

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	05/11/19
Planning Development Manager authorisation:	AN	5/11/19
Admin checks / despatch completed	CC	07/11/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	WHL	07/11/19

**Application:** 18/00888/FUL                      **Town / Parish:** Clacton Non Parished

**Applicant:** Birch - Westway Holdings

**Address:** Land at 6 Nelson Road Clacton On Sea Essex

**Development:** Construction of 9 dwellings following demolition of the existing dwelling.

### **1. Town / Parish Council**

Clacton – Non Parished.

### **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, each new vehicle access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 45 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / 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 road junction / 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 a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular accesses. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

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

3. Prior to occupation of the development each vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 3.6 metres (4 low kerbs) for a single access, or shall not be more than 7.2 metres (8 low kerbs) for a joint vehicle access (4 low kerbs each) shall be retained at that width for 6 metres within the site and shall be provided with an appropriate

dropped kerb vehicular crossing of the footway/highway verge.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

4. Any existing vehicle access on the site that will become redundant shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge / footway / cycleway / kerbing immediately the proposed new accesses are 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.

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. No unbound material shall be used in the surface treatment of the vehicular access throughout.

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

7. 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.

8. Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

9. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

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

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.

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: 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 2: 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.

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 development lies within a region of high potential for Palaeolithic archaeological remains. Sediments from a former river channel laid down by the ancestral Thames before it was diverted have yielded internationally significant Palaeolithic remains and Pleistocene faunal remains within the area. There is the potential for significant Pleistocene sediments to be present below the surface geology which may contain Palaeolithic archaeological remains as well as buried prehistoric land surfaces which may be impacted by the proposed development.

If Tendring District Council is minded to grant planning consent for this application, then the following recommendations are made in line with the Department for Communities and Local Government National Planning Policy Framework:

**RECOMMENDATION:** A Programme of Archaeological and geoarchaeological evaluation

1. No development or preliminary ground-works can commence until a programme of archaeological and geoarchaeological 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 geoarchaeological investigation and/or preservation in situ through re-design of the development, 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 and/or geoarchaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the local planning authority.

3. Following completion of the archaeological and/or geoarchaeological 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 brief outlining the level of archaeological and geoarchaeological investigation will be issued from this office on request. The District Council should inform the applicant of the recommendation and its financial implications.

### **3. Planning History**

N/A

### **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

EN11A Protection of International Sites European Sites and RAMSAR Sites

HG1 Housing Provision

HG9 Private Amenity Space

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)

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

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

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 land at 6 Nelson Road, which lies within the parish of Clacton-on-Sea. The site, which measures 0.18 hectares, consists of 6 Nelson Road, which is a two storey residential property, and surrounding garden land. The character of the surrounding area is heavily populated with residential development of all forms, situated on more narrow plots than that the subject of this application. The seafront is to the south, with the Clacton Town Centre to the north-east.

The site within the Settlement Development Boundary for Clacton-on-Sea within both the Saved Local Plan and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

### **Description of Proposal**

This application seeks planning permission for the erection of nine dwellings, following the demolition of the existing residential dwelling on site. The dwellings will be divided into three sets of three terrace dwellings, each two storey and serving three bedrooms.

### **History of Application**

This application has undergone numerous changes during the determination period. Initially the scheme was for 24 apartments across four storeys. However, following discussions with the Case Officer, this scheme was considered to be significant overdevelopment of the site. As such these plans were replaced with the scheme being determined within this report.

### **Assessment**

#### **1. Principle of Development**

The site is situated within the defined settlement limits of Clacton-on-Sea as defined within the 2007 Adopted Local Plan and the emerging Publication Draft (2017), and therefore the principle of residential development in this location is acceptable subject to the detailed considerations as set out below.

#### **2. 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 development will include a total of nine dwellings, all of which will be two storeys. The design is to be three sets of three terraced plots, while the development will broadly accord with the strong existing building line running north to south. The surrounding area includes a variety of house types, including detached, semi-detached and also a large flat complex (Victory Court) to the south. Against this backdrop the principle of the development proposed is considered to be acceptable. The proposed layout also adheres to the Essex Design Guide in that a minimum of 25 metres between the rear of the proposed dwellings and the rear of the existing dwellings to the east is maintained.

In terms of the proposed design, it is acknowledged attempts have been made to incorporate it within the existing development. The dwellings are uniformed and include features such as a canopy area, balcony, front gables and a good use of materials. These all help to soften the developments overall appearance, while it is noted the features match those to developments on the southern section of Nelson Road. Overall the design is considered to be a welcome inclusion that will be a visual enhancement to the existing layout.

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 submitted plans show the dwellings will have a range of amenity space between 70 and 100 square metres, with the majority falling below the minimum standards. However, it is acknowledged that despite this, the site is located within a highly sustainable location close to a number of amenable areas, including the beach which is located approximately 100 metres to the south. Given this, and that the overall scheme is considered a good use of the site at a time where the Council is unable to demonstrate a five year housing supply, the slight lack of private amenity area does not outweigh the schemes wider benefits to the extent a reason for refusal is warranted.

### 3. Impact to 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).

It is acknowledged there are a number of residential properties to all sides. To the east are Numbers 1-11 Trafalgar Road, however as previously mentioned there is a good separation distance (ranging between 25 and 35 metres). Given this, there is not considered to be significant harm in terms of overlooking or the dwellings appearing imposing. Further, although there is to be a degree of overlooking, the significant distance will ensure this is only partial and not significant enough to warrant a reason for refusal.

Victory Court is located to the south-east, however there is again good separation distances, while it is acknowledged there are no private amenity areas that can be overlooked. With respect to the amenities of Number 12 Nelson Road to the north-west, there is a separation distance of approximately 2.5 metres. While there will be a degree of harm in that the dwellings will appear imposing they will not be of a greater height than Number 12, while there are also no first floor side elevation windows that could directly overlook. Views from first floor rear elevation windows will be to the area furthest to the rear of the site, an area less likely to be regularly occupied. Given all of this it is not considered the harm to this properties amenities will be significant enough to justify refusing the application.

### 4. Highways Impacts

Essex Highways Authority do not object to the scheme subject to conditions relating to visibility splays, the width of the vehicular access, the closure of any existing access points not required, no discharge of surface water, the use of no unbound materials, any new boundary planting being set back a minimum of 1 metre, the submission of a Construction Method Statement, and any new boundary planting to be set back 1 metre from the highway.

A further condition relating to cycle parking provision was requested, however this has been provided through amended plans and is therefore not required.

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 layout supplied shows that these are adhered to for all nine dwellings.

## 5. Tree and Landscape Impacts

The application site is currently set out as the garden associated with 6 Nelson Road and is well planted with small trees and a wide range of established shrubs.

The most visually prominent trees on the application site are a Holly (*Ilex aquifolium*), a Whitebeam (*Sorbus aria*) and Flowering Cherry (*Prunus* species). These trees are situated to the North West of the existing dwelling; between the dwelling and the boundary with 12 Nelson Road.

Whilst the trees make a reasonable contribution to the appearance of the area their age and positions close to the dwelling at 12 Nelson road means that they are not suitable specimens for long term retention or protection by means of a tree preservation order. The remainder of the garden is well planted but none of the other vegetation merits formal legal protection.

It is important to note the importance of the 3 Lime trees situated in the highway as they make a significant and positive contribution to both the character and appearance of the area. The amended development layout appears to make provision for the retention and physical protection of the Lime trees situated in the highway.

Conditions relating to full details of soft landscaping will be attached to this decision.

## 6. Biodiversity

During the determination of the application it is noted that the site has become partially overgrown to the south-eastern section, and as such could have the potential for protected species to be present. However given that this is the only section of the site overgrown, and that the surrounding area includes significant levels of built form, it is not considered to be reasonable to request a Phase 1 Habitat Survey be supplied on this occasion.

## 7. Archaeology

The above planning application has been identified as having the potential to harm non-designated heritage assets with archaeological interest. The proposed development lies within a region of high potential for Palaeolithic archaeological remains. Sediments from a former river channel laid down by the ancestral Thames before it was diverted have yielded internationally significant Palaeolithic remains and Pleistocene faunal remains within the area. There is the potential for significant Pleistocene sediments to be present below the surface geology which may contain Palaeolithic archaeological remains as well as buried prehistoric landsurfaces which may be impacted by the proposed development. As such conditions will be attached to this decision for the submission of a programme of archaeological and geoarchaeological evaluation.

## 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 41.08 hectares of equipped play in the Clacton-on-Sea/Holland-on-Sea area, however there is adequate formal open space to cope with some additional development. Any further development in Clacton-on-Sea will increase the current play deficit



further, and therefore a contribution towards play is both relevant and justified to this planning application, with the contribution being used towards increasing the provision at the nearest play area on Marine Parade.

A unilateral undertaking has been completed 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 the Colne Estuary 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 Colne Estuary 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.

#### Other Considerations

Clacton is non-parished so no comments are required.

During the determination of the original scheme for 24 apartments there were 33 letters of objection received, with issues including the development appearing out of character and resulting in significant harm to neighbouring amenities. However, as detailed in the main body of the report above, this scheme was radically altered during the determination of the application. Following the submission of revised plans to show a total of 9 dwellings no letters of objection have been received.

#### 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 347-PL-01, 347-PL-07 Rev A, 347-PL-06, 347-PL-05 Rev A, 347-PL-04 Rev A, 347-PL-03 Rev A, 347-PL-02 Rev B, 347-EX-02, 347-EX-01, 347-PL-08, CA/NEL/01 Revision A, and the documents titled 'Design and Access Statement' (Dated August 2019) and 'Arboricultural Report and Arboricultural Implications Assessment'.

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

- 3 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.

- 4 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.

- 5 Prior to occupation of the development, each new vehicle access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 45 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / 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 road junction / access and those in the existing public highway in the interest of highway safety.

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

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

- 7 Prior to occupation of the development each vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 3.6 metres (4 low kerbs) for a single access, or shall not be more than 7.2 metres (8 low kerbs) for a joint vehicle access (4 low kerbs each) shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

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

- 8 Any existing vehicle access on the site that will become redundant shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge kerbing immediately the proposed new accesses are 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.

- 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 No unbound material shall be used in the surface treatment of the vehicular access throughout.

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

- 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.

- 12 No development or preliminary ground-works can commence until a programme of archaeological and geoarchaeological 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 geoarchaeological investigation and/or preservation in situ through re-design of the development, shall be submitted to the Local Planning Authority.

Reason - The proposed development lies within a region of high potential for Palaeolithic archaeological remains.

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

Reason - The proposed development lies within a region of high potential for Palaeolithic archaeological remains.

- 14 Following completion of the archaeological and/or geoarchaeological 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 proposed development lies within a region of high potential for Palaeolithic archaeological remains.

## **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.

### **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.