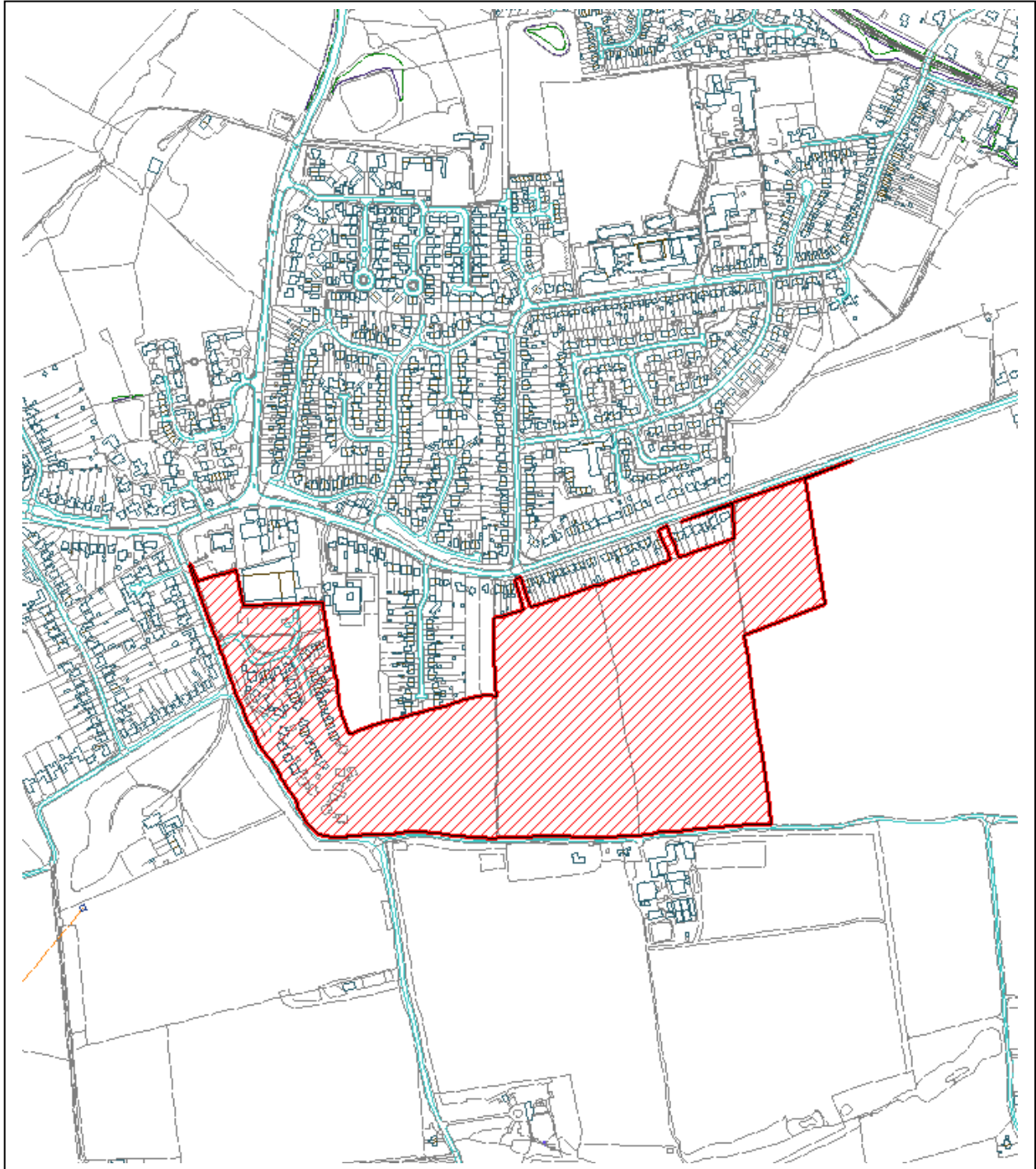


PLANNING COMMITTEE

10 March 2020

REPORT OF THE HEAD OF PLANNING

**A.1 PLANNING APPLICATION – 19/01475/DETAIL – LAND EAST OF BROMLEY ROAD
LAWFORD CO11 2HS**



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Application: 19/01475/DETAIL

Town / Parish: Lawford Parish Council

Applicant: Mr Steven Rose

Address: Land East of Bromley Road Lawford CO11 2HS

Development: Reserved matters application with details of appearance, landscaping, layout and scale pursuant to Phase 2 of outline permission (15/00876/OUT) including 140 dwellings, associated hardstanding, boundary treatments, landscaping and drainage.

1. Executive Summary

- 1.1 Outline planning permission (all matters apart from access - reserved) was granted on 13th April 2017 for a mixed development of 360 houses and community facilities/open space on 22.76ha of land to the south of Lawford, under 15/00876/OUT. The current submission relates to phase 2 of the development, and is for the outstanding reserved matters.
- 1.2 In accordance with Members' request, the current submission has been brought to Planning Committee seeking consent with regard to the reserved matters of landscaping, layout and scale for Phase 2.
- 1.3 The site lies outside the defined settlement boundary of the saved Local Plan but within the settlement boundary of the emerging Local Plan. The principle of residential development has been accepted by the granting of outline planning permission, which also established the position of the access.
- 1.4 The site – being the middle third of the outline permission - is accessed from Bromley Road with the community building, car-park and open space to the north of the estate road, and the 140 dwellings to the south. The scheme retains the substantial hedge to the Bromley Road and Dead Lane boundaries, and the mature tree on the eastern boundary.
- 1.5 The detailed plans comply with the outline requirements, and the usual design parameters (garden sizes, distance between dwellings and level of parking) and the reserved matters are considered acceptable with no material harm to visual or residential amenity, or highway safety.
- 1.6 A legal agreement is required for this application to secure a financial contribution towards Essex Coast Recreational Disturbance and Avoidance and Mitigation Strategy (RAMS).

Recommendation:

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

- a) **Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):**

- **Financial Contribution of £122.30 per new dwelling towards RAMS**

- b) Subject to the conditions stated in section 8.2

c) That the Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a S106 planning obligation.

2. Planning Policy

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

NPPF National Planning Policy Framework 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

HG1 Housing Provision

HG3 Residential Development within Defined Settlements

HG3A Mixed Communities

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

COM2 Community Safety

COM4 New Community Facilities (Including Built Sports and Recreation Facilities)

COM6 Provision of Recreational Open Space for New Residential Development

COM21 Light Pollution

COM23 General Pollution

COM26 Contributions to Education Provision

COM29 Utilities

COM31A Sewerage and Sewage Disposal

EN1 Landscape Character

EN2 Local Green Gaps

EN4 Protection of the Best and Most Versatile Agricultural Land

EN5 Areas of Outstanding Natural Beauty (AONB's)

EN6 Biodiversity

EN6A Protected Species

EN6B Habitat Creation

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN11B Protection of National Sites SSSI's, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites

EN12 Design and Access Statements

EN13 Sustainable Drainage Systems

EN23 Development Within the Proximity of a Listed Building

EN29 Archaeology

TR1A Development Affecting Highways

TR4 Safeguarding and Improving Public Rights of Way

TR5 Provision for Cycling

TR6 Provision for Public Transport Use

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SP2 Spatial Strategy for North Essex

SP5 Infrastructure & Connectivity

SP6 Place Shaping Principles

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

- SPL3 Sustainable Design
- HP1 Improving Health and Wellbeing
- HP2 Community Facilities
- HP3 Green Infrastructure
- HP4 Safeguarded Local Greenspace
- HP5 Open Space, Sports & Recreation Facilities
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP5 Affordable and Council Housing
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL6 Strategic Green Gaps
- PPL7 Archaeology
- PPL9 Listed Buildings
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network
- CP3 Improving the Telecommunications Network

Other Guidance

Essex County Council Car Parking Standards – Design and Good Practice

Essex Design Guide for Residential and Mixed-Use Areas.

Essex Design Guide (2005)

Urban Place Supplement (2007)

Status of the Local Plan

- 2.2 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.

2.3 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.

2.4 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.

2.5 In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

3. Relevant Planning History

15/30021/PREAPP	Screening Opinion request for mixed use development including community building, school access with drop off and pick up area, village green, parking and residential development (360 dwellings).		06.02.2015
15/00876/OUT	The erection of 360 houses (including Lawford Enterprise Trust Housing), with	Approved	13.04.2017

associated garages on 22.76ha with two vehicular access points, site roads, pedestrian and cycle routes, a new primary school access with off-road pickup and drop-off parking, a community building with public access toilets, a junior camping field, village green, public open space, structural landscaping and playground.

17/01527/DETAIL	Reserved matters application with details of appearance, landscaping, layout and scale pursuant to Phase 1 of outline permission (15/00876/OUT) including 120 dwellings, community building with parking, junior camping field, village green, structural landscaping and playground.	Approved	14.03.2018
18/00304/DISCON	Discharge of conditions 3 (Masterplan), 7 (Construction Management Plan), 12 (Surface Water Drainage Scheme), 13 (Foul Water Strategy), 14 (Hard and Soft Landscaping), 16 (Ecological and Management Plan), 17 (Tree Protection Measures), 19 (Refuse/Storage points, Dwelling External Materials), 20 (construction Management Statement), 21 (Broadband Connection) and 23 (Water, Energy and Resource Efficiency Measures) of approved planning application 15/00876/OUT.	Approved	30.10.2018
18/00750/DISCON	Discharge of conditions 18 (Archaeology), 22 (Local Recruitment Strategy), 24 (Contamination) of approved planning application 15/00876/OUT.	Approved	02.07.2018
18/01094/DISCON	Discharge of Condition 19 (street lighting) of 15/00876/OUT.	Approved	17.08.2018
18/01548/DISCON	Discharge of condition 7) Construction Management Plan - to approved Planning Application 15/00876/OUT.	Approved	11.02.2019
19/00211/FUL	Re-location of approved electrical substation (retrospective) and parking spaces.	Approved	07.06.2019
19/00274/DISCON	Discharge of Condition 18C (Archaeological Excavation Report) of application 15/00876/OUT.	Approved	28.03.2019
19/00900/DISCON	Discharge of Condition 14 (Landscaping) of application 15/00876/OUT.	Approved	12.07.2019

4. Consultations

Lawford Parish Council

No objections.

ECC Highways Dept

Provide the following comments;

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

1 Prior to the occupation of any of the proposed development the internal road and footway layout shall be provided in principal and accord with amended Drawing Numbers:

- **981s ph2.I.004 rev b Amended block plan.**
- **981s ph2.I.003 rev a Amended site layout plan**

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

Note: It has been agreed that for Plots 159-171 and 167/171 a 0.5m no-build zone will be provided adjacent to the shared surface.

2 Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6.

3 The development shall not be occupied until such time as a car parking and turning area has been provided in accord with current Parking Standards. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8.

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

5. All single garages should be constructed in

accordance with drwg. no. **981s ph2.I.003 rev a**. All double garages should be constructed in accordance with drwg. no. **981s ph2.I.003 rev a**

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.

6. 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.

7. 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.

8. 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.

9. The public's rights and ease of passage over public footpath no. 12 (Lawford) shall be maintained free and unobstructed at all times until such time as the diversion referred below has been completed.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

10. No development shall be permitted to commence on site until such time as an Order securing the diversion

of the existing definitive right of way to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.

Reason: To ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with Policies DM1 and DM11.

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: Prior to occupation, the development shall be served by a system of operational street lighting (excludes the shared surface areas) of design approved from the Highway Authority along the Primary route, which shall thereafter be maintained in good repair.

Informative 2: The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no.12 (Lawford) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

Informative 3: 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.

In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage

to underground services.

Informative 4: 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.

Natural England

No objection – subject to appropriate mitigation being secured via condition/legal agreement.

Tree & Landscape Officer

Provide the following comments.

The information submitted by the applicant comprises a drawing entitled Landscape Masterplan and includes a planting palette showing a selection of plants to be incorporated into the soft landscaping scheme.

In terms of the impact of the development on the local landscape character the Design and Access Statement submitted with the application makes reference, in section 3.6, to the Landscape and Visual Assessment (LVIA) submitted at the outline stage of development. The LVIA has influenced the layout of the site which has been designed to minimise its impact on the local landscape character. The layout makes provision for appropriate mitigation planting to be carried out

With regard to new planting section 6.3 of the Design and Access Statement refers to accompanying landscape drawing and Appendix A2-12 the document makes reference to Condition 14 which requires the provision of soft landscaping details and states that a scheme has been submitted.

However it would appear that detailed drawings showing soft landscaping have not been submitted in support of this application.

Whilst in principle the information shown on the Landscape Masterplan is acceptable and provides an indication of the framework planting it does not contain sufficient information to enable the reserved matter relating to soft landscaping to be dealt with.

In order to enable the reserved matters relating to soft landscaping to be approved the applicant will need to provide detailed soft landscaping proposals.

UU Open Spaces

Provide the following comments.

Open Spaces don't have any comments to make on the design and layout of the open space as the future maintenance will be taken care of by a management company.

Housing Services

Advise that the affordable homes on this site will be transferred to the Lawford Enterprise Housing Trust and this proposal is supported by Housing Services.

Anglian Water Services Ltd

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated.

Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station.

The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

Used Water Network

We have reviewed the applicant's submitted foul drainage strategy and flood risk documentation and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. We request that we are consulted on any forthcoming application to discharge Condition 13 of outline planning application 15/00876/OUT, to which this Reserved Matters application relates, that require the submission and approval of detailed foul drainage information.

Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England

includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

We have reviewed the applicant's submitted surface water drainage information and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. A connection to the public surface water sewer may only be permitted once the requirements of the surface water hierarchy as detailed in Building Regulations Part H have been satisfied. This will include evidence of the percolation test logs and investigations in to discharging the flows to a watercourse proven to be unfeasible.

Building Control and Access
Officer

No comments at this time.

Environmental Protection

No comments.

Essex Police

Advise that the applicant and Essex Police are currently involved in constructive pre-application consultation and Essex Police is content the ethos of Crime Prevention Through Environmental Design (CPTED) is being addressed in relation to this site.

Babergh District Council

Babergh DC have no objection to the details for the reasons as set out in our response to the Phase 1 proposals (email 14th November 2017).

5. **Representations**

5.1 No neighbour objections received.

6. **Assessment**

Site Context

6.1 The site is located at the southern edge of Lawford village between Dead Lane to the south and Long Road to the north and extends to a total of 6.3 hectares (ha) (15.5 acres). The site is flat and comprises open arable farmland with associated field boundaries that are marked by hedgerows and boundary trees.

- 6.2 North of the site is located Venture Centre, a 2-storey detached community building and car park. There is also Heart's Delight Home & Garden Centre and Lawford C of E Primary School. The boundary of these three neighbours and the application site is marked by a wire link fence, post and rail fence and hedgerow.
- 6.3 Milton Road is a cul-de-sac of approximately 33 houses. The end of the cul-de-sac terminates at the site boundary. The Milton Road dwellings are generally two-storey, semi-detached houses finished in brick with some smooth render use and concrete roof tiles. The styling of these houses is typical of the 1960s/70s. Front areas are mainly used for frontage car parking, although some have front gardens instead.
- 6.4 East of the site are additional agricultural fields that have been granted outline residential planning permission, known as the "City and Country" site. The site is bounded by Bromley Road and Dead Lane to the south. There is a farmstead along Dead Lane, which now accommodates some commercial uses.
- 6.5 Lawford House, a Grade II Listed Building is sited in its grounds to the west of the site on the opposite side of Bromley Road. Planning permission has been granted for a number of new detached residential dwellings between Lawford House and Bromley Road, although construction has not started yet.
- 6.6 A public footpath (No. 12) crosses the Outline site, running from Long Road to Dead Lane and forms the western boundary of Phase 2. The site is located in the middle of the outline site.

Proposal

- 6.7 Outline planning permission was granted in April 2017 for 'The erection of 360 houses (including Lawford Enterprise Trust Housing), with associated garages on 22.76ha with two vehicular access points, site roads, pedestrian and cycle routes, a new primary school access with off-road pickup and drop-off parking, a community building with public access toilets, a junior camping field, village green, public open space, structural landscaping and playground'.
- 6.8 This permission was made subject to conditions and a S106 Agreement.
- 6.9 Access was approved as part of the Outline, with appearance, landscaping, layout and scale forming the Reserved Matters.
- 6.10 Reserved Matters approval (ref: 17/01527/DETAIL) for Phase 1 was granted 14 March 2018 for 120 no. new homes, car park, community building and village green.
- 6.11 This is a Reserved Matters application for the second phase of the approved outline consent, and consists of 140 dwellings (14 affordable and play area). These vary in size from 2-bedroom to 5-bedroom homes. Most are 2-storey houses although there are 2 chalet bungalows proposed.

The mix of housing is as follows;

House Size	
2-bed	18
3-bed	73
4-bed	48
5-bed	1
Total	140

- 6.12 The dwellings are either double-fronted or orientated with the end gable wall facing the road and have a garage, car-port or parking spaces.
- 6.13 The affordable housing element (14 dwellings) required by the Section 106 agreement at the outline stage is to be provided on this Phase.
- 6.14 The proposal retains the well-established boundary hedges situated along the western and southern boundaries, which maintains the simple rural nature of the surroundings and the areas retained for wildlife purposes.
- 6.15 The application is supported by the following information:
- Planning application form (including completed ownership certificate)
 - Site Location Plan
 - Site Context Plan
 - Opportunities and Constraints Plan
 - Land Use Audit
 - Technical Reports

Principle of Development

- 6.16 The principle of development was established by the granting of the outline permission. Issues such as the impact on the village character, potential contamination, highway safety (with off-site improvement works to the roundabout) and ecology have already been assessed via the appeal, with the principle of development of the site being well established.
- 6.17 The current proposal reflects the outline scheme and the Phase 1 consent and is considered an efficient use of the site that will assist in achieving/maintaining a 5-year Housing Land Supply, and the N.P.P.F requirement to significantly boost the provision of housing land within the district.

Appearance

- 6.18 Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Furthermore, Part 11 of the NPPF indicates that development should contribute to and enhance the natural environment and that impacts on biodiversity should be minimised.
- 6.19 The residential properties will be of a traditional design which reflects what has already been established through Phase 1.
- 6.20 The design includes many architectural features such as bargeboards, brick detailing, decorative architraves, pilasters, finials, brick plinths, string courses, stone gable vents, chimneys as well as quality materials.
- 6.21 The 'Grace' 2-bedroom units will be part of a small terrace with front gable features. The roof designs are hipped to the side, have relatively narrow fronts and includes detailing to its fenestration and brick splayed lintels which helps to provide some variety in the streetscene.
- 6.22 The 'Amber' is also a 2-bedroom house with a relatively wide frontage. Like the 'Grace' its roof design is also hipped.

- 6.23 The 'Barbier' is a 3-bedroom, semi-detached house, replete with a central, shared chimney stack which adds interest to the roofscape, whilst the architrave, fenestration, stone cills and splayed end header are considered to add further interest to the streetscene.
- 6.24 The 'Cornelia' is also 3-bedroom house and is used as either pairs of semi-detached houses or as short terraces of 4 homes. The 'Cornelia' has a large gable feature with a bargeboard and a finial. A car port is provided and allows 2 vehicles to be parked off-street.
- 6.25 The 'Damask' is a 3-bedroom, detached house. Through providing two active elevations, the 'Damask' is a corner-turning property with a wide frontage and a shallow return. In turn this allows a steep roof pitch to be revealed in the gable elevation. Phase 2 includes both single and double bay versions.
- 6.26 The 'Amelia' is a 3-bedroom house with an attractive front gable with a gable vent. A bedroom sits above a car port and the front door is flanked by an ornate, traditional architrave. The roofscape is enhanced with a chimney and finials.
- 6.27 The 'Rosemary' is a 3-bedroom house that comes as a pair of semi-detached properties. Large gables and projecting bays flank a large front canopy. Impressive chimneys project from the side elevation, meaning that it can sit well on corner plots.
- 6.28 The 'Albertine' is a 3-bedroom house and includes stone cills and lintels and a projecting pier to demark the boundary with the neighbouring plot.
- 6.29 The 'Alexander' is a 3-bedroom chalet bungalow. Its size and proportions set this house apart from others on the site, although a high level of detail remains. This detail is evident through the exposed rafter foot, chimney, dormer windows, weather-boarding and decorative porch.
- 6.30 The 'Charlotte' is a 4-bedroom, detached house and like the 'Damask' is also used on corner plots. It too has an active side elevation, using large windows and a chimney to provide interest to the side. The front elevation is distinctive with a front canopy, bay window and half-dormer. As on other house types, stone cills, exposed rafter feet, splayed headers and sash windows help to create an attractive house.
- 6.31 The 'Victoria' is a 4-bedroom house, which like its name suggests, draws upon traditional Victorian influences. Unlike other house types, it is narrow and deep. The front is articulated with a large bay window, sash windows, architrave and a gable roof feature. A chimney adds additional interest to the roofscape.
- 6.32 The 'Ophelia' is a 4-bedroom house. By virtue of a two-storey, rear, returning wing, the house is well suited to corner plots. This return allows the side elevation to be well animated and defensible. The proposal includes both hipped and gabled versions.
- 6.33 The 'Cadenza' is a 4-bedroom house with a wide front elevation. The level of detailing is more restrained on the 'Cadenza' and provides a decorative architrave, stone cills and lintels. Its side includes an attractive chimney.
- 6.34 The 'Berkeley' is a 4-bedroom house with a front parapet and chimney to provide interest at the roof. The front elevation includes two projecting bays and attractive fenestration detailing.
- 6.35 The proposal includes a single 'Chatsworth' Variation, as used in Phase 1. This is a large 5-bedroom property with two front gables to provide a grand visual appearance. It includes a high level of detailing in terms of brickwork, fenestration and roof design.

- 6.36 In conclusion all of the dwellings are of an attractive design, and are between 2 – 5 bedroom proportions being terraced, semi-detached and detached houses and detached and semi-detached bungalows representing a suitable 'mix'.
- 6.37 The dwellings as proposed meet the adopted standards for parking, garden-size and 'gaps' between dwellings.
- 6.38 The scheme builds upon the Phase 1 development and is considered to be compliant with Local Plan design principles and policies in addition to national policies regarding designing new development.

Scale

- 6.39 Virtually all of Phase 2 is 2 storey housing, and the proposed scale and massing will help to reinforce the various character areas across the site, with larger detached homes on the perimeter and more semi-detached and terraced housing along the main spine road and northern link road. Such scale and massing is also in keeping with the housing in the surrounding area.
- 6.40 Houses along the southern perimeter are generally quite large and will provide a grand edge to the site, softened by a suitable buffer and with larger building separation distances. Meanwhile, houses that flank the triangle of space around the LEAP will have a more continuous frontage to properly frame this public open space.
- 6.41 Overall the scale and massing of this reserved matters scheme is consistent with the approved Phase 1 consent and Officers raise no objection to the proposals on grounds of scale or layout.

Impact on Residential Amenity

- 6.42 The proposed development respects the residential amenity of neighbouring properties on Long Road and it is not felt that the development will cause overlooking or loss of amenity to surrounding properties. It is accepted that these properties back on to Phase 2, however in so doing there is only limited opportunity for overlooking between existing and proposed dwellings.
- 6.43 As such the proposal is considered likely to safeguard surrounding residential amenity and is deemed to be compliant with local and national design policies.

Site Contamination

- 6.44 In line with saved Local Plan Policy COM19 a Phase 1 Desk Study and Risk Assessment was undertaken by the applicant to ascertain the level of site contamination.
- 6.45 Whilst the site itself has no present or historical sources of contamination, the submitted report identified some historic off-site sources of contamination that could affect the site. These relate to a nearby orchard, and adjacent nursery and garage.
- 6.46 However, these only adjoined Phase 1 and are even further from Phase 2 of the development. The report advises that the level of risk to end users of the site varies from "Low" to "Negligible".
- 6.47 These potential off-site contaminants are not considered detrimental to the development and will have limited impact upon the overall scheme.

- 6.48 The Land Contamination condition attached to the Outline and Phase 1 consents requires additional testing and remediation works if any specific contamination is identified during construction works.
- 6.49 In view of the above the proposed development is considered compliant with the aforementioned Policy and Officers raise no objection to the development on issues of land contamination.

Highway Safety/Parking

- 6.50 Access is a Reserved Matter that was approved at outline stage. It saw the approval of vehicular access from Bromley Road and a second access at Long Road and are therefore "fixed" (and agreed) design considerations.
- 6.51 These two access points include the necessary vehicular visibility splays to allow safe access and egress. These splays will need mowing, lopping and felling of adjacent hedgerows, trees and grass verges.
- 6.52 The Transport Assessment (TA) compiled as part of the Outline stage identified local road capacities. This was based on modelling advice from Essex County Council and included the traffic flows from other nearby developments, including those not yet built.
- 6.53 This TA advised that no more than 200 dwellings (out of the 360) shall gain access directly from Bromley Road.
- 6.54 This second Reserved Matters application would take the total number of approved homes to 256. Therefore, the last 56 dwellings would not be able to be occupied until the spine road into the site was complete.
- 6.55 With regards to sustainability the site benefits from good public transport connections, both through local buses and the nearby Manningtree train station.
- 6.56 The development seeks to make the most of foot/cycle ways through the site (along with a public footpath) to encourage these sustainable transport connections.
- 6.57 On-site parking is compliant with the Council's parking standards, both in terms of quantum and size, as set out in the Essex Parking Standards (2009).

Landscaping

- 6.58 Local Plan Policy EN1 and draft Local Plan Policy PPL3 seeks to protect and limit the potential landscape impacts of new development.
- 6.59 A Landscape Visual Impact Assessment (LVIA) was produced in support of the Outline application.
- 6.60 Section 7 of the LVIA identifies a potential landscape strategy, which includes:
- Setting back the western boundary
 - Landscape planting
 - Find opportunities to incorporate longer views into the design to create visual and physical connectivity
 - Plant additional hedgerows and trees within the site
 - Strengthen, fill and diversify gappy hedgerows
 - Provide generous areas of open space / play space within the site and a village green
 - Create an enhanced recreation resource within the development and wider connections

- Provide land for new community facilities, including a village green hub and enhanced access facilities
- Provide ecological corridor links
- Create appropriate SuDS features that respond to the subtle plateau levels of this flat site and in doing so provide added amenity and wildlife benefits
- Shared pedestrian and cycle routes through the site

6.61 These key landscape recommendations, as set out in the LVIA, have been incorporated into the design for Phase 2. As such the development is considered compliant with the aforementioned policy guidance and Officers raise no objection to the development on grounds of landscaping.

Ecology

6.62 The site is currently used for farming with field boundaries marked by hedgerows and trees. There are no statutory conservation designations on, or adjacent to, the site. However, the site is within a Zone of Consideration in relation to a Site of Special Scientific Interest (SSSI) to the north. There is also an Area of Outstanding Natural Beauty (AONB) to the north-west of the site. As required by saved Local Plan Policies EN6 and EN6a and draft Local Plan Policy PPL4, the applicant has submitted a variety of technical reports including an Ecological Assessment, bat roost/activity surveys and a bird nesting survey.

6.63 The findings of these reports were that most of the hedgerows had considerable gaps, were in decline and showed no signs of recent conservation management. Also, it was recorded that bats were using the field boundaries, particularly those on the western/southern edge of the site as foraging routes.

6.64 Therefore, not only should trees and hedgerows along these boundaries be retained and enhanced where possible, but street illumination should be carefully considered so as to not disturb this bat activity.

6.65 In addition to the above reports, screening opinions as part of a Habitat Regulations Assessment and an Environmental Impact Assessment were submitted as part of the application.

6.66 The results of these screening opinions were negative, i.e. that the proposal would not require further specific assessment under the Conservation of Habitats and Species Regulations 2010 and could therefore be assessed normally as part of the planning application process.

Open Space

6.67 The site provides roughly 12% open space provision, the outline site exceeds the minimum target of 10% open space. This is largely supplied through the campsite, village green and perimeter trail. However, these former two items are at the Bromley Road site entrance in Phase 1 and the latter item is along the Bromley Road/ Dead Lane edge of the site.

6.68 Whilst the site as a whole already has sufficient provision of open space, it is apparent that it is concentrated at the southern perimeter and the northern end of Phase 1. Therefore it is proposed that an additional LEAP (set out on the boundary between Phase 2 and 3) is provided to give greater coverage for the entire site. The second LEAP is considered well integrated within the site and is served by good east-west and north-south pedestrian and cycle links.

6.69 Officers consider that the two LEAPs would provide adequate coverage for the entire site and consider the proposals compliant with Local Plan policies.

Section 106 of the Town and Country Planning Act 1990 and Viability Matters

- 6.70 As established by the Outline Planning Permission 15/00876/OUT, the development requires s106 contributions towards the following;
- Financial Contribution towards RAMS
 - Affordable Housing Provision:
 - Education contribution
 - NHS contribution
 - Open Space
- 6.71 The delivery of these aspects is controlled directly by the s106 agreement and include mainly the community benefits of the scheme, such as the community building, car park, open space, affordable housing and play space.
- 6.72 The siting of these aspects is set out in the Site Identification Plan that forms part of the s106.
- 6.73 Schedule 2, (Affordable Housing) of the s106 requires the delivery of affordable housing at certain trigger points. The quantum of development in this Reserved Matters, Phase 2 application triggers the provision of 14 no. affordable homes which is being provided as part of this application.
- 6.74 Schedule 3 (Open Space) of the s106 requires the delivery of open space and states “Any open space within a phase should be delivered before 80% occupation of said phase.”
- 6.75 All of these features are included in the proposed Phase 2 that forms part of this Reserved Matters application and as such the proposed development is considered compliant with the requirements as given by the signed s106 agreement.

Habitat Regulations Assessment

- 6.76 Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.
- 6.77 This residential development lies within the Zone of Influence. The site is not within or directly adjacent to one of the European designated sites, but is within close proximity to the Stour Estuary Special Protection Area (SPA) and Ramsar. In accordance with Natural England's advice for schemes of over 100 dwellings an Appropriate Assessment has been carried out and both on-site (i.e. circular walking routes) and off-site measures for mitigation are required.
- 6.78 A unilateral undertaking will need to be prepared to secure the off-site financial contributions. This will 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.

7. Conclusion

- 7.1 This Phase 2 scheme provides a range of housing within landscaped surroundings to create safe, attractive and characterful streets. The proposed public open space and play space will provide a focal point for the community and will work in tandem with the village hub approved as part of the Phase 1.
- 7.2 The landscaped perimeter of the site will provide benefits for local biodiversity, as well as retaining the character of Bromley Road/ Dead Lane.
- 7.3 The new homes have good sized private gardens, sufficient off-street parking provision and include capacity for the storage of cycles and refuse.
- 7.4 Sustainable drainage infrastructure, such as swales, are utilised to manage surface water runoff and the highways are designed to meet the necessary safety standards and compliment the different character areas of the site.
- 7.5 The proposal complies with all the relevant conditions of the Outline planning permission for the wider site as well as the design-specific policies of the local development plan.
- 7.6 Accordingly, the design and provision of much-needed housing is considered a sympathetic and high-quality addition to Lawford and considered compliant with the parameter plans as set out and approved at Outline stage and subsequent Masterplans.

8. Recommendation

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives and the prior completion of a Section 106 Unilateral Undertaking with the agreed Heads of Terms, as set out in the table below:

CATEGORY	TERMS
Financial contribution towards RAMS.	£122.30 for the one dwelling proposed

8.2 Conditions and Reasons

- The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - 981s ph2.l.004 rev b Amended block plan
 - 981s ph2.l.003 rev a Amended site layout plan
 - 668029-mlm-p2-xx-dr-c-0112-p02 Drainage drawing
 - 668029-mlm-p2-xx-dr-c-0311 p02 Drainage drawing
 - 668029-mlm-p2-xx-dr-c-0318 p02 Drainage drawing
 - Appendix f surface water drainage strategy cover sheet
 - Appendix g drainage calculations
 - 668029-mlm-p2-xx-dr-c-0113-p02 Drainage drawing
 - 668029-mlm-p2-xx-dr-c-0320 p02 Drainage drawing
 - Appendix f_4 adoptable highway details
 - 668029-mlm-p2-xx-dr-c-0121p02 Drainage drawing
 - 668029-mlm-p2-xx-dr-c-0253 p02 Drainage drawing
 - 668029-mlm-p2-xx-dr-c-0303 p02 Drainage drawing
 - 668029-mlm-p2-xx-dr-c-0315 p02 Drainage drawing
 - Appendix f_3a engineering layouts
 - Appendix f_3c adoptable highway layouts
 - 668029-mlm-p2-xx-dr-c-0010-p02 Drainage drawing

- 668029-mlm-p2-xx-dr-c-0020-p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0114-p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0120-p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0123 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0125 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0126 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0127 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0250 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0251 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0252 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0254 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0290 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0291 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0300 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0301 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0302 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0305 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0306 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0307 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0308 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0309 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0310 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0313 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0314 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0316 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0319 p02 Drainage drawing
- Appendix b site investigations
- Appendix f_1
- Appendix f_2
- Appendix f_3b external works layouts
- Appendix f_5 long sections
- Appendix h suds maintenance & management report
- 668029-mlm-p2-xx-dr-c-0001-p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0110-p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0115-p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0117-p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0124 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0257 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0292 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0304 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0312 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0317 p02 Drainage drawing
- 668029-mlm-p2-xx-rp-c-0003-01-fra phase 2 Drainage drawing
- Appendix c sewer records and aw pre-planning assessment reports
- Appendix d foul water drainage strategy c sewer records and aw pre-planning
- Appendix e suds planner
- 668029-mlm-p2-xx-dr-c-0122 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0255 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0256 p02 Drainage drawing
- Appendix a topographic survey
- 668029-mlm-p2-xx-dr-c-0111-p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0116-p02 Drainage drawing
- 981s ph2.I.038 (a) Amended house type rosemary proposed side elevation
- 981s ph2.I.036 (a) Amended house type rosemary proposed floor plan and front elevation

- 981s ph2.l.037 Amended house type rosemary proposed floor plan and rear elevation
- Jba 18 196 dt2 Tree pit detail
- Jba 18 196 01 b Landscape proposals
- Jba 18 196 04 b Landscape proposals
- Jba 18 196 05 b Landscape proposals
- 981s ph2.l.22 a Amended house type grace - proposed floor plans and front elevation
- Jba 18 196 03 b Landscape proposals
- Jba 18 196 dt1 Tree pit detail
- Jba 18 196 02 b Landscape proposals
- 981s ph2.l.23 a Amended house type grace - proposed side and rear elevations
- Jba 18 196 06 b Landscape proposals
- Jba 18 196 07 b Landscape proposals
- Design and access statement
- 981s.l.003 Proposed masterplan (all phases)
- 981s.l.001 Site plan
- H562-ss-002 Phase 2 streetscene 2
- H562-ss-001 Phase 2 streetscene 1
- H562-l-003 Footpath and cycle network
- Jba 18/196-02 a Landscape masterplan
- 981s ph2.l.006 Tenure plan
- 981s ph2.l.020 House type hebe - proposed floor plans and front elevation
- 981s ph2.l.024 House type amber - proposed floor plans and front elevation
- 981s ph2.l.025 House type amber - proposed side and rear elevations
- 981s ph2.l.027 House type albertine (gabled) - proposed side and rear elevations
- 981s ph2.l.031 House type barbier - proposed side and rear elevation
- 981s ph2.l.041 House type amelia - proposed floor plans and front elevation
- 981s ph2.l.043 House type barbier variation - proposed floor plans and front elevation
- 981s ph2.l.049 House type victoria - proposed floor plans and front elevation
- 981s ph2.l.050 House type victoria - proposed side and rear elevation
- 981s ph2.l.053 House type ophelia (gabled) - proposed floor plans and front elevation
- 981s ph2.l.054 House type ophelia (gabled) - proposed side and rear elevations
- 981s ph2.l.055 House type charlotte - proposed floor plans and front elevation
- 981s ph2.l.057 House type cadenza - proposed floor plans and front elevation
- 981s ph2.l.058 House type cadenza - proposed side and rear elevations
- 981s ph2.l.059 House type berkeley - proposed floor plans and front elevation
- 981s ph2.l.060 House type berkeley - proposed side and rear elevations
- 981s ph2.l.061 House type berkeley (plot 141) - proposed elevations
- 981s ph2.l.070 Outbuildings (sheet 1 of 3) - proposed floor plans and Elevations
- 981s ph2.l.071 Outbuildings (sheet 2 of 3) - proposed floor plans and Elevations
- 981s ph2.l.072 Outbuildings (sheet 3 of 3) - proposed floor plans and Elevations
- 981s ph2.l.021 House type hebe - proposed side and rear elevations
- 981s ph2.l.026 House type albertine (gabled) - proposed floor plans and Elevations
- 981s ph2.l.030 House type barbier - proposed floor plans and front elevation

- 981s ph2.I.032 House type cornelia - proposed floor plans and front elevation
- 981s ph2.I.033 House type cornelia - proposed side and rear elevations
- 981s ph2.I.034 House type damask - proposed floor plans and front elevation
- 981s ph2.I.035 House type damask - proposed side and rear elevations

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

2. Prior to the occupation of any of the proposed development the internal road and footway layout shall be provided in principal and accord with amended Drawing Numbers:

- 981s ph2.I.004 rev b Amended block plan.
- 981s ph2.I.003 rev a Amended site layout plan

Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

3. Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

4. The development shall not be occupied until such time as a car parking and turning area has been provided in accord with current Parking Standards. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

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

6. All single garages should be constructed in accordance with drwg. no. 981s ph2.I.003 rev a. All double garages should be constructed in accordance with drwg. no. 981s ph2.I.003 rev a

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

7. 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.

8. 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.

9. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities

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

10. The public's rights and ease of passage over public footpath no. 12 (Lawford) shall be maintained free and unobstructed at all times until such time as the diversion referred below has been completed.

Reason - To ensure the continued safe passage of the public on the definitive right of way and accessibility.

11. No development shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive right of way to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.

Reason - To ensure the continued safe passage of pedestrians on the public right of way and accessibility.

8.3 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.

Highways

Informative 1: Prior to occupation, the development shall be served by a system of operational street lighting (excludes the shared surface areas) of design approved from the Highway Authority along the Primary route, which shall thereafter be maintained in good repair.

Informative 2: The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no.12 (Lawford) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

Informative 3: 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.

In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

Informative 4: 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.

9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.

- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

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

Finance Implications

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

10. Background Papers

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.