

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	18/10/19
Planning Development Manager authorisation:	AN	21/10/19
Admin checks / despatch completed	CC	22/10/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SB	22/10/2019

Application: 19/00724/OUT **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Candler

Address: Land adjacent Hollyoak Pork Lane Great Holland

Development: Outline application with all matters reserved for the residential development of 0.4 hectares of land to create five bungalows.

1. Town / Parish Council

Frinton and Walton Town Council

REFUSAL – outside the village settlement and an overdevelopment of the site. Backland development of both Laxton Grove and Pork Lane. Poor access and against properties not on main drainage. Poor access from Pork Lane.

2. Consultation Responses

ECC Highways Dept

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Prior to occupation of the development, the full width of the site frontage shall be provided with a clear to ground parallel visibility band with dimensions of no less than 2m depth as measured from and along the nearside edge of the highway. Such vehicular visibility band shall be provided before access 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 access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

2. Prior to occupation of the development the vehicular parking and turning facility, as shown on the submitted plan 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.

3. 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 in accordance with policy DM1.

4. 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 6 metres from the back of Carriageway and provided with an appropriate dropped kerb crossing of the verge.

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.

5. 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 to ensure accordance with policy DM1

6. 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 adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

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

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

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 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

07/01222/FUL	Change of use of agricultural land to paddock with vehicular access, as amended and amplified by drawing no. 4372a-1 Rev A, Certificate of Ownership and agents letter received on 26 September 2007.	Refused	19.10.2007
13/60264/HOUEN Q	Entrance and gate to field.		23.07.2013
16/01400/OUT	Residential development of 0.2 ha of land to create up to three detached bungalows.	Approved	02.11.2016
17/00333/FUL	2 No. three bedroom detached bungalows with garages.	Approved	05.05.2017

17/00921/DISCON	Discharge of condition 07 (landscaping) of planning permission 17/00333/FUL.	Approved	26.07.2017
17/01270/OUT	Proposed erection of three bungalows.	Refused	25.09.2017
17/01700/OUT	Residential development of 0.3 ha of land to create up to five detached bungalows.	Refused (Allowed at appeal)	22.11.2017
17/01772/OUT	Proposed erection of three bungalows.	Refused	11.12.2017
18/01571/OUT	Outline application for the residential development of 0.4 hectares of land for up to five bungalows.	Refused (Dismissed at appeal)	15.11.2018
19/01077/OUT	Outline planning permission for five dwellings on site that overlaps the site of previous planning permission 17/01700/OUT (allowed at appeal) to provide an additional two detached bungalows.	Current	

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

EN6 Biodiversity

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

HG1 Housing Provision

HG9 Private Amenity Space

HG13 Backland Residential Development

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)

CP1 Sustainable Transport and Accessibility

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP8 Backland Residential Development

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

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 Context

The application site, which measures 0.4 hectares, is land to the eastern section of Pork Lane within the parish of Great Holland. The application site includes a perimeter fringe of 8m to ensure the trees on the perimeter of the site are retained; otherwise the site is scrub land with a number of mature and semi-mature trees.

The character of the surrounding area is a mixture of rural and urban. The rural character is demonstrated with large areas of open agricultural and grassed land to the north and further to the west particularly. However there are examples of residential development adjacent to the east and west, notably two dwellings recently constructed following planning permission 17/00333/FUL. Adjacent to the north, five dwellings have recently been granted planning permission under appeal reference APP/P1560/W/18/3202946.

Whilst the site does not fall within a recognised Settlement Development Boundary within the Adopted Tendring Local Plan 2007, the access into the site falls within the Settlement Development Boundary for Great Holland within the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft. The remainder of the site falls outside.

Proposal

This application seeks outline planning permission for the erection of five bungalows.

All matters, namely access, appearance, landscaping, layout and scale, are reserved for a future detailed application.

Site History

Under planning reference 18/01571/OUT, outline planning permission was refused for the erection of five dwellings on the site. The application was refused by the Planning Committee on the grounds that it was located outside of a recognised Settlement Development Boundary at a time when the Council was able to demonstrate a five year housing supply, that the proposal represented a form of backland development with a long and narrow access leading to an awkwardly shaped parcel of land, and would appear out of keeping with the character of the area. A final reason for refusal was on the grounds that an ecology report had not been supplied.

Under planning appeal reference APP/P1560/W/19/3228344 (dated 23 September 2019) this appeal was dismissed. However, it is important to note that the only reason for this was due to an incorrect sum being agreed to be paid towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). The Inspector did not consider the reasons for refusal put forward by the Local Planning Authority sufficient to dismiss the appeal.

Under planning reference 17/01700/OUT, outline planning permission was refused for the erection of five dwellings on the site adjacent to the north. The reason for refusal focussed on the site being located outside of a recognised Settlement Development Boundary at a time when the Council was able to demonstrate a five year housing supply.

However, under planning appeal reference APP/P1560/W/18/3202946 (dated 24 April 2019) this decision was allowed, with the Inspector stating "*I conclude that the appeal scheme would be in an appropriate location for residential development and meet the overarching aims of the Framework to achieve sustainable development.*"

Assessment

1. Principle of Development

The application site lies outside of a Settlement Development Boundary as defined within the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

The National Planning Policy Framework 2019 (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 report, 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.

Whilst it is recognised that there would be conflict with Saved Policy QL1 and Emerging Policy SPL1 in terms of the site being sited outside the settlement development boundary, as stated above, in the context of the 5 year housing land supply paragraph 11 d) of the NPPF requires applications for housing development to be assessed on their merits, whether sites are allocated for development in the Local Plan or not and it is important to consider whether any circumstances outweigh this conflict.

Therefore, at this present time, it is correct to assess the housing development on its merits against the sustainable development objectives set out within Paragraph 8 of the NPPF. The

economic objective, a social objective and an environmental objective are therefore assessed below.

Economic:

It is considered that the proposal for five dwellings would contribute economically to the area, for example by providing employment during the construction of the development and from future occupants using the nearby facilities, and so meets the economic arm of sustainable development.

Social:

The NPPF seeks to support a prosperous rural economy. It promotes sustainable transport and seeks a balance in favour of sustainable transport modes to give people a real choice about how they travel recognising that opportunities to maximise solutions will vary between urban and rural areas. With regard to the social dimension, this means supporting strong, vibrant and healthy communities by supplying the housing required to meet the needs of present and future generations and creating a high quality environment with accessible local services.

Within the recent appeal decision (reference APP/P1560/W/19/3228344), the Inspector stated the following with regards to this site:

"The village of Great Holland is defined in the Local Plan as a 'smaller village' and as such contains a limited range of services. Nevertheless, there are services here which can be reached by a short walk or bicycle ride, although the lack of a continuous footway may, to a degree, discourage such a journey. These services include a farm shop, public house, community and church halls, a small business park and a children's play area. It is also served by bus services connecting to Clacton-on-Sea, Kirby Cross and Frinton-on-Sea, which contain a full range of services to cater for the day-to-day needs of residents. The bus further provides a connection to train stations in Kirby Cross and Frinton-on-Sea giving access to national rail routes. The travel required to access facilities providing for the day-to-day needs of residents would therefore not be restricted to use of a private car."

Therefore, despite Great Holland performing poorly within the Established Settlement Hierarchy (2016), which demonstrates it has no primary school, GP Surgery, defined village centre or railway station, the inspectors view is a material consideration and ensures the site meets the social strand of sustainability.

Environmental:

The environmental role is about contributing to protecting and enhancing the natural built and historic environment which is considered below under Impact on Surrounding Area.

Impact on Surrounding Area

The proposal relates to the erection of five detached dwellings to be sited at the rear of Number 1 The Paddocks. The layout shown represents backland development. Policy HG13 of the Tendring District Local Plan 2007 states that proposals for the residential development of 'backland' sites will be permitted where; amongst other things the following criteria are met:

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;

The site is not located within a defined settlement boundary in the emerging local plan; however is not designated for any particular 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;

The plans submitted do not include an indicative site layout and this would be a matter to be assessed within a future detailed application; however there is no evidence to suggest the site is not able to meet the necessary private amenity areas or off-street provision for each dwelling, whilst the existing access point will remain.

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;

Within the recent appeal decision on this site the Inspector noted "Whilst access is a reserved matter for determination at a later date, the appeal site connects to the local highway network at only one location, and the appeal documents identify this as being the intended point of access. This access passes between two existing properties but has no active frontage to those properties, resulting in a long, straight accessway. However, this access is segregated from the plots of those existing dwellings and separated from them by sufficient distance so as not to cause undue disturbance or loss of privacy."

iv. the proposal does not involve "tandem" development using a shared access;

The proposal does not represent a form of 'tandem development' and will not use 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;

The site is of a regular shape and would not compromise a more 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

The development of the site would not form a hard urban edge to the settlement as there is existing development to the east and west of the site, while planning permission has also been granted for five dwellings immediately to the south. This approach was agreed by the Inspector within the recent appeal decision on this site.

vii. the proposal would not be out of character with the area or set a harmful precedent for other similar forms of development.

The previous decision on this site (18/01571/OUT) recommended refusal partly on the grounds of the harm of this backland development to the character of the area. However within the recent appeal decision on this site the Inspector considered that this would not be the case, as per the comments below:

"Currently the appeal site is wooded but forms a rectangular residual space within an area fronted on three sides by residential development. Views of the site from the public realm would be limited by the retention of a belt of trees largely surrounding the site. The residual space does not make a significant positive contribution to the appearance of the area. Any residual degree of openness and views from the wider countryside would be further reduced by the extant permission which will complete the enclosure of the site by housing . . . The development can, therefore, no longer be said to be incongruous with regard to the character of the immediate area."

2. Layout, Design 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 application is in outline form with all matters reserved and therefore detailed plans do not form part of the determination of this application, and as such no elevational drawings or indicative layout have been submitted. Design within any future application should look to be in-keeping and not detrimental to the character of the surrounding area.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of one bedroom should be a minimum of 50 square metres, for a dwelling of two bedrooms should be a minimum of 75 square metres and for a dwelling of three bedrooms or more should be a minimum of 100 square metres. The information that has been supplied does not indicate the number of bedrooms; although there is no evidence to suggest there is insufficient space within the site to ensure there will be enough private amenity space for each of the proposed dwellings.

3. Impact on 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).

Whilst the application is in outline form with all matters reserved, Officers consider that sufficient space is available on site to provide a development that, through the submission of a reserved matters application, could achieve an internal layout and separation distances that would not detract from the amenities of nearby properties or the future occupiers of the proposed dwellings.

Furthermore, as highlighted within the Principle of Development section previously, it is not considered that the additional comings and goings of vehicles associated with five dwellings would be significantly harmful.

4. Tree and Landscaping Impacts

The proposed access to the land from Pork Lane does not contain any trees or other significant vegetation. However the main body of the land is well populated with trees of a mixed age range and species.

The trees are primarily Blackthorn and Hawthorn that have grown as a dense thicket stifling any ground flora. There are three early mature Oaks that have grown taller than the Blackthorn and the Hawthorn. There is also a group of White Poplar which are the largest trees on the site and can be seen from nearby land including Pork Lane and the Public Right of Way (PROW) adjacent to the southern and eastern boundaries of the application site.

Immediately adjacent to the PROW there is Hawthorn hedgerow that has grown into a line of trees that visually form part of the wooded area. On the northern boundary Goat Willow has become established on the fringe of the wooded area.

In terms of the amenity value of the wooded area it is considered that the limited views and relatively poor quality of the majority of the trees on the land means that none merit formal legal protection by means of a tree preservation order

Although the application is in outline form the applicant has provided a site plan showing that trees on the perimeter of the site will be retained for their screening value. Within a future reserved matters application, details should be provided to help strengthen this retained wooded area.

5. Biodiversity

Given the vegetated nature of the application site, the lack of a Phase 1 Habitat Survey was one of the reasons for refusal within the previous application on this site. However, this application is accompanied with an Ecological Impact Assessment Report, which concludes no harm to any potential protected species. A condition will however be attached to the decision to ensure the mitigation measures and enhancements recommended within the report are adhered to.

6. Highway Safety

Essex County Council Highways have been consulted. They raise no objections subject to conditions relating to visibility splays, a vehicular parking and turning facility, the use of no unbound materials, the access width, and no discharge of surface water. However, given the application is with all matters reserved these will not be attached to this decision, and can be addressed within any future detailed application submitted.

Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces are 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 plans submitted provide no details; however there is no evidence to suggest the site is not capable of providing the necessary parking arrangements for each dwelling within any future detailed planning application.

7. 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 14.12 hectares of equipped play in Frinton, Walton, Kirby and Great Holland, with the nearest play area located on the corner of Pork Lane and Main Road approximately 0.2 miles away. This play area has recently been refurbished but to cope with any additional development this will still be in need of continued improvements, and therefore a contribution is both relevant and justified.

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

8. 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 the Hamford Water Ramsar and SPA. The contribution is secured by unilateral undertaking. There is therefore certainty that the development would not adversely affect the integrity of the Hamford Water Ramsar and SPA 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.

9. Affordable Housing

Paragraph 63 of the NPPF (2019) states provision of affordable housing should be sought for residential developments that are major developments. Within the glossary of the NPPF, major development is defined as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.

It is acknowledged that this site measures approximately 0.4 hectares and is adjacent to planning permission 17/01700/OUT, which allowed five dwellings on a site measuring 0.3 hectares. However, the applicants differ on the two schemes and there is not a clear connection between the two sites that would result in the need for a contribution towards affordable housing.

Other Considerations

Frinton and Walton Town Council recommend refusal on the following grounds:

1. Outside of a Settlement Development Boundary;
2. Backland development; and
3. Concerns with the access.

In answer to these, each of these points have been addressed within the main body of the report above.

There have also been seven letters of objection received, with the following concerns:

1. Harm to species on site;
2. Inadequate access;
3. The site is not sustainable;
4. Outside of a settlement boundary;
5. Highway safety concerns;
6. No mains drainage provision;
7. Site is not socially sustainable; and
8. Harm to neighbouring amenities.

In answer to this, points 1, 2, 3, 4, 5, 7 and 8 have been addressed within the main body of the report. In answer to point 6 the application form states surface water will be disposed of via soakaway.

There has also been one letter of observation received, and one letter of support.

6. Recommendation

Approval.

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 3 No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the access, appearance, landscaping, layout and scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans, the untitled Site Location Plan, and the documents titled 'Planning Statement' and 'Ecological Impact Assessment Report'.

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

- 5 Concurrently with the submission of the Reserved Matters application, a scheme of enhancement and mitigation measures as highlighted within Section 6 of the submitted Ecological Impact Assessment Report shall be implemented prior to occupation of the dwelling and maintained in perpetuity thereafter.

Reason - In order to enhance the development of the site for local wildlife.

8. Informatives

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informatives:

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 - 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.

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.