

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	01/10/19
Planning Development Manager authorisation:	AN	1/10/19
Admin checks / despatch completed	AN XLE ER	02/10/19 02/10/19

**Application:** 19/00270/FUL **Town / Parish:** Wix Parish Council

**Applicant:** Mr Stennett

**Address:** Hunters Moon Colchester Road Wix

**Development:** Erection of 9 new dwellings with detached garages including new boundary treatments, re-worked landscaping re-worked access, neighbouring boundary adjustment, potential tree felling and new soft landscaping.

### 1. Town / Parish Council

Wix Parish Council

Wix Parish Council objects to this application based on the following concerns.

It highlights the issue raised by building control, regarding fire service access.

There are already issues in the area regarding traffic, particularly with the school nearby. Additional properties, accessing Colchester Rd next to the school will create additional pressures.

Wix PC are also concerned about additional pressure on the foul water and surface water systems, which are already inadequate. Concerns were raised regarding the new properties overlooking the school.

Wix PC are also concerned about the pond on the site, which is due to be filled in. The area is susceptible to flooding, and WPC are concerned this development will lead to further flooding issues.

### 2. Consultation Responses

Essex County Council  
Archaeology

The above planning application has been identified as having the potential to harm non-designated heritage assets with archaeological interest.

The proposed site lies immediately adjacent to an area of archaeological activity as indicated through cropmark evidence, to the north probable historic agricultural activity is recorded which lies east of the medieval moated site at Park Hall. Possible Saxon activity has been recovered from around Park Hall as well as medieval. Multi period finds have been recovered from the surrounding areas as findspots. There is the potential for the survival of below ground archaeology which relates to the findspot evidence in the surrounding area and medieval activity within the immediate area. This will be impacted upon by the proposed development.

The following recommendations are made in line with the Department for Communities and Local Government National Planning Policy Framework:

**RECOMMENDATION: A Programme of Archaeological evaluation**

1. No development or preliminary ground-works can commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the 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, shall be submitted to the local planning authority.
2. 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.
3. 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 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.

**Further Recommendations:**

A professional team of archaeologists should undertake the archaeological work. In the first instance a programme of trial trenching investigation will be required. A brief outlining the level of archaeological investigation will be issued from this office on request. Tendring District Council should inform the applicant of the recommendation and its financial implications.

ECC Highways Dept

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal is located off Colchester Road which is subject to a 30-mph speed limit. The proposal allows adequate room and provision for off street parking and turning, for the proposed dwellings therefore:

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 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 access. 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.

2. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 10 metres from the back of Footway with Colchester Road and provided with an appropriate dropped kerb crossing of the footway.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

3. Prior to first occupation of the development the size 3 side road/vehicular turning facility shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

4. Prior to the first occupation of the development, a 500mm wide overhang strip shall be provided adjacent to the carriageway unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that adequate clearance for vehicles swept paths is provided in the interests of highway safety in accordance Policy DM7.

5. The existing access at ('Wingarth') shown on the Proposed Block Plan, drawing no. 958-2/s1/01/a adjacent to the new vehicular access shall be suitably and permanently closed incorporating the reinstatement to full height of the footway / kerbing immediately the proposed new access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1.

6. No unbound materials shall be used in the surface treatment of any proposed vehicular access within 6 metres of the carriageway.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

7. Prior to first occupation of the development vehicle parking shall be provided in accordance with the EPOA Parking Standards as shown in principle in the Proposed Site Arrangement Plan, drawing no. 958-3/S1/01/D constructed ready for use. The vehicle parking area and associated turning area shall be retained in the agreed form at all times.

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

8. All single garages should have a minimum internal measurement of length 7 metre x 3 metres.

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.

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. 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

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

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

Informative 1: All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.

Informative 2: 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.

### **3. Planning History**

10/00974/FUL	Proposed single storey garden / family room.	Approved	25.10.2010
17/01483/FUL	Erection of five dwellings.	Approved	01.12.2017

### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN29 Archaeology

HG1 Housing Provision

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG13 Backland Residential Development

HG14 Side Isolation

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

HP5 Open Space, Sports & Recreation Facilities

- LP1 Housing Supply
- LP2 Housing Choice
- LP4 Housing Layout
- LP8 Backland Residential Development
- CP1 Sustainable Transport and Accessibility
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL7 Archaeology
- SP1 Presumption in Favour of Sustainable Development
- SPL1 Managing Growth
- SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

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

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

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not

possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

## **5. Officer Appraisal**

### Site Description

The application site is 0.49 hectares of land adjacent to Hunters Moon, Colchester Road, Wix. The site falls outside of a recognised Settlement Development Boundary in the saved Tendring Local Plan 2007, however the majority of the site lies within the defined Settlement Development Boundary for Wix in the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), with the section to the west of the site falling just outside of the boundary. The character of the surrounding area is relatively urbanised, with built development to the immediate south, east and west. However, further out, particularly to the north, sees areas of large grassed or agricultural land.

### Description of Proposal

This application seeks planning permission for the erection of nine dwellings, which will be accessed by an existing access point to the south-east of the site. Each dwelling is to be two storeys, with six dwellings being served by three bedrooms and three dwellings served by four bedrooms.

The original application submitted was for a total of 10 dwellings on a larger site area. However, following discussions where the Officer confirmed that a financial contribution would be required towards affordable housing, the plans were amended to nine dwellings on a smaller site below the 0.5 hectares threshold.

### Site History

Under planning reference 17/01483/FUL, planning permission was granted for the erection of five dwellings on this site. Each dwelling approved was two storeys and served by four bedrooms.

### Assessment

#### 1. Principle of Development

The application site falls outside of a recognised Settlement Development Boundary in the saved Tendring Local Plan 2007, however the majority of the application site (approximately three quarters) falls within the emerging Settlement Development Boundary for Wix. However, given that the site has access to a number of facilities and that the public footpath to the far westerly point of the site is a clear boundary point, there is no recognisable harm for development within the section of the site that falls outside of the Settlement Development Boundary. Given this and the extant permission for five dwellings on the site, the principle of development is considered to be acceptable subject to the detailed consideration below.

## 2. Backland Development

The proposal relates to the erection of nine dwellings to be sited at the rear of the existing properties known as 'Wix and Wrabness Primary School', 'Bardox', 'Windy Willows', 'Seletar', 'Wix Methodist Church' and 'Wingarth', accessed via an existing drive which would run to the eastern side of 'Wingarth'. The layout shown represents backland development. With regards to Policy HG13 of the 2007 Local Plan (and echoed in policy LP8 of the draft Local Plan), it states proposals for the residential development of backland sites must comply with the following criteria:

- i. the site lies within a defined settlement development boundary and does not comprise land allocated or safeguarded for purposes other than a residential use;
- ii. where a proposal includes existing private garden land which would not result in less satisfactory access or off-street parking arrangements, an unacceptable reduction in existing private amenity space or any other unreasonable loss of amenity to existing dwellings;
- iii. a safe and convenient means of vehicular and pedestrian access/egress can be provided that is not likely to cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will be discouraged;
- iv. the proposal does not involve "tandem" development using a shared access;
- v. the site does not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution;
- vi. the site is not on the edge of defined settlements and likely to produce a hard urban edge or other form of development out of character in its particular setting; and
- vii. the proposal would not be out of character with the area or set a harmful precedent for other similar forms of development.

The main problems that can arise as a result of backland development include undermining the established character of an area (especially if similar schemes were to be repeated elsewhere in a locality); dwelling plots appearing cramped relative to their surroundings; the fragmentation of established gardens with a loss of mature landscaping; and the infringement of neighbouring residents' amenities. Development behind an established building line can also appear incongruous, particularly with isolated dwellings.

There must also be proper means of access to backland development, which is safe and convenient for both drivers and pedestrians, with a turning area where necessary to avoid the need for vehicles to reverse onto a public highway. A proposed access should avoid excessive disturbance or loss of privacy to neighbouring residents through, for example, an access drive passing unreasonably close to an adjoining dwelling. The likely frequency of use by vehicular traffic and the suitability of the access for service vehicles and the emergency services will also be relevant material considerations.

In respect of the policy criteria noted above the development is considered to meet the requirements as follows;

- i. the site is largely located within a defined settlement boundary in the emerging local plan; however is not designated for any particular use;
- ii. the plans show that the private amenity areas for all plots will meet the requirements of Policy HG9. Further, there is sufficient off-street parking for all dwellings, while the layout has been designed in such a way to ensure significant distance to the nearest neighbouring properties.
- iii. with regards to the access point to the site, situated to the east of the property known as 'Wingarth', whilst it is both long and narrow, the plans show that as part of the proposal the access will be widened by an additional 1.8 metres to ensure the width will be in total 5.8 metres. This will



ensure the access can facilitate two cars passing side by side entering and exiting the site and accordingly Essex Highways Authority has raised no objection.

There is a neighbouring property to the western side of this access likely to incur some disturbances as a result of the comings and goings of vehicles associated with the nine dwellings. However it is important to note that this site has an extant permission for five dwellings from the same access point. Given this, and that the noise disturbances are not considered to be significantly harmful, on balance the identified harm is not sufficient to warrant a reason for refusal.

iv. the proposal does not represent a form of 'tandem development' and will not use a shared access.

v. the site is of a regular shape and would not compromise a more comprehensive development solution.

vi. the development of the site would not form a hard urban edge to the settlement as there is an existing dwelling to the rear of the established building line along Colchester Road. To the east sees further development to the rear of this building line. Further, there is an extant permission for five dwellings on this site.

vii. this particular section of Colchester Road does not have a particularly strong or linear pattern of development, with the property known as 'Hunters Moon' situated to the rear of the main frontage along Colchester Road. Given this, and that there is an extant permission for five dwellings on this site, the development would not set a harmful precedent.

### 3. Design, Layout and Appearance

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

The submitted plans show that the nine two storey dwellings will be sited to the east and west of the existing property Hunters Moon, accessed via Colchester Road to the south-east of the site. The dwellings, which are all grand in design, incorporate four slightly different styles to add variation to the scheme. There are also a mixture of six semi-detached plots and three detached properties. Material use includes red brick, painted render and slate tile. Whilst it is acknowledged that the dwellings will be large in size, there is no identifiable harm as they will not be visible from the street scene, whilst there is also no set character across Colchester Road to adhere to, with examples of single storey and two storey detached and semi-detached dwellings. Furthermore, the level of hardstanding is acceptable for a scheme of this size, with soft landscaping throughout the site ensuring the scheme is more visually acceptable. Full details of soft landscaping will be included as a condition.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should be a minimum of 100 square metres. The information that has been supplied indicates the number of bedrooms for each dwelling will be three or four. The submitted plans demonstrate the amenity space for each plot, as well as for Hunters Moon, will be in excess of the requirements of Policy HG9.

### 4. Impacts upon neighbouring amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed layout includes four additional dwellings to that previously approved under 17/01483/FUL, with Plot 9 in particular more closely related to the existing dwellings to the south of the site along Colchester Road. However significant separation distances are still maintained, therefore ensuring no harm with respect to loss of light, outlook or the dwellings appearing imposing. Furthermore, in terms of potential overlooking to the neighbouring properties to the south, the highlighted distance separating the proposed dwellings and that existing mature vegetation will remain will ensure no significant impacts.

The proposed site access, as previously discussed above, will be sited adjacent to the property known as 'Wingarth'. However, there are no side elevation ground floor windows and the comings and goings of vehicles in relation to nine dwellings is not considered to be significantly excessive, and therefore on balance the harm will not be significantly detrimental.

#### 5. Trees and Landscaping

The application site contains several mature Oaks on, or close to, its boundaries. Some of the trees can be seen from the Public Right of Way (PROW) adjacent to the western boundary of the land and have high visual amenity value. The trees appear in good condition with no obvious significant defects.

There are two large Oaks on the southern boundary to the south west of the existing dwelling and a very large Willow on the same boundary to the south east of the existing dwelling. The site layout shows that these trees will not be affected by the development proposal.

A condition will be attached to the decision to show how the trees will be physically protected for the duration of the construction phase of any development that may be granted.

#### 6. Highway Considerations

Essex County Council as the Highway Authority has been consulted on the application and has stated that they have no objections subject to conditions relating to the width of the private drive, vehicular parking and turning facilities, the provision of a 500mm wide overhang strip, the closure of the existing access, the use of no unbound materials, any boundary planting being sited 1m back from the highway and the submission of a Construction Method Statement.

Two further conditions were requested relating to cycle storage provision and the submission of a Residential Travel Information Pack; however given that the site is not a major development and has sufficient space within each plot for bicycle provision, it would not be reasonable to impose either condition.

Furthermore, 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 submitted plans show that these requirements are adhered to.

#### 7. Affordable Housing

Paragraph 63 of the National Planning Policy Framework (2019) states provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).

The application site was originally in excess of 0.5 hectares and for 10 dwellings, and therefore constituted a major development as defined by the NPPF. Accordingly a request for 2 x 2 bedroom properties and 1 x 3 bedroom properties was made. However, the scheme was amended to nine dwellings across a site below the 0.5 hectares threshold. As such an affordable housing contribution is no longer required.

#### 8. Legal Obligations

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

There is currently a deficit of -0.56 hectares of equipped play/open space in Wix. Due to the limited provision in Wix a contribution towards additional facilities is justified and relevant, and would be spent at the nearest play area to the development to provide additional equipment.

A completed unilateral undertaking has been provided to secure this legal obligation and to ensure compliance with saved policy COM6.

## 9. Habitats Regulation Assessment

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

Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be the RAMS level contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Sites. The contribution is secured by unilateral undertaking. There is therefore certainty that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

### Other Considerations

Wix Parish Council objects to the proposal for the following reasons;

1. Fire service access; (the access has a width of 5.8 metres, which is of sufficient size)
2. Increase in traffic; (Highways have raised no objections)
3. Pressure on infrastructure; (not considered that nine new dwellings would result in a significant impact to the existing infrastructure)
4. Overlooking concerns; and (addressed in main body of the report above)
5. Flooding concerns (site does not fall within a recognised flood zone).

There have been no other letters of representation received.

### Conclusion

In the absence of significant material harm as a result of the proposed development, the proposal is recommended for approval.

## 6. Recommendation

Approval.

## 7. Conditions

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers 958/EX/07/B, 958/EX/04/A, 958-3/S1/01/G, 958-

3/S1/03/C, 958-3/S1/04/B, 958-3/S1-/05/B, 958-3/S1/06/B, 958-3/S1/07/C, 958-3/S1/10/B received 20 September 2019, 958-3/S1/11/A 'Home Type S', 958-3/S1/11/A 'Home Type R'

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

- 3 Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 10 metres from the back of Footway with Colchester Road and provided with an appropriate dropped kerb crossing of the footway.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

- 4 Prior to first occupation of the development the size 3 side road/ vehicular turning facility shown in principle in drawing number 958-3/S1/01/G shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

- 5 Prior to the first occupation of the development, a 500mm wide overhang strip shall be provided adjacent to the carriageway unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that adequate clearance for vehicles swept paths is provided in the interests of highway safety.

- 6 The existing access at ('Wingarth') shown on the Proposed Block Plan, drawing no. 958-3/S1/01/G adjacent to the new vehicular access shall be suitably and permanently closed incorporating the reinstatement to full height of the footway / kerbing immediately the proposed new access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

- 7 No unbound materials shall be used in the surface treatment of any proposed vehicular access within 6 metres of the carriageway.

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

- 8 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.

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

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

- 10 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 access. 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.

- 11 No above ground works shall take place until the existing trees on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping, have been protected by the erection of temporary protective fences of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.

Reason - To ensure the existing trees on site are not damaged during the construction of the proposed dwelling.

- 12 Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction.

Reason - To enhance the visual impact of the proposed works.

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

Reason -To enhance the visual impact of the proposed works.

- 14 A noise assessment shall be submitted and formally agreed in writing by the Local Planning Authority, which will assess the potential for noise complaints from future residents of the development in respect of noise emanating from the commercial activities to the east of the site. Any mitigation measures agreed must be implemented prior to occupation and retained as approved thereafter.

Reason - In the interests of residential amenity and to reduce the likelihood of noise complaints against a popular local business.

- 15 No development or preliminary ground-works can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the 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.

Reason - The Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with potential for below ground archaeological deposits.

- 16 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.

Reason - The Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with potential for below ground archaeological deposits.

- 17 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 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 Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with potential for below ground archaeological deposits.

## **8. Informatives**

Positive and Proactive Statement:

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

Highways Informatives:

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.

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

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

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.