

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	RD	28/8/19
Planning Development Manager authorisation:	CS	28/8/19
Admin checks / despatch completed	ER	28/8/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	LN	28/08/19.

Application: 19/00406/DETAIL **Town / Parish:** Ramsey & Parkeston Parish Council

Applicant: Mr Jason Drane - MOEGM LTD

Address: Land rear of Una Road Parkeston Essex

Development: Construction of thirty houses with associated parking, access and landscaping.

1. Town / Parish Council

Ramsey & Parkeston
Parish Council

Re-iterate comments submitted on 21/04/19 and raise a concern of the validity of the application in noting comments from consultees' comments that information required has not been submitted as at 27th June 2019. Therefore, comments submitted by the Parish Council reiterated on 21/04/19 remain as below:

Comment submitted date: Tue 15 Dec 2015

Strongly object to the application with concerns of access/egress of the site being along Una Road and strongly dispute the comments submitted within the Access and Design Statement that Una Road has been proved to be a suitable road for access/egress to the site; this statement does not reflect the true density of traffic on Una Road and it should be noted that at most times when residents are not out of the area Una Road has parking issues with both sides of the road being full of cars, therefore has an impact of restricting clear access for traffic along Una Road and Edward Street.

The concerns previously raised by the RPPC remain of clear, speedy access for emergency services and safe access for larger vehicles such as delivery and refuse collection vehicles that would be further impeded by additional traffic using the road together with the impact on the feed roads to/from Una Road. A recommendation to reduce the size of the footpaths on both sides of Una Road should be considered to widen the road, together with a site visit to the area at a weekend when the road is congested with parked cars to give a true reflection of the current issues of a safe, clear access along Una Road.

2. Consultation Responses

Tree & Landscape Officer	The information provided showing tree, shrub and hedge planting is sufficient to secure an adequate level of soft landscaping for the application site.
Anglian Water Services Ltd	No adverse comments.
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, however the Authority did ask for additional information in respect of the geometry of the internal layout and other engineering details along with a travel plan and cycle provision. These have been submitted and amended plans have resulted in the Highway Authority being satisfied subject to standard conditions.
ECC SuDS Consultee	This application has not submitted any information regarding changes to the drainage scheme therefore we have no comments. However if any changes to the drainage scheme are proposed then we should be re-consulted.

3. Planning History

00/01248/FUL	Erection of 76 No. houses on land currently vacant	Withdrawn	21.03.2005
00/01811/OUT	Residential development - Renewal of Planning permission TEN/96/0848	Approved	14.08.2002
88/01539/OUT	(Land at the end of Una Road and Edward Street, Parkeston) Residential Development (revised application)	Refused	17.11.1992
96/00848/OUT	(Land at the rear of Una Road and Edward Street, Parkeston) Renewal of outline planning permission TEN/1539/88 residential development	Approved	27.01.1998
02/01614/FUL	77 residential dwellings with associated parking, landscaping and open space and parking court for 20 unallocated parking spaces.	Refused	19.02.2003
02/01635/DETAIL	77 residential dwellings with associated parking, landscaping	Withdrawn	06.01.2009

and open space

04/02094/FUL	Relaxation of Conditions 6 and 9 of planning permission 00/01811/OUT of 14 August 2002	Withdrawn	06.01.2009
04/02096/DETAIL	Erection of 30 dwellings with associated parking and open space.	Approved	24.09.2008
05/01080/DETAIL	Reserved matters application for the erection of 50 dwellings pursuant to outline planning permission 00/01811/OUT.	Refused	17.07.2007
11/01172/OUT	Construction of thirty houses with associated parking, access and landscaping works.	Refused	05.04.2013
15/00348/OUT	Variation of condition 4 of planning permission 11/01172/OUT (allowed at appeal under reference APP/P1560/A/13/2196059) substituting drawing number 8088/200 Rev B for 8088/300, to allow an amendment to the approved site plan, with the addition of an internal road between the north and south of the site.	Refused	24.04.2015
15/30158/PREAPP	Proposed development of 30 dwellings.	Refused	09.09.2015
15/01792/OUT	Construction of thirty houses with associated parking, access and landscaping.	Approved	13.06.2016
16/01267/OUT	Construction of eight houses with associated parking, access and landscaping.	Approved	04.10.2016
16/02128/OUT	Construction of twelve houses with associated parking, access and landscaping (alternative scheme to application ref 16/01267/OUT).	Approved	28.06.2017
19/00381/DISCON	Discharge of Conditions 5) Construction Materials, 6) Hard and Soft Landscaping, 8) Screen Walls, Fences and Bin enclosures, 9) Floor Levels, 11) Driveways and Parking Areas, 12) Flood response plan, 14) Estate roads, footways and vehicle access, 16) Ecological Mitigation Strategy, 17) Storage of bicycles, 20) Surface water drainage scheme and 21) Scheme to minimise risk of offsite flooding - to approved Planning Application	Withdrawn	28.05.2019

15/01792/OUT.

19/00406/DETAIL Construction of thirty houses with associated parking, access and landscaping. Current

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

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG3 Residential Development within Defined Settlements

HG3A Mixed Communities

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

COM6 Provision of Recreational Open Space for New Residential Development

COM19 Contaminated Land

COM26 Contributions to Education Provision

EN1 Landscape Character

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN13 Sustainable Drainage Systems

EN29 Archaeology

- TR1A Development Affecting Highways
- TR2 Travel Plans
- 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

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

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- HP3 Green Infrastructure
- HP5 Open Space, Sports & Recreation Facilities
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP5 Affordable and Council Housing
- PPL1 Development and Flood Risk
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL7 Archaeology
- CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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

Existing Site and Surrounding Area

The application site is situated on the western side of the village of Parkeston, within the defined Settlement Development Boundary. It measures 1.14 hectares in size; it was previously used as a brickworks but now does not contain any buildings and has become overgrown. The site slopes downwards from north to south.

The boundaries of the site are for the most part delineated by hedging. Access to the site is gained from Una Road which lies to the east of the application site. Una Road is a residential street with dwellings fronting the full length; the dwellings are predominately two-storey in height and semi-detached or terraced properties. Most of these properties do not have off-street parking; therefore on-street parking occurs. To the south-west of the application site is an isolated detached single storey dwelling; this is accessed through the application site. To the north-east of the site are the residential properties in Edward Street, which are a mixture of two storey, semi-detached dwellings and bungalows. Edward Street slopes steeply upwards from south to north, meaning that the

dwellings to the north of Edward Street are at a significantly higher level than the application site. To the west of the application site is Ramsey Ray Local Wildlife Site.

The application site together with the land to the north (the rear of Edward Road), has planning permission for 30 dwellings.

Proposal

This application seeks approval of Reserved Matters following granting of Outline Consent (15/01792/OUT) on 13/06/2016 for construction of thirty houses with associated parking, access and landscaping.

Condition 1 states; : Details of the appearance, landscaping, and scale shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

The following Amended drawings and documents have been submitted in support of the application.

11 Jun 2019	Drawing	5195/c-1/1/106	Amended proposed material palette - housing
11 Jun 2019	Drawing	5195/c-1/0/100	Amended site plan
11 Jun 2019	Drawing	5195/c-1/1/111	Amended proposed street sections 2
11 Jun 2019	Drawing elevation	5195/c-1/1/254	Amended house type f - proposed left elevation
11 Jun 2019	Drawing elevation	5195/c-1/1/256	Amended house type f - proposed right elevation
11 Jun 2019	Drawing	5195/c-1/1/105	Amended proposed material palette – roads
11 Jun 2019	Drawing elevation	5195/c-1/1/205	Amended house type a - proposed side elevation
11 Jun 2019	Drawing	5195/c-1/1/206	Amended house type a - proposed section a-a
11 Jun 2019	Drawing elevation	5195/c-1/1/214	Amended house type b - proposed rear elevation
11 Jun 2019	Drawing	5195/c-1/1/232	Amended house type d - proposed roof plan
11 Jun 2019	Drawing	5195/c-1/1/252	Amended house type f - proposed roof plan
11 Jun 2019	Drawing	5195/c-1/0/102	Amended site plan with topography
11 Jun 2019	Drawing elevation	5195/c-1/1/204	Amended house type a - proposed rear elevation
11 Jun 2019	Drawing elevation	5195/c-1/1/213	Amended house type b - proposed front elevation
11 Jun 2019	Drawing	5195/c-1/1/216	Amended house type b - proposed section a-a
11 Jun 2019	Drawing	5195/c-1/1/217	Amended house type b - proposed section b-b
11 Jun 2019	Drawing elevation	5195/c-1/1/223	Amended house type c - proposed front elevation
11 Jun 2019	Drawing plan	5195/c-1/1/251	Amended house type f - proposed first floor plan
11 Jun 2019	Drawing	5195/c-1/1/101	Amended proposed block plan – materialized
11 Jun 2019	Drawing	5195/c-1/1/222	Amended house type c - proposed roof plan

11 Jun 2019	Drawing	5195/c-1/1/236	Amended house type d - proposed section a-a
11 Jun 2019	Drawing	Wwa_1911_lp_301 p01	Amended planting plan
11 Jun 2019	Drawing	5195/c-1/0/101	Amended block plan
11 Jun 2019	Drawing plan	5195/c-1/1/211	Amended house type b - proposed first floor
11 Jun 2019	Drawing elevation	5195/c-1/1/215	Amended house type b - proposed side
11 Jun 2019	Drawing plan	5195/c-1/1/221	Amended house type c - proposed first floor
11 Jun 2019	Drawing floor plan	5195/c-1/1/230	Amended house type d - proposed ground
11 Jun 2019	Drawing plan	5195/c-1/1/231	Amended house type d - proposed first floor
11 Jun 2019	Drawing elevation	5195/c-1/1/243	Amended house type e - proposed front
11 Jun 2019	Drawing elevation	5195/c-1/1/253	Amended house type f - proposed front
11 Jun 2019	Drawing elevation	5195/c-1/1/225	Amended house type c - proposed right
11 Jun 2019	Drawing	5195/c-1/1/228	Amended house type c - proposed section b-b
11 Jun 2019	Drawing elevation	5195/c-1/1/235	Amended house type d - proposed side
11 Jun 2019	Drawing	5195/c-1/1/237	Amended house type d - proposed section b-b
11 Jun 2019	Drawing plan	5195/c-1/1/241	Amended house type e - proposed first floor
11 Jun 2019	Other	Amended drawing issue sheet	
11 Jun 2019	Drawing	5195/c-1/1/100	Amended proposed block plan
11 Jun 2019	Drawing	5195/c-1/1/110	Amended proposed street sections 1
11 Jun 2019	Drawing floor plan	5195/c-1/1/200	Amended house type a - proposed ground
11 Jun 2019	Drawing plan	5195/c-1/1/201	Amended house type a - proposed first floor
11 Jun 2019	Drawing	5195/c-1/1/202	Amended house type a - proposed roof plan
11 Jun 2019	Drawing elevation	5195/c-1/1/203	Amended house type a - proposed front
11 Jun 2019	Drawing	5195/c-1/1/207	Amended house type a - proposed section b-b
11 Jun 2019	Drawing floor plan	5195/c-1/1/210	Amended house type b - proposed ground
11 Jun 2019	Drawing	5195/c-1/1/212	Amended house type b - proposed roof plan
11 Jun 2019	Drawing floor plan	5195/c-1/1/220	Amended house type c - proposed ground

11 Jun 2019	Drawing elevation	5195/c-1/1/224	Amended house type c - proposed rear
11 Jun 2019	Drawing elevation	5195/c-1/1/226	Amended house type c - proposed left
11 Jun 2019	Drawing	5195/c-1/1/227	Amended house type c - proposed section a-a
11 Jun 2019	Drawing elevation	5195/c-1/1/233	Amended house type d - proposed front
11 Jun 2019	Drawing elevation	5195/c-1/1/234	Amended house type d - proposed rear
11 Jun 2019	Drawing floor plan	5195/c-1/1/240	Amended house type e - proposed ground
11 Jun 2019	Drawing	5195/c-1/1/242	Amended house type e - proposed roof plan
11 Jun 2019	Drawing elevation	5195/c-1/1/244	Amended house type e - proposed right
11 Jun 2019	Drawing elevation	5195/c-1/1/245	Amended house type e - proposed rear
11 Jun 2019	Drawing	5195/c-1/1/246	Amended house type e - proposed section a-a
11 Jun 2019	Drawing plan	5195/c-1/1/250	Amended house type f - proposed ground floor
11 Jun 2019	Drawing elevation	5195/c-1/1/255	Amended house type f - proposed rear
11 Jun 2019	Drawing	5195/c-1/1/257	Amended house type f - proposed section a-a
11 Jun 2019	Drawing	5195/c-1/1/258	Amended house type f - proposed section b-b

The application proposes 30 dwellings: 18 x 2 bedroom houses; 11 x 3 bedroom houses and 1 x 4 bed house on land to the rear of Una Road, Parkeston. The proposed access is from Una Road.

Principle

The site is located within the Settlement Development Boundary of both the Saved and Draft Local Plans where national and local planning policy directs new development as it is a sustainable location in close proximity to local services and facilities.

Furthermore, this site and the adjacent site benefits from outline planning permission for 30 houses which was granted at appeal under reference APP/P1560/A/13/1296059.

Given the planning history of the site and its location within the Settlement Development Boundary there is no objection in principle to residential development on the site. However, the acceptability of this Reserved Matters application will depend upon a careful assessment of its individual merits, including meeting the detailed criteria set out below.

Design, Appearance, Landscaping and Layout

Design/Appearance

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, indivisible from good planning and should contribute

positively to making places better for people. One of the core planning principles of The Framework as stated in paragraph 17 is to always seek to secure high quality design.

Policy QL9, QL10 and QL11 of the Saved Plan aims to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties.

Policy SD9 of the Draft Plan carries forward the sentiments of these saved policies stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.

The detailed design of the dwellings is varied with different roof forms, height and use of window detailing which adds a somewhat contemporary feel to the design and provides visual interest.

The surrounding area comprises of a mixture of type and styles of dwellings, using a range of materials all fairly traditional in appearance, it is therefore considered that the design of the proposed dwellings whilst at variance with the more traditional terraced dwellings are still generally in keeping with the character of the area and will add some visual interest.

In conclusion there is no objection to the proposals on design/appearance grounds.

Landscaping

The land subject to this application does not contain any significant trees other than those on the southern boundary. The trees, hedgerows and hedges are associated with the adjacent residential area and do not merit formal legal protection. As part of the application detailed landscaping plans have been submitted; the soft landscaping proposals are comprehensive and sufficiently detailed to enhance the appearance of the development.

The Council's Trees and Landscape Officer advises that the information provided showing tree, shrub and hedge planting is sufficient to secure an adequate level of soft landscaping for the application site.

No objection is raised therefore to the development on grounds of landscaping.

Layout

Policy HG9 of the Saved Local Plan requires 50 sq.m for 1 bed dwellings; 75 sq.m for 2 bed dwellings and 100 sq.m for dwellings with 3 or more beds. For flats, the policy sets out a requirement for either: a minimum of 25 sq.m per flat provided communally; or a minimum of 50 sq.m private garden area for a ground floor flat or maisonette and a minimum balcony area of 5 sq.m for units above. All the dwellings are provided with garden areas which meet or exceed this standard.

All of the proposed dwellings address the street and create an active street frontage. Parking is provided either to the front or sides of the dwellings, in appropriate locations throughout the site and therefore do not dominate the proposed development.

In conclusion there is no objection to the layout of the proposed development.

Scale

The proposal comprises two storey dwellings, reflecting the surrounding properties in Una Road and Edward Street, the scale of the dwellings are therefore considered acceptable.

Highway Safety/Parking

The proposed access was agreed at outline stage and therefore is not under consideration however, the internal layout is a matter for determination as part of this application.

Essex County Council Parking Standards state that for one bedroom dwellings 1 off-street parking space is provided and for dwellings with 2 or more bedrooms a minimum of 2 off-street parking spaces are provided. Furthermore, 0.25 space per dwelling should be provided for visitor parking. Each parking space should measure 5.5 metres by 2.9 metres and if a garage is to be relied on it should measure 7 metres by 3 metres internally. The plans show that the proposal provides parking in accordance with the adopted standards.

Provision for cycle storage has not been shown on the plans. However, the garages are of a sufficient size to provide cycle parking and all dwellings have space within the garden area for a shed. Therefore it is considered that adequate cycle parking can be provided and a condition is not considered necessary.

The proposal is therefore acceptable in terms of highway safety/parking and internal layout.

Impact on Residential Amenity

The Essex Design Guide states that 'with rear-facing habitable rooms, the rear faces of opposite houses approximately parallel and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be acceptable'. It also states that 'where new development backs onto the rear of existing housing, existing residents are entitled to a greater degree of privacy to their rear garden boundary, and therefore where the rear faces of the new houses are approximately parallel to the existing, the rear of new houses may not encroach any closer than 15 metres to an existing rear boundary'.

The nearest residential properties to this development are situated east and south-east of the site in Una Road. The proposed dwellings are set off the boundary with the existing dwellings in Una Road and not considered likely to result in overlooking, loss of light or privacy to existing residents within these properties.

To the north-east of the site are the residential properties in Edward Street, which are a mixture of two storey, semi-detached dwellings and bungalows.

Edward Street slopes steeply upwards from south to north, meaning that the dwellings to the north of Edward Street are at a significantly higher level than the application site.

The proposed dwellings will be set over 30 metres off the boundary with these properties, as a result there will be no overlooking or loss of privacy as a result of the proposed development.

To the west of the application site is Ramsey Ray Local Wildlife Site and to the south are allotment gardens.

Given the above the proposals are considered acceptable with regards to impacts on surrounding properties.

Financial Contribution - RAMS

This application is accompanied by a unilateral undertaking securing a proportionate financial contribution in line with the Essex Coast RAMS requirements to ensure that this proposal will not have an adverse effect on the integrity of the nearby European sites from recreational disturbance, when considered 'in combination' with other development.

Representations

Two letters of objection has been received raising the following concerns (officer's response in italics):

- Impact upon wildlife and protected species (dealt with below)
- Increased noise and disturbance during construction phase (Construction Method Statement Condition 13 attached at Outline stage).

- Potential dangers to future residents from Carless Fuels who are only a few hundred yards from the proposed development. (the site is located within the middle zone of the catchment area for the Carless Refinery. Previous applications for residential development have been granted on the site, for the same number of dwellings proposed, where the relationship between the refinery and residential development was considered acceptable).

The Parish Council have made the following comments on the application

- Lack of detail in regard to access from Una Road detrimental to the locality (the principle of the access has already been established by the granting of outline planning permission).

Biodiversity

A Phase 1 Habitat Survey has been provided as part of the application which recommended the following works:

- Bat activity survey
- Badger survey
- Dormouse survey (presence or likely absence) and;
- Reptile survey (presence or likely absence)

Further surveys were carried out which identified that the above species were present on the site. This concludes the following:

A badger sett is present along the western boundary of the site. The sett is considered to be a likely subsidiary sett with 6 entrance holes, 3 of which are considered to be active/partially active. Foraging habitat on the site is sub-optimal with optimal foraging habitat present within the surrounding area.

Bat activity on site was low. No bats were found to be roosting on site and no roosting habitat is considered to be present.

A small population of slow-worms and common lizards were found on site, predominately within the area of tall ruderal habitat.

Hazel Dormouse have been recorded 0.6km south-west of the site in 2007 and 2.5km west in Stour Wood 2008-2015. The site is considered to provide suitable habitat for dormice and is considered ecologically connect to off-site suitable habitat. It is considered that there is a reasonable likelihood of hazel dormouse.

The proposed development will not adversely affect any statutory or non-statutory designated sites within or in excess of 2km. No habitats that occur within the survey area were considered to have high ecological importance on an international, national, regional or county scale. The habitats on site are mainly of site to local significance only.

In response to this an Ecological Mitigation Strategy has been submitted, which sets out the appropriate mitigation to protect the long term conservation status of the ecological features on site, through habitat creation, sensitive management and appropriate timings of works.

These include measures such as habitat creation for badgers, closing of the sett under Natural England licence; enhancement of habitat for reptiles, bats and dormice and translocation of reptiles.

Natural England is satisfied that the proposed development if carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Ramsey Ray Local Wildlife Site has been notified.

They therefore advise that the authority is not required to undertake an Appropriate Assessment to assess the implications of the proposal on the site's conservation objectives.

Affordable Housing

Saved Policy HG4 required up to 40% of dwellings to be affordable housing on sites of 15 or more dwellings in urban settlements. The National Planning Policy Framework (NPPF) requires Councils to consider economic viability when it applies its policies and the Council's own viability evidence in support of the Local Plan demonstrates that 40% affordable housing is unlikely to be viable in Tendring and that between 10% and 25% (as contained within emerging Policy PEO10) is more realistic.

The thresholds under Saved Policy HG4 will therefore be applied but the percentage will be between 10% and 25% as detailed under emerging Policy PEO10.

Although there is a high demand for accommodation in the Harwich area, there has always been difficulty in letting homes specifically in the Parkeston part of the town. Therefore a financial contribution towards the provision of affordable housing is required.

Notwithstanding the above, the National Planning Policy Guidance states, at paragraph 19 that where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.

In this case, the applicant has sought to demonstrate that the development is not viable by the submission of a Viability Report. This report has been independently assessed and it has been concluded that based on no affordable housing being provided the development would return a deficit.

On this basis no legal agreement was sought on the Outline application and is therefore not for consideration at this Reserved Matters stage.

Flood Risk

The Environment Agency's maps show the site currently lies in Flood Zone 1, which is an area of low flood risk (1 in 1000 year event). As the site exceeds 1 hectare, a Flood Risk Assessment (FRA) is required, in accordance with Footnote 20 of paragraph 103 of the National Planning Policy Framework (NPPF) that provides details of how surface water is to be managed on the site. Whilst the site is outside the floodplain, development of this scale can generate significant volumes of surface water. A Flood Risk Assessment has been submitted as part of the application. The Environment Agency have been consulted on the application and have no objection.

Although the site is currently within Flood Zone 1 it lies on the edges of Flood Zones 2 and 3a. Having regard to the potential rise in sea levels as a result of climate change the extent of Flood Zones 2 and 3a will take in more of the site over time, and towards the middle and end of the design life (100 years) of the houses some will fall within the new extent of both zones.

The National Planning Policy Guidance confirms that it is not normally necessary to apply the sequential test to planning applications in flood zone 1 'unless the strategic flood risk assessment for the area, or other recent information confirms that there may be flooding issues nor in the future'. On the basis that part of the site will fall within the flood zone in the future regard has to be given the sequential test.

In the future (100 years), eleven dwellings (plots 1-11) are likely to fall within flood zone 3A. This compares with eight in the previous scheme approved at appeal. One plot (plot 13) will fall in flood zones 3a and 2, two plots (No. 12 & 14) will fall wholly in flood zone 2 and five plots (No. 15 and 22-25) will fall partially within flood zone 2. Plots 12-15 replicate houses already approved in the previous scheme and plots 22-25 replace two plots in the approved scheme. Overall the application will result in 3 additional homes in flood zone 3a and two homes partially in flood zone 2.

The principle of residential development on the site has previously been established most recently by the granting of the Outline application.

Essex County Council SuDS team are the Lead Local Flood Authority (LLFA) in regard to flood risk and as such the Council has consulted them with regard to this application. They raise no objection to the proposals.

Site Contamination

Historical records indicate that this land had a former contaminative land use, as a brickworks with associated worksheds, pits, kilns etc. The Council's Environmental Health Officer was consulted on the Outline application and a suitably worded Condition was attached to the granting of consent, as such Site Contamination is not under consideration here.

Other Issues

Concerns have been raised regarding the loss of views; this is not a material planning consideration.

Conclusion

As established through the granting of outline application 15/01792/OUT, the principle of residential development on this site is acceptable.

The details design, layout, landscaping and scale are considered acceptable. The proposal would result in no significant material harm to residential amenity or highway safety.

It is considered that for the above reasons the proposal meets the criteria set out in the National Planning Policy Framework and relevant policies of the National Planning Policy Framework, the Tendring District Local Plan and the Tendring District Local Plan Proposed Submission Draft.

6. Recommendation

The application is recommended for approval.

7. Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved Drawing Nos:

Drawing	5195/c-1/1/106	Amended proposed material palette - housing
Drawing	5195/c-1/0/100	Amended site plan,
Drawing	5195/c-1/1/111	Amended proposed street sections 2
Drawing	5195/c-1/1/254	Amended house type f - proposed left elevation,
Drawing	5195/c-1/1/256	Amended house type f - proposed right elevation
Drawing	5195/c-1/1/105	Amended proposed material palette – roads
Drawing	5195/c-1/1/205	Amended house type a - proposed side elevation
Drawing	5195/c-1/1/206	Amended house type a - proposed section a-a
Drawing	5195/c-1/1/214	Amended house type b - proposed rear elevation
Drawing	5195/c-1/1/232	Amended house type d - proposed roof plan
Drawing	5195/c-1/1/252	Amended house type f - proposed roof plan
Drawing	5195/c-1/0/102	Amended site plan with topography
Drawing	5195/c-1/1/204	Amended house type a - proposed rear elevation
Drawing	5195/c-1/1/213	Amended house type b - proposed front elevation
Drawing	5195/c-1/1/216	Amended house type b - proposed section a-a
Drawing	5195/c-1/1/217	Amended house type b - proposed section b-b
Drawing	5195/c-1/1/223	Amended house type c - proposed front elevation

Drawing	5195/c-1/1/251	Amended house type f - proposed first floor plan
Drawing	5195/c-1/1/101	Amended proposed block plan – materialized
Drawing	5195/c-1/1/222	Amended house type c - proposed roof plan
Drawing	5195/c-1/1/236	Amended house type d - proposed section a-a
Drawing	Wwa_1911_lp_301 p01	Amended planting plan
Drawing	5195/c-1/0/101	Amended block plan
Drawing	5195/c-1/1/211	Amended house type b - proposed first floor plan
Drawing	5195/c-1/1/215	Amended house type b - proposed side elevation
Drawing	5195/c-1/1/221	Amended house type c - proposed first floor plan
Drawing	5195/c-1/1/230	Amended house type d - proposed ground floor plan
Drawing	5195/c-1/1/231	Amended house type d - proposed first floor plan
Drawing	5195/c-1/1/243	Amended house type e - proposed front elevation
Drawing	5195/c-1/1/253	Amended house type f - proposed front elevation
Drawing	5195/c-1/1/225	Amended house type c - proposed right elevation
Drawing	5195/c-1/1/228	Amended house type c - proposed section b-b
Drawing	5195/c-1/1/235	Amended house type d - proposed side elevation
Drawing	5195/c-1/1/237	Amended house type d - proposed section b-b
Drawing	5195/c-1/1/241	Amended house type e - proposed first floor plan
Drawing	5195/c-1/1/100	Amended proposed block plan
Drawing	5195/c-1/1/110	Amended proposed street sections 1
Drawing	5195/c-1/1/200	Amended house type a - proposed ground floor plan
Drawing	5195/c-1/1/201	Amended house type a - proposed first floor plan
Drawing	5195/c-1/1/202	Amended house type a - proposed roof plan
Drawing	5195/c-1/1/203	Amended house type a - proposed front elevation
Drawing	5195/c-1/1/207	Amended house type a - proposed section b-b
Drawing	5195/c-1/1/210	Amended house type b - proposed ground floor plan
Drawing	5195/c-1/1/212	Amended house type b - proposed roof plan
Drawing	5195/c-1/1/220	Amended house type c - proposed ground floor plan
Drawing	5195/c-1/1/224	Amended house type c - proposed rear elevation
Drawing	5195/c-1/1/226	Amended house type c - proposed left elevation
Drawing	5195/c-1/1/227	Amended house type c - proposed section a-a
Drawing	5195/c-1/1/233	Amended house type d - proposed front elevation
Drawing	5195/c-1/1/234	Amended house type d - proposed rear elevation
Drawing	5195/c-1/1/240	Amended house type e - proposed ground floor plan
Drawing	5195/c-1/1/242	Amended house type e - proposed roof plan
Drawing	5195/c-1/1/244	Amended house type e - proposed right elevation
Drawing	5195/c-1/1/245	Amended house type e - proposed rear elevation
Drawing	5195/c-1/1/246	Amended house type e - proposed section a-a
Drawing	5195/c-1/1/250	Amended house type f - proposed ground floor plan
Drawing	5195/c-1/1/255	Amended house type f - proposed rear elevation
Drawing	5195/c-1/1/257	Amended house type f - proposed section a-a
Drawing	5195/c-1/1/258	Amended house type f - proposed section b-b

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

- 2) Prior to the occupation of any of the proposed development the internal road and footway layout shall be provided in principal and based on the revised drawing number:
5195/1/100 Amended block 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.

- 3) Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular accesses. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason - To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.

4) The development shall not be occupied until such time as a car parking and turning area has been provided in accord with amended block plan **5195/1/100**. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

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

5) Each 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.

6) Each vehicular parking space which is bounded by walls or other construction shall have minimum dimensions of 3.4 metres x 5.5 metres.

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

7) 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.

8) 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.

9) 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.

10) 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.

8. Informatives

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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: There should be a 'no build zone' of 0.5 metres from the back of the proposed/ future high boundary.

Informative 3: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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

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

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

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.

Informative 5: 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.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
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Are there any third parties to be informed of the decision? If so, please specify:	YES	NO