



**Application:** 18/00367/FUL

**Town / Parish:** Alresford Parish Council

**Applicant:** Taylor Wimpey UK Ltd

**Address:** Land North of Cockaynes Lane Alresford Essex CO7 8BT

**Development:** Erection of 84 dwellings, including the provision of affordable homes together with means of access, parking, garaging, associated landscaping and public open space provision

## 1. **Executive Summary**

- 1.1 This is an application for full planning permission, following the grant of application 15/00120/FUL on appeal for up to 60 dwellings on Land to the North of Cockaynes Lane. The proposal is for the erection of 84 dwellings, including the provision of affordable homes together with means of access, parking, garaging, associate landscaping and public open space provision.
- 1.2 A resolution to approve planning permission was given at Planning Committee on 18th September 2018, subject to a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following being completed within 6 months:
  - Affordable Housing – 3 units to be gifted to the Council and 8 units to be transferred to a Registered Provider; to be prioritised for households with an Alresford connection first, then households from neighbouring parishes and then the whole district.
  - Education – Early Years and Childcare - £131,170; Primary Education £385,081; Secondary Education £389,995 and Secondary School Transport £59,787
  - Healthcare – Financial contribution of £27,800 towards improvement of services at Colne Medical Centre, including the Alresford Branch Surgery
  - Public Open Space and Equipped Play Areas – to be transferred to the Council and laid out before transfer, with a financial contribution towards future maintenance
- 1.3 Whilst progress has been made on the legal agreement it was not completed within the given timescale and therefore an extension until 11th September 2019 is sought.
- 1.4 Since the previous application went to Planning Committee, in accordance with Natural England advice there is a requirement to seek a financial contribution (referred to as RAMS contribution) to mitigate against any adverse impact the proposal may have on European Designated Sites. The recommendation has been updated to reflect this need and the applicant has agreed to pay this contribution.
- 1.5 The proposed development has not been amended and all other aspects remain the same as set out in the report to Planning Committee dated 18th September 2018 (see below).

**Recommendation:**

That the Head of Planning be authorised to grant planning permission for the development subject to:-

**Within 3 (three) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):**

- **Affordable Housing Provision: 3 units to be gifted to the Council and 8 units to be transferred to a Registered Provider; to be prioritised for households with an Alresford connection first, then households from neighbouring parishes and then the whole district.**
- **Education – Early Years and Childcare £131,170; Primary Education £385,081; Secondary Education £389,995 and Secondary School Transport £59,787**
- **Healthcare – Financial contribution of £27,800 towards improvement of services at Colne Medical Centre, including the Alresford Branch Surgery**
- **Public Open Space and Equipped Play Areas – to be transferred to the Council and laid out before transfer, with a financial contribution towards future maintenance**
- **Financial Contribution of £10,273.20 (£122.30 per dwelling) towards RAMS**

Subject to the conditions stated in section 8.2.

## **2. Planning Policy**

The following Local and National Planning Policies are relevant to this planning application.

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

QL12 Planning Obligations

ER3 Protection of Employment Land

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

COM1 Access for All

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

COM22 Noise Pollution

COM23 General Pollution

COM24 Health Care Provision

COM26 Contributions to Education Provision

COM29 Utilities

COM31A Sewerage and Sewage Disposal

EN1 Landscape Character

EN4 Protection of the Best and Most Versatile Agricultural Land

EN6 Biodiversity

EN6A Protected Species

EN6B Habitat Creation

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN12 Design and Access Statements

EN13 Sustainable Drainage Systems

EN29 Archaeology

TR1A Development Affecting Highways

TR1 Transport Assessment

TR3A Provision for Walking

- TR2 Travel Plans
- TR4 Safeguarding and Improving Public Rights of Way
- TR5 Provision for Cycling
- TR6 Provision for Public Transport Use
- TR7 Vehicle Parking at New Development
- TR8 Public Car Parking
- SP3 Meeting Housing Needs

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

- SP1 Presumption in Favour of Sustainable Development
- SP2 Spatial Strategy for North Essex
- SP5 Infrastructure & Connectivity
- SP6 Place Shaping Principles
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- HP1 Improving Health and Wellbeing
- HP2 Community Facilities
- 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
- PP12 Improving Education and Skills
- 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

CP2 Improving the Transport Network

CP3 Improving the Telecommunications Network

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the 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.

### 3. Relevant Planning History

15/00120/OUT	Outline application for up to 60 dwellings on land north of Cockaynes Lane, Alresford.	Allowed on Appeal	02.11.2015
18/00367/FUL	Erection of 84 dwellings, including the provision of affordable homes together with means of access, parking, garaging, associated landscaping and public open space provision	Current	

### 4. Consultations

- 4.1 No further consultation responses have been received since the application was considered by Planning Committee on 18th September 2018, see Committee Report below.

### 5. Representations

- 5.1 No further representations have been received since the application was considered by Planning Committee on 18th September 2018, see Committee Report below.

### 6. Assessment

- 6.1 This is an application for full planning permission, following the grant of application 15/00120/FUL on appeal for up to 60 dwellings on Land to the North of Cockaynes Lane. The proposal is for the erection of 84 dwellings, including the provision of affordable homes together with means of access, parking, garaging, associate landscaping and public open space provision.
- 6.2 A resolution to approve planning permission was given at Planning Committee on 18th September 2018, subject to a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following being completed within 6 months:
- Affordable Housing – 3 units to be gifted to the Council and 8 units to be transferred to a Registered Provider; to be prioritised for households with an Alresford connection first, then households from neighbouring parishes and then the whole district.
  - Education – Early Years and Childcare - £131,170; Primary Education £385,081; Secondary Education £389,995 and Secondary School Transport £59,787
  - Healthcare – Financial contribution of £27,800 towards improvement of services at Colne Medical Centre, including the Alresford Branch Surgery
  - Public Open Space and Equipped Play Areas – to be transferred to the Council and laid out before transfer, with a financial contribution towards future maintenance
- 6.3 Whilst progress has been made on the legal agreement it was not completed within the given timescale and therefore an extension until 11th September 2019 is sought.

6.4 Since the previous application went to Planning Committee, Natural England have introduced Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings. Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be the RAMS level contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Sites. The contribution is secured by unilateral undertaking. There is therefore certainty that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

6.5 The proposed development has not been amended and all other aspects remain the same as set out in the report to Planning Committee dated 18th September 2018 (see below).

## 7. Conclusion

7.1 There have been no significant changes in planning policy terms since the application was previously considered by Planning Committee on 18th September 2018, with the exception of the now required RAMS contribution. The recommendation has been updated to reflect this requirement and the applicant has agreed to this. A further 3 months to complete the Legal Agreement is considered reasonable, given that a draft has already been produced and is the process on being agreed.

## 8. Recommendation

8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives and the prior completion of a section106 legal agreement with the agreed Heads of Terms, as set out in the table below:

<b>CATEGORY</b>	<b>TERMS</b>
Affordable Housing Provision	3 units to be gifted to the Council and 8 units to be transferred to a Registered Provider; to be prioritised for households with an Alresford connection first, then households from neighbouring parishes and then the whole district
NHS contribution	Financial contribution of £27,800 towards improvement of services at Colne Medical Centre, including the Alresford Branch Surgery
Education contribution	Early Years and Childcare £131,170; Primary Education £385,081; Secondary Education £389,995 and Secondary School Transport £59,787



Financial contribution towards RAMS.	£10,273.20 (£122.30 per dwelling)
Open Space and Equipped Play Areas	To be transferred to the Council and laid out before transfer, with a financial contribution towards future maintenance

## 8.2 Conditions and Reasons

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved Drawing Nos:  
 TW013-PL-01 Rev. A Location Plan  
 TW013-PL-02 Rev. L - Development Layout Option 3  
 TW013-PL-03 Rev. F - Garden Areas and Back to Back Dims Layout  
 TW013-PL-04 Rev. G - Parking Layout  
 TW013-PL-06 Rev. E - Refuse Strategy Layout  
 TW013-PL-08 Rev. E - Storey Heights Layout  
 TW013-PL-09 Rev. E - Highways Layout  
 TW013-PL-11 Rev. C - Affordable Housing  
 CSA/3498/103 Hard Landscape Proposals Sheet 1 of 3  
 CSA/3498/104 Hard Landscape Proposals Sheet 2 of 3  
 CSA/3498/105 Hard Landscape Proposals Sheet 3 of 3  
 CSA/3498/106 Soft Landscape Proposals Sheet 1 of 3  
 CSA/3498/107 Soft Landscape Proposals Sheet 2 of 3  
 CSA/3498/108 Soft Landscape Proposals Sheet 3 of 3  
 CSA/3498/109 Landscape Masterplan  
 TW013-CIV-1299-1 Vehicle Tracking Refuse  
 TW013-CIV-1299-2 Vehicle Tracking Pantechnicon  
 TW013-CIV-1399-4 Rev. P1 Drainage Strategy Layout  
 TW013-PA25-01 Rev. A - House Type 'PA25A' Floor Plans and Elevations  
 TW013-PA25-02 Rev. A - House Type 'PA25B' Floor Plans and Elevations  
 TW013-PA25-03 Rev. A - House Type 'PA25C' Floor Plans and Elevations  
 TW013-PA25-04 Rev. A - House Type 'PA25D' Floor Plans and Elevations  
 TW013-PA34-01 Rev. A - House Type 'PA34A' Floor Plans and Elevations  
 TW013-PA34-02 Rev. C - House Type 'PA34B' Floor Plans and Elevations  
 TW013-PA34-03 Rev. A - House Type 'PA34C' Floor Plans and Elevations  
 TW013-PA34-04 Rev. A - House Type 'PA34D' Floor Plans and Elevations  
 TW013-PA34-05 Rev. A - House Type 'PA34E' Floor Plans and Elevations  
 TW013-PA34-06 Rev. B - House Type 'PA34F' Floor Plans and Elevations  
 TW013-PA43-01 Rev. A - House Type 'PA43A' Floor Plans and Elevations  
 TW013-PA43-02 Rev. A - House Type 'PA43B' Floor Plans and Elevations  
 TW013-PA48-01 Rev. A - House Type 'PA48A' Floor Plans and Elevations  
 TW013-PA48-02 Rev. A - House Type 'PA48B' Floor Plans and Elevations  
 TW013-PA49-01 Rev. A - House Type 'PA49A' Floor Plans and Elevations  
 TW013-PA49-02 Rev. A - House Type 'PA49B' Floor Plans and Elevations  
 TW013-PT36-01 Rev. A - House Type 'PT36A' Floor Plans and Elevations  
 TW013-PT36-02 Rev. A - House Type 'PT36B' Floor Plans and Elevations  
 TW013-PT36-03 Rev. B - House Type 'PT36C' Floor Plans and Elevations

TW013-PT36-04 Rev. A - House Type 'PT36D' Floor Plans and Elevations  
 TW013-PT37-01 Rev. A - House Type 'PT37' Floor Plans and Elevations  
 TW013-PT41-01 Rev. A - House Type 'PT41' Floor Plans and Elevations  
 TW014-PT42-01 Rev. A - House Type 'PT42' Floor Plans and Elevations  
 TW013-PT43-01 Rev. A - House Type 'PT43' Floor Plans  
 TW013-PT43-02 Rev. A - House Type 'PT43A' Elevations  
 TW013-PT43-03 Rev. A - House Type 'PT43B' Elevations  
 TW013-PT43-04 Rev. A - House Type 'PT43C' Elevations  
 TW013-PT43-05 Rev. A - House Type 'PT43D' Elevations  
 TW013-PT45-01 Rev. A - House Type 'PT45A' Floor Plans and Elevations  
 TW013-PT45-02 Rev. A - House Type 'PT45B' Floor Plans and Elevations  
 TW013-PT45-03 Rev. A - House Type 'PT45C' Floor Plans and Elevations  
 TW013-WM-01 Rev. A - House Type 'Woodman' Floor Plans and Elevations  
 TW013-AA31-01 Rev. B - House Type 'AA31' Floor Plans and Elevations  
 TW013-AA24-01 Rev. B - House Type 'AA24' Floor Plans and Elevations  
 TW013-CP-01 Rev. B - CP4 Carport Floor Plans and Elevations  
 TW013-GR-01 Rev. B - SG1 Garages Floor Plans and Elevations  
 TW013-GR-02 Rev. A - SG3 & SG4 Garages Floor Plans and Elevations  
 TW013-GR-03 Rev. A - SG5 Garages Floor Plans and Elevations  
 TW013-GR-04 Rev. A - SG6 Garages Floor Plan and Elevations  
 TW013-GR-05 Rev. A - DG1 Garages Floor Plan and Elevations  
 TW013-ST-01 Rev. C - Street Scenes A and B Sheet 1 of 2  
 TW013-ST-02 Rev. 00 Street Scenes C, D and E Sheet 2 of 2

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

- 3 The external finishing materials of the dwellings hereby permitted shall be in accordance with Drawing No. TW013-PL-07 Rev. E (Colour of Materials Layout Plan) unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that materials of an acceptable quality appropriate to the area are used.

- 4 The hard surfaces hereby permitted shall be finished in accordance with Drawing No. TW013-PL-10 Rev. F (Surface Materials Layout Plan) unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that materials of an acceptable quality appropriate to the area are used.

- 5 The proposed boundary treatments shall be installed in accordance with Drawing No. TW013-PL-05 Rev. E (Boundary Treatment Layout Plan) unless otherwise agreed in writing by the Local Planning Authority.

Reason - To protect the amenities and privacy of occupiers of the adjoining property and in the interests of visual amenity.

- 6 The vehicular accesses shall be constructed in accordance with Drawing No. TW013-PL-09 Rev E unless otherwise agreed in writing by the Local Planning Authority.

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

- 7 Prior to occupation of the development, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the

carriageway. Such vehicular visibility splays shall be provided before the junction is first used by vehicular traffic and retained free of any obstruction at all times.

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

- 8 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

- 9 There shall be no discharge of surface water onto the Highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 10 Prior to occupation of the development, vehicular parking and turning facilities in accordance with current policy standards shall be provided for all dwellings, unless otherwise agreed in writing by the Local Planning Authority. They shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose. Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety and to ensure adequate space for parking off the highway is provided in the interest of highway safety.

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

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

- 12 No development shall take place before an Environmental Construction Management Plan for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement.

Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel cleaning facilities during the excavation, site preparation and construction stages of the development. The method statement shall also include details of the loading and unloading of plant and materials, hours of construction, dust suppression strategy, routing of delivery vehicles, measures to control noise and lighting, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials and means of safeguarding the public right of way during construction.

Reason - To ensure that development is carried out in a controlled manner in the interests of highway safety, while minimising impacts on the surrounding residential properties and the natural environment.

- 13 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved.

Reason - To ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

- 14 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 1 in 1 year greenfield rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change and allowance for urban creep.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event with suitable allowance for urban creep. This should include a suitable half drain time.
- Provide sufficient inlet capacity to the drainage system to collect all storm events up to and including the 1 in 100 year plus 40% climate change event with suitable allowance for urban creep, to allow conveyance of flows to the proposed attenuation basin.
- Provide detailed levels to demonstrate exceedance flows will route across the site as detailed in drainage strategy [Document reference - Summary Report in Support of New Planning Application (Foul & Surface Water Drainage & SuDS) Prepared by Infrastructure Design Ltd February 2018 Issue 1].
- Final modelling and calculations for all areas of the drainage system.
- Demonstration of appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment.

- 15 No works shall take place until a final Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason - To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

- 16 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason - To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 17 No works shall take place until agreement to discharge to Anglian Water storm sewer is formalised.

Reason - To ensure that the development does not increase flood risk elsewhere.

- 18 No works shall take place until it has been demonstrated to the Local Planning Authority through provisioning of clause in property deeds that there will be an undertaking by property owners that there will be no adjustment of ground levels that would affect route of exceedance flow path (as presented on Drawing Reference TW013-CIV-1399-3) and that all fence lines indicated as being affected by exceedance flow will be of non-solid structure allowing for future un-restricted flow through the fence line at ground surface level.

Reason - To ensure that the development does not increase flood risk elsewhere.

- 19 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason - To prevent environmental and amenity problems arising from flooding.

- 20 A. No development or preliminary ground-works can commence until a programme of archaeological trial trenching for that phase has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the Local Planning Authority. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ through re-design of the development, shall be submitted to the Local Planning Authority.

B. No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the Local Planning Authority.

C. Following completion of the archaeological fieldwork, the applicant will submit to the Local Planning Authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the Local Planning Authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason - The proposed development is located within an area with potential for below ground archaeological deposits. The development would result in harm to non-designated heritage assets with archaeological interest.

- 21 Prior to the commencement of any work a full method statement in respect of piling works shall be submitted to and approved in writing by the Local Planning Authority, 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.

Reason - In the interests of residential amenity.

- 22 Other than for lighting within the public highways, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting strategy shall consider how the use of such lighting will avoid, or minimise, harm caused by light pollution and the development shall be carried out in accordance with the approved scheme.

Reason - To ensure that new external lighting of the development is not harmful to biodiversity or local amenity.

- 23 All trees and hedges to be retained as shown on Drawing Nos. CSA/3498/106, CSA/3498/107 and CSA/3498/108 shall be protected in accordance with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.

Reason - In the interests of visual amenity and the character of the area.

- 24 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 interests of visual amenity and the character of the area.

- 25 The development hereby permitted shall be carried out in accordance with the mitigation measures set out in the Ecological Impact Assessment, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the proposal does not adversely affect any protected species and to enhance the biodiversity of the site.

- 26 Prior to the commencement of any above ground works a Landscape and Ecology Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall specify how areas of green space are to be managed, including measures to create new habitats as well as general biodiversity enhancements and safeguarding of protected species, it shall also include ecological

enhancement measures as set out in para. 5.36 of the Ecological Impact Assessment.

Reason -To ensure the areas of green space are appropriately managed and to encourage biodiversity on the site.

- 27 Vegetation clearance shall take place outside of the bird nesting period (i.e. outside of March to August inclusive) unless the Local Planning Authority has received and confirmed in writing, confirmation by a suitably qualified ecologist that nesting birds are absent from the habitats to be cleared.

Reason - To ensure the development does not harm nesting birds.

### 8.3 Informatives

1. 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.
2. The applicant is reminded that this permission is linked to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
3. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:  
Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.
4. 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.

## 9. Additional Considerations

### Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
  - A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other

areas where they are underrepresented) of people with a protected characteristic(s); and

C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

- 9.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.3 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.4 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

#### Human Rights

- 9.5 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.6 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.7 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

#### Finance Implications

- 9.8 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.9 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

## **10. Background Papers**

Report of the Head of Planning to Planning Committee on 18<sup>th</sup> September 2018, Item A.2 Planning Application – 18/00367/FUL – Land North of Cockaynes Lane, Alresford, CO7 8BT.