

3. 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.

4. 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 followed by a programme of open area excavation. 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

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 private accesses 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 per block plan drawing no. 681/30, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the private accesses are 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 vehicular turning facility, of a design to be approved in writing by the Local Planning Authority 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. Prior to occupation of the development the existing footway across the entire frontage of the site shall be widened to 2 metres as per block plan drawing no. 681/30.

Reason: To make adequate provision within the highway for the continued safe passage of pedestrians in accordance with Policy DM1 as a result of the proposed development.

4. No unbound material shall be used in the surface treatment of the private vehicular accesses.

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

5. Prior to the occupation of any of the proposed dwellings, the proposed private drives shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the Highway Boundary 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.

6. 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.

7. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

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

8. All single garages should have a minimum internal measurement of 7m x 3m and all double garages should have a minimum internal measurement of 7m x 5.5m

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. The proposed/any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

10. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

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

11. 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.

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

I. the parking of vehicles of site operatives and visitors

- II. loading and unloading of plant and materials
 - III. storage of plant and materials used in constructing the development
 - IV. wheel and underbody washing facilities
- Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1.

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: The areas directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway.

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.

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

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

3. Planning History

00/00743/OUT	Residential development	Refused	12.07.2000
01/00704/OUT	Residential development (4 houses) resubmission of 00/00743/OUT	Refused	11.07.2001
02/02214/FUL	Change of use to construction company's yard and store with the erection of screen wall and enlargement of vehicle access	Refused	13.02.2003
05/00774/OUT	Development of site for residential purposes - 11 affordable homes - outline.	Refused	28.07.2005

12/01023/FUL

Proposed development of 14
houses and garages. Demolition of
small industrial building.

Approved

17.11.2014

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

COM6 Provision of Recreational Open Space for New Residential Development

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN1 Landscape Character

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

SPL2 Settlement Development Boundaries

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

EN1 Landscape Character

PPL3 The Rural Landscape

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 (including Site Description and Proposal)

Site Description

This application seeks full planning permission for the construction of 9 new houses on land to the east of Chapelfields, Harwich Road, Wix. The site is located on the north side of Harwich Road and has an area of approximately 0.36 hectares.

The site is broadly rectangular with an angled northern rear boundary demarcated by a number of established trees and adjacent stream. To the western end of the site there is an area of land between the application site and Chapelfields which does not form part of this application site. To the east of the site is an area of land, mostly concreted over with a former chapel building that has been used in connection with the former industrial use of the site. This part of the site formed part of the site approved under the 2012 application but is not included within this application. The southern boundary of the site is partly marked by an established hedgerow next to a footpath and then Harwich Road. Harwich Road leads to the A120 Wix bypass with a junction to the west of the site. The A120 itself passes approximately 100m to the north of the site. Further to the south, on the opposite side of Harwich Road, is a sports ground, village hall, playground and a number of residential properties located on quite large plots that are a mixture of one and a half and two storey houses. To the east of the site the housing is predominately two storey and occasional single storey interspersed up to the junction with Bradfield Road where the housing becomes mainly single storey. The general character of this area of Wix is that of a rural village that has developed in a linear formation along Harwich Road. Beyond the build development there is open countryside.

The site lies outside of the settlement development boundary for Wix as defined within the adopted Tendring District Local Plan 2007 but lies within the extended boundary as defined within the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Description of Proposal

The application seeks full planning permission for the erection of 9 no. 2 storey dwellings comprising 7 detached dwellings a one pair of semi-detached properties broken down as follows;

- Plot 1 - 4 bed detached dwelling with integral garage (brick with weather boarded garage)
- Plot 2 - 4 bed detached dwelling with integral garage (brick with weather boarded garage - plot 1 handed)
- Plot 3 - 3 bed detached dwelling with integral garage (rendered with brick garage)
- Plots 4 and 5 - 3 bed semi-detached dwellings with parking bays (brick)
- Plot 6 - 3 bed detached dwelling with integral garage (same as plot 2)
- Plot 7 - 3 bed detached dwelling with integral garage (plot 3 handed)
- Plot 8 - 3 bed detached dwelling with integral garage (same as plot 1)
- Plot 9 - 3 bed detached dormer style dwelling with integral garage (rendered with weather boarded garage)

The plots with garages also have 2 to 3 further parking spaces to the frontage.

The development will be served by 3 new accesses; one serving plots 1 and 2; a central access serving plots 3 to 7 and a further access serving plots 8 and 9.

Assessment

The main considerations in this instance are;

- Planning History;
- Principle of Development;
- Scale, Layout and Appearance;
- Residential Amenities;
- Access and Parking;
- Trees and Landscaping;
- Biodiversity;
- Financial Contribution - Open Space/Play Space;
- Financial Contribution - RAMS; and,
- Representations.

Planning History

A planning application was submitted in 2012 ref 12/01023/FUL and was granted on 17th November 2014 following the completion of the Section 106 agreement. This had been delayed due to legal issues associated with the death of one of the owners of the site prior to the completion of the agreement. Ongoing difficulties in this respect is why the development has not been progressed and is the driver for this new application on a section of the previously consented site.

Principle of Development

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The National Planning Policy Framework 2019 (NPPF) must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Plans and decisions should apply a presumption in favour of sustainable development. In line with Paragraph 11 of the NPPF, achieving sustainable development, is development that contributes positively to the economy, society and the environment and under the 'presumption in favour of sustainable development', authorities are expected to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

The 'development plan' for Tendring comprises the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Wix is categorised as a Village within the adopted Local Plan and as a Smaller Rural Settlement with the emerging Local Plan. Each of these smaller rural settlements can achieve a small scale increase in housing stock over the plan period. To allow for this to happen settlement boundaries have been drawn flexibly to accommodate a range of sites both within and on the edge of the villages and this enabling them to be considered for small-scale residential 'infill' developments provided that it does not detrimentally impact the historic or natural environment.

The site lies outside of the Wix Settlement Development Boundary as defined within the adopted Tendring District Local Plan 2007. However, the extended boundary as defined within the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 now incorporates the application site.

Saved Policy HG3 of the adopted Local Plan deals with residential development within defined settlements stating that, within the defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria, as appropriate, and can take place without material harm to the character of the local area. Proposals for development should ensure that the scale, design and intensity of any new building are in harmony with existing surrounding development.

Emerging Policy SPL2 states that within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local plan policies.

The principle of residential development on this site has therefore been established through the extension of the settlement development boundary. This is recognised as a socially sustainable location. The detailed considerations relevant to this proposal are set out below.

Scale, Layout and Appearance

Paragraph 11 of the NPPF sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment including making effective use of land. Paragraph 127 of the NPPF states that developments should function well, should add to the overall quality of the area, are visually attractive as a result of good architecture and layout and are sympathetic to local character including the surrounding built environment and landscape setting. Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) 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 Emerging Plan. Saved Policy HG14 requires a minimum of 1 metre side isolation between dwellings.

Amendments have been secured obtaining a linear layout and removing forward sited garaging. The layout of the development is now more in keeping with the character of the area and contributes positively to the street scene.

The proposed layout includes a variety of house types with a mixture of brick, render and weatherboarding to the elevations that reflect the variety of housing in the village. The houses are laid out to address the street frontage and varying the set back to Harwich Road providing variety and visual interest. The dwellings are appropriately spaced adhering to or exceeding to the side isolation requirements within saved Policy HG14.

The proposed houses have gardens of various sizes, all of which either meet or are in excess of the adopted private amenity space standards set out within saved Policy HG9.

Overall, the scale, appearance and finish of the dwellings are considered acceptable and the development will not be materially harmful to the character or appearance of the area.

Residential Amenities

The NPPF, in paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) 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 (2017).

The layout of the dwellings, internal accommodation layout and private amenity space provision ensure a good standard of amenity for future occupants. The distance retained to existing dwellings means that the proposed development will not result in any material harm to nearby properties.

Whilst it is recognised that the existing trees will result in some overshadowing to the garden areas of Plots 8 and 9, a crown reduction will minimise this. Any potential purchaser would be aware of the potential constraint and this could not form a reasonable reason for refusal.

Access and Parking

Paragraph 108 of the National Planning Policy Framework 2019 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

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.

Essex County Council as the Highway Authority has been consulted on the application (see above for details) and raise no objection to the development subject to conditions which will be imposed or added as informatives as required.

Officers are satisfied that the site can accommodate the proposed development without resulting in any highway safety harm being served by appropriate accesses, visibility splays, parking and turning provision.

Trees and Landscaping

Policy EN1 of the adopted Local Plan and Policy PPL3 in the emerging Local Plan seek to protect and, wherever possible, enhance the quality of the district's landscape; requiring developments to conserve natural and man-made features that contribute toward local distinctiveness and, where necessary, requiring suitable measures for landscape conservation and enhancement.

The application site has an established hedgerow on the front (southern) boundary comprising mixed species such as Blackthorn, Elm, Field Maple, Hawthorn and Oak. The hedgerow also contains Dog Rose and dense Ivy growth. On the northern boundary adjacent to the brook there is also a hedgerow that contains several mature trees such as Oak, Goat Willow, White Willow, Field Maple and Hawthorn. The main body of the application site does not contain any trees or other significant vegetation.

In order to fully and accurately assess the impact on the trees and hedgerows on the land the applicant has provided a tree report and survey that has been carried out in accordance with BS5837: 2012 Trees in relation to design, demolition and construction Recommendations

The tree report provides an accurate description of the health and condition of the trees potentially affected by the development proposal. It identifies the need to remove the hedgerow on the boundary with the highway and two small Oaks situated in the line of the hedgerow. It also makes reference to the opportunity for new planting on this boundary to replace the hedge and trees, this can be secured by condition.

In terms of the trees on the northern boundary the tree report describes the benefits of the boundary drainage ditch, inasmuch as it is a physical barrier to root growth into the application site. If the measures identified in the tree report are adhered to then the development of the land can take place without harm being caused to trees on the northern boundary.

The Tree Protection Plan submitted in support of the application shows that the development will not result in an incursion into the Root Protection Areas of trees on the northern boundary. The report also identifies that it will be necessary for a sensitive crown reduction of some of the trees on the northern boundary to be carried out to secure a satisfactory relationship between the dwelling and retained trees.

On balance the development proposal does not threaten the long term viability or health of retained trees.

Flooding

The site is not within a defined flood zone although it is adjacent to an existing stream. Any development will be required to include permeable or porous hard surfacing minimising any surface water flooding or discharge.

The proposed development cannot be considered to have a material impact upon the potential flooding of the adjacent stream.

Biodiversity

The application is accompanied by a Phase 1 Geo-Environmental Desk Study Report and an Extended Phase 1 survey.

The reports conclude that all trees indicated negligible potential to support roosting bats with an absence of suitable features. The hedgerows and stream provide foraging and commuting opportunities which need to be protected. A bat friendly lighting scheme will prevent disturbance to foraging and commuting bats and new roosting features should be installed to enhance biodiversity. Of the twelve species recorded one is on the Birds of Conservation Concern Red List the hedgerows offer potential nesting habitat any loss of which will be mitigated through the installation of nest boxes. The survey for Badger produced a negative result with no Badger setts and no evidence of Badger using the site. The survey for reptiles produced no evidence to suggest that reptiles are present on the site; the habitat did not meet the criteria as suitable reptile habitat lacking in a variety of sward heights. The habitat assessment found the site to be suitable for supporting Hedgehog;

Hedgehog homes complemented by Hedgehog friendly fencing where appropriate will provide enhancements. The survey of the stream produced a negative result for Water Vole.

The report makes recommendations to provide enhancements comprising eight bat roost features and a bat friendly lighting scheme, installation of ten bird boxes, four Hedgehog homes within the development complemented by Hedgehog friendly fence if appropriate.

Where hedgerow is to be removed this should be completed outside of the bird breeding season (March to September inclusive); where is this not possible and inspection should be carried out by a suitably experienced ecologist prior to removal.

In conclusion, the site is of low ecological value and will benefit from the opportunities for enhancement offered by development.

Financial Contribution - Open Space/Play Space

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". These sentiments are carried forward within emerging Policy HP5.

There is currently a deficit of -0.56 hectares of equipped play in Wix. There is one play area in Wix which is located off Harwich Road. Also located at this site is Wix Recreation Ground which is used by local football teams. Due to the limited provision in Wix a contribution towards additional facilities is justified and relevant to this planning application and would be spent at the nearest play area to the development to provide additional equipment at the play area in Wix.

A completed unilateral undertaking has been provided to secure this legal obligation.

Financial Contribution - RAMS

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 a proportionate financial 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.

A completed unilateral undertaking has been provided to secure this legal obligation and to ensure 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.

Representations

No comments have been received from Wix Parish Council.

No individual letters of representation have been received.

Conclusion

For the reasons set out above, the proposal is considered to represent a sustainable form of development in a location supported by national and local plan policy that will not result in any material environmental or residential harm that warrants refusal of planning permission.

6. Recommendation

Approval - Full

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 plan: Drawing No. 681/30 A, Drawing No. 681/31 A, Drawing No. 681/32 A, Drawing No. 681/33 C, Drawing No. 681/38 A, Drawing No. 681/37 A, Drawing No. 681/36 C, Drawing No. 681/34 C and Drawing No. 681/35 C.

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

- 3 No above ground works shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of visual amenity as insufficient information has been provided within the application.

- 4 No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include all boundary treatments and 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 ensure that the development is appropriate within its setting.

- 5 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 ensure the adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character of the area and the quality of the development.

- 6 No above ground level works shall take place until precise details of the provision, siting, design and materials of screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the occupation of the dwelling and thereafter be retained in the approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the development is appropriate within its edge of settlement location conservation area and special character area setting and in the interests of residential amenity.

- 7 The development hereby approved shall be carried out in accordance with the accompanying PHASE 1 GEO-ENVIRONMENTAL DESK STUDY REPORT Reference Number 1131/Rpt 2v1 dated July 2019.

Reason - Having regard to the former potentially contaminative use of the land.

- 8 No above ground works shall take place until a detailed ecological enhancement and management scheme be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with Section 8.0 Recommendations and Appendix 5 of the accompanying Hillier Ecology Extended Phase 1 Survey dated June 2019 and include a timetable for implementation. The development shall be implemented in accordance with the approved works prior to the occupation of the hereby approved dwellings.

Reason - To preserve and enhance the biodiversity of the site.

- 9 The removal of all vegetation shall only be carried out outside of the bird nesting season (March to August inclusive).

Reason - To ensure the protection of birds potentially nesting on site.

- 10 Prior to occupation of the development, the private accesses 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 per block plan drawing no. 681/30 A, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the private accesses are 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.

- 11 Prior to occupation of the development the existing footway across the entire frontage of the site shall be widened to 2 metres as per Drawing No. 681/30 A and shall include new kerbing, surfacing, any adjustments in levels and any accommodation works to the footway and carriageway channel and making an appropriate connection in both directions to the existing footway.

Reason - To make adequate provision within the highway for the continued safe passage of pedestrians.

- 12 No unbound material shall be used in the surface treatment of the private vehicular accesses.

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

- 13 Prior to the occupation of any of the proposed dwellings, the proposed private drives shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the Highway Boundary 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.

- 14 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.

- 15 Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety.

- 16 All single garages should have a minimum internal measurement of 7m x 3m and all double garages should have a minimum internal measurement of 7m x 5.5m

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

- 17 The proposed/any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason - To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

- 18 No development shall commence, including any groundworks, until a Demolition/Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Demolition/Construction Method Statement shall provide for:

- safe access to/from the site;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during demolition and construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of hours of deliveries relating to the demolition and construction of the development;
- details of hours of site clearance or construction;
- a scheme to control noise and vibration during the demolition and construction phase, including details of any piling operations.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason - In the interests of residential amenity and 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.

- 19 All new parking areas and areas of hardstanding shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the site area.

Reason - In the interests of sustainable development and to minimise the risk of surface water flooding.

- 20 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of buildings, extensions, additions or openings, porches, enclosures, swimming or other pool shall be

erected or installed on the dwellings hereby approved except in accordance with drawings showing the design and siting of such building(s) or alterations which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To retain control over the development of the site in the interests of neighbouring residential amenity and to ensure the property maintains an appropriate amount of private amenity space.

- 21 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls or other enclosures, shall be erected forward of the front elevation of the dwellings hereby approved.

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

- 22 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 Local Planning Authority. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ through re-design of the development shall be submitted to the Local Planning Authority.

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

- 23 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 discharged by the Local Planning Authority.

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

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

- 25 In relation to the trees contained within the application site, the development shall be carried out in strict accordance with the ARBORICULTURAL REPORT dated 25th June 2019 and Tree Protection Measures contained therein.

Reason – In order to safeguard the trees to be retained in the interests of the visual amenity and biodiversity.

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 - 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.

Highways Informatives

Informative 1: The areas directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway.

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.

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

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Archaeology Recommendations

A professional team of archaeologists should undertake the archaeological work. In the first instance a programme of trial trenching investigation will be required followed by a programme of open area excavation. 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.

Environmental Protection Informative

If any unforeseen contamination is encountered during the development works this should be reported immediately so that appropriate action can be taken.