent amendments under 18/00735/FUL and 19/00143/FUL.