

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	07/07/2020
Planning Development Manager authorisation:	AN	07/07/2020
Admin checks / despatch completed	CC	08/07/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	08/07/2020

Application: 20/00575/OUT **Town / Parish:** Wix Parish Council
Applicant: Mr A Davidson and Ms R Thornton
Address: The Haulage Depot Clacton Road Wix
Development: Outline planning application for the development of a class C2 Residential Care Home (all matters reserved).

1. Town / Parish Council

Wix Parish Council No comments received.

2. Consultation Responses

ECC Highways Dept
10.06.2020

Please note that at present the highway authority is not making site visits due to the COVID-19 restrictions and the observations below are based on submitted material, google earth photo dated April 2009 and previous visits to the site. The proposed site is located within the village and within the existing 30-mph speed limit. Clacton Road has one footway situated on the western side that terminates at the existing site entrance. There are two existing bus stops on Harwich Road east of the Clacton Road junction, therefore:

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

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan 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.

2. Prior to occupation the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway and shall be provided, but not be limited to, the following aspects;

- Vehicle access measuring no less than 5.5m in width.
- Appropriate vehicle visibility splays in accordance with current policy standards.
- Kerb radii measuring 6m.

- A 2-metre-wide footway either side of the site access and running along the entire site frontage and tying into the existing footway north of the proposed site access; including relocation/ replacement of electricity poles/ lighting, removal of redundant kerbing and replacement with upstand kerb and footway and any associated drainage works.

- 1x2m footway on the north side of the access road as shown in principal on drawing no. 1882-01B.

- Any other reasonable items to ensure the access is in accordance with current policy standards.

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

Note: Some of the items featured in Condition 2 requires a Legal Agreement between the Applicant/ Developer and the Highway Authority using the powers in Section 278 of the Highways Act, 1980.

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

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

4. Prior to commencement of development, details of the internal layout and parking (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 roads/footways are constructed to an appropriate standard in the interests of highway safety in accordance with Policy DM7.

5. The proposed Residential Care Home shall not be occupied until such time as the vehicle parking area indicated on drawing no. 1882-01B, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

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

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: There shall be no discharge of surface water onto the Highway.

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

3: 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.

NHS East Essex CCG
04.06.2020

Thank you for consulting NEE CCG on the above-mentioned planning application. We note that an identical application has already been submitted under the reference: 19/01831 for this development and in accordance with our comments for that application, we will not be seeking a healthcare contribution on this occasion.

3. Planning History

91/01412/OUT	Portacabin for use as office	Refused	10.03.1992
92/00861/OUT	(Transport Depot, Clacton Road, Wix) Change of use from existing transport depot to residential development	Refused	16.02.1993
92/01086/FUL	(Wix Haulage Depot, Clacton Road, Wix) Fitting of car and light van tyres and servicing of cars	Approved	09.12.1992
93/00714/FUL	(Transport Depot, Clacton Road, Wix) Retention of 2.2m high security fence and gates	Approved	04.08.1993
11/00728/FUL	Retention of extension to existing storage building and new fence inside the original fence to provide screening to the site.	Approved	23.08.2011
19/01831/OUT	Outline planning for the development of a class C2 Residential Care Home (all matters reserved).	Refused Current appeal	06.04.2020

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

COM5 Residential Institutional Uses

COM19 Contaminated Land

ER3 Protection of Employment Land

EN1 Landscape Character

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

LP10 Care, Independent Assisted Living

CP1 Sustainable Transport and Accessibility

PP6 Employment Sites

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the

Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 (which applies until such time that the figures in the new Local Plan are adopted).

In addition, the actual need for housing (as set out in the emerging Local Plan) 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, as recently endorsed by the Local Plan Inspector. Therefore, in weighing the benefits of residential development against the harm, the Inspector's endorsement of the lower housing requirement figure is a strong material consideration which tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing to address the perceived shortfall – given that, against the Local Plan housing requirement there is, in fact, a surplus of supply as opposed to a shortfall.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to The Haulage Depot site located on the west side of Clacton Road, within the Parish of Wix. The site is at the southern edge of the village, approximately 200m from the crossroads and extends to 0.49 hectares in size. It has an uncompromising appearance in the otherwise residential street scene, enclosed by high level fencing. It is a long-established haulage or transport yard, which commenced use in 1951. The land has contained a number of portakabins and a substantial workshop is located in the north-west corner. The site is entirely hard surfaced and used for the stationing of heavy goods vehicles and other commercial vehicles and machinery.

To the rear and south is open farmland and to the north is a ribbon of houses along Clacton Road. Clacton Road comprises a mixture of detached and semi-detached houses, primarily two storey in nature.

The site lies outside of the Wix Settlement Development Boundary (SDB) as defined within the adopted Tendring District Local Plan (2007) but lies within the extended SDB as defined within the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

Description of Proposal

The application seeks outline planning permission with all matters reserved for the development of the site for a Class C2 Residential Care Home.

The intention is for the accommodation to be for the elderly and infirm as confirmed by the agent via email received on 26th June 2020.

An indicative plan drawing number 1882 - 01 B accompanies this application to show how the site could accommodate a building and associated access and parking to serve the care home. The application form does not include details of the floor area for the proposed building.

Assessment

The main considerations in this instance are:

- Planning and Appeal History;
- Principle of Development (including visual impact and residential impact);
- Trees and Landscaping;
- Contamination;
- Access, Parking and Highway Safety;
- Financial Contribution - Recreational Disturbance; and
- Representations.

Planning and Appeal History

This application follows a previously refused scheme under planning application reference 19/01831/OUT. This application was refused on the following grounds;

'Whilst it is recognised that the application is made in outline form with all matters reserved, the accompanying application form states that 2010sqm of floor area is proposed, illustrating the intended level of accommodation.'

The site is located on the southern edge of the village with open farmland to the west and south. A Public Right of Way and existing hedgerow runs adjacent, the full length of the southern boundary. To the north and opposite is existing modest scale housing.

The application fails to demonstrate that a building comprising 2010sqm of floor space can be achieved on the site. To achieve this level of floor space would require an overly deep or wide footprint introducing a large bulky building on this prominent edge of settlement location as you enter the village characterised by modest dwellings. Furthermore, the application fails to demonstrate that sufficient space is available on site to achieve an internal layout and separation distances that could accommodate recreation and other needs of residents, visitors and employees without resulting in an overbearing and oppressive impact or harm to other residential amenities currently enjoyed by existing adjoining properties.'

Application 19/01831/OUT is now subject of an appeal in progress under reference 20/00034/REFUSE (appeal reference APP/P1560/W/20/3252060).

The indicative plan shows a marginally reduced building now being sited in line with the neighbouring properties. The building being sited further forward than the neighbouring dwellings formed one of the main objections from local residents the previous application. This is however,

indicative only and the details of the full details of the development would be assessed under the future reserved matters application.

The supporting statement still refers to a 2 storey building, a proposed floor area of 2000 square metres and the potential number of residents. However, the proposed floor area has now been removed from the application form thus removing this constraint to deliver a building with such a large footprint / floor area on the site.

This application is almost identical to the previous refused application other than details set out above. This current application can therefore be assessed as before.

Principle of Development

The National Planning Policy Framework 2019 (NPPF) states that applications for development should be considered in the context of the presumption in favour of sustainable development. Paragraph 61 of the NPPF states that Local Planning Authorities should plan for a variety of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).

Saved Policy COM5 of the adopted Tendring District Local Plan 2007 is of primary relevance in this instance as it deals specifically with 'Residential Institutional Uses'. The aims and objectives of this policy is echoed within emerging Policy LP10 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The criteria contained with Policy COM5 can be summarised and addressed as follows:

(i) The development of new residential institutions and changes of use of existing properties to residential institutions will not be permitted within the Control of Residential Institutional Uses Areas in Clacton and Frinton as defined on the Proposals Map Insets.

The site lies within the Parish of Wix being outside of the defined Control of Residential Institutional Uses Areas referred to above.

(ii) Outside the Control of Residential Institutional Uses Areas applications for changes of use, new residential institutions and extensions to existing residential institutions will be considered on their own merits subject to meeting other relevant Local Plan policies and the following additional criteria:

a) the site would not be located away from existing Settlement Development Boundaries, in order that support services, facilities and public transport routes can be available. Only in exceptional circumstances may such uses be located outside existing Settlement Development Boundaries

Emerging Policy SPL1 of the emerging Tendring District Local Plan 2013-2030 and Beyond Publication Draft (2017) includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations therefore being in line with the aims of the Paragraph 8 of the NPPF. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.

Wix is identified as a 'Village' within saved Policy QL1 of the adopted Tendring District Local Plan (2007) and is defined as a 'Smaller Rural Settlement' within Policy SPL1 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) in recognition of its limited size and range of local services. These smaller villages are considered to be the least sustainable location for growth. The emerging Local Plan identifies opportunities for small scale growth over the plan period. To allow for this to happen settlement development boundaries have been drawn flexibly, where practical, to accommodate a range of sites both within and on the edge of villages. With this in mind the

settlement development boundary for Wix has been extended within the emerging Local Plan and now includes the application site.

Having regard to the above, the site is considered to be sustainable meeting the aims of this criterion.

b) the development would not lead to a clustering of similar uses in the locality;

The site is located adjacent to existing residential dwellings in an area characterised by dwellings. There are no planning records to suggest that similar uses are in operation in the locality.

c) the development would not create or give rise to a significant material adverse impact on public safety;

Having regard to the existing use (unrestricted haulage operations) and the nature of the intended use and type of care required (elderly and infirm), the proposal is considered more sympathetic to the residential character of the area and is unlikely to give rise to any material adverse impact on public safety.

d) there would be sufficient external space in the proposal to accommodate the normal recreation and other needs of residents, visitors or employees without impacting on highway safety, or the residential amenities enjoyed by adjoining properties; and

e) the extent and nature of any alterations/extensions or new separate buildings which may be required for the purposes of the use proposed should not result in the over development of the site.

Paragraph 8 of the National Planning Policy Framework 2019 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. Paragraph 127 of the NPPF also states that planning should always seek to secure a good standard of amenity for all existing and future occupants.

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; 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. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives.

The site is located on the southern edge of the village with open farmland to the west and south. A Public Right of Way and existing hedgerow runs adjacent, the full length of the southern boundary. To the north and opposite is existing modest scale housing.

The proposed use is considered suitable within this predominately residential area and its location is also supported by the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). The redevelopment of the site would see the unrestricted haulage yard use and its associated paraphernalia removed. In this regard, there can be no objection in principle to the redevelopment of the site for a C2 Residential Care Home. Additionally, there is nothing to suggest that a 2 storey building(s) (as suggested within the supporting statement) in this location would give rise to any significant visual harm due to the predominately 2 storey character of the existing dwellings.

The proposal and application particulars are therefore considered acceptable.

However, an informative will be added to advise the applicant that the level of accommodation suggested by the indicative plan and supporting statement may not be acceptable (having regard to the previous refusal on the site) but this will be considered in full at the reserved matters stages.

Trees and Landscaping

The main body of the application site does not contain any trees or other significant vegetation.

The southern boundary of the application site is adjacent to a Public Right of Way and is well screened by a hedgerow containing indigenous species for the full length of the boundary. The hedgerow appears to be on land adjacent to the application site.

There are single mature Oaks at both the southern and northern ends of the western boundary. The tree at the southern end appears to be off-site and it is not clear whether the oaks at the northern end are just on, or just off, the application site. The indicative layout submitted appears to indicate that the development proposal could be implemented without causing harm to these trees or the vegetation on the southern boundary. Ideally an Arboricultural Impact Assessment should be submitted as part of a Tree Survey and Report prior to the determination of this application. However, taking into account the positions of the trees and hedgerow it appears that it would be acceptable for tree protection measures to be secured as a reserved matter along with details of hard and soft landscaping.

Contamination

With reference to the submitted Planning Statement document and the historic use of the land, a full contaminated land investigation, report and construction method statement would need to accompany a reserved matters application.

Access, Parking and Highway Safety

Paragraph 108 of the NPPF 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 and the design and layout of the development provides safe and convenient access for people. The sentiments of this policy are carried forward within draft Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The site would be served by the long established access. The existing use is unrestricted in terms of traffic movements and the traffic associated with the proposed use would not be excessive and be more appropriate to the character of the area. The Essex Parking Standards 2009 set out the minimum parking provision requirements for development. In this instance for a C2 Care Home use, 1 space is required per full time staff member plus 1 visitor space per 3 residents. Based on the information provided within the supporting statement, a total of 26 spaces would be required for the proposed development to serve 12 members of staff (as detailed on the application form) and 42 residents. The appropriate number of spaces are shown on the indicative layout plan. As the Local Planning Authority would look to see a reduced development to overcome the impact as set out in the Principle of Development section above, there is nothing to suggest the parking requirements will not be achievable.

Essex County Council Highway Authority raise no objection subject to conditions.

For the reasons set out above, there can be no objection to the principle of development on highway safety and accessibility grounds.

Financial Contribution - Recreational Disturbance

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'. The application site lies within the Zone of Influence and although not within or directly adjacent to one of the European designated sites, is approximately 5200 metres from Hamford Water SAC, SPA and RAMSAR.

However, in this instance the type of development (nursing home) falls outside of the scope of the types of development specified within The Essex Coast RAMS Supplementary Planning Document (SPD) and therefore a financial contribution is not required in this instance.

Representations

No comments have been received from Wix Parish Council.

3 letters of representation have been received (including 1 from The Harwich Society). The comments made are generally in support of the proposed use but raise concerns over;

- The extent of floor area and footprint of the building shown in the indicative plan and supporting statement.
- Virtually identical plan to the previously refused application
- The potential impact on residential amenities and the character of the area.
- Development contributes to gradual erosion of agricultural land.
- Unsustainable location.

With all matters reserved and no floor area stipulated on the application form; all details of the proposed building will be considered at the reserved matters stages of the application process. The site constitutes formally developed land within the settlement boundary for area and is therefore in a location supported by local and national planning policy.

1 letter of support has been received. The comments raised can be summarised as follows;

- Better use for this unsightly haulage yard.
- There has already having been substantial housing development in the area.
- Heavy traffic would be reduced on these small country roads.
- Lessen noise impact.
- Increase employment opportunities.
- Care could be provided for older members of the community within their own village.

Conclusion

In the absence of any material harm resulting from the use of the site for the development of a C2 Residential Care Home, the application is recommended for approval subject to conditions.

6. Recommendation

Approval - Outline

7. Conditions

- 1 Application for the approval of Reserved Matters must be submitted before the expiration of three years from the date of this permission.

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

- 2 The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

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

- 3 No development shall be commenced until plans and particulars of "the Reserved Matters" referred to in the above conditions relating to the Access, Appearance, Landscaping, Layout and Scale have been submitted to and agreed in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 4 Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The 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;
- 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 highway safety.

- 5 No development shall take place until the ground conditions on the site have been subject to a detailed investigation to establish their suitability for the proposed end use. A historical investigation, sampling and analysis of current soils, site assessment and action plan to remedy any contamination must be agreed by the Local Planning Authority in writing and carried out prior to the commencement of any other works in relation to any development on the site. The Local Planning authority is to be consulted at all key stages in this investigation process.

Reason - To protect workers and end users of the site.

- 6 Prior to the occupation of the development, a detailed external lighting scheme including the intensity of illumination and predicted lighting contours shall be provided. The development shall be carried out in accordance with the approved details, provided prior to the occupation of the development and retained in this approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure lighting is sensitively designed and minimises light spillage in the interests of residential amenities and biodiversity.

- 7 Prior to the commencement of any above ground works, a plan indicating the positions, design, materials and type of all boundary treatments to be erected shall be submitted. The approved boundary treatment shall be implemented before the occupation of the development and retained in this approved form unless otherwise agreed in writing by the Local Planning Authority.

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

- 8 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.

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

- 9 Concurrently with the reserved matters application, an Arboricultural Method Statement (AMS) in accordance with BS5837: 2012 Trees in relation to design, demolition and construction: Recommendations shall be submitted to and approved in writing by the Local Planning Authority. The AMS shall show how the trees will be physically protected for the duration of the construction phase of the development. The development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the trees to be retained are protected in the interests of visual amenity and landscape character.

- 10 The development hereby approved shall be used solely for a Residential Care Home for the elderly and infirm and no other use within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or those permitted by the Town and County Planning (General Permitted Development (England) Order) 2015 (as amended).

Reason - To ensure that the Local Planning Authority retain control over potential alternative uses in the interests of the character of the area, residential amenities and the provisions of the Recreational Disturbance Avoidance Mitigation Strategy.

8. Informatives

Positive and Proactive Statement

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

Reserved Matters Application Informative

Should the level of accommodation and site layout suggested by the indicative plan and supporting statement accompanying this outline application be submitted as part of a reserved matters scheme, this may not be considered acceptable having regard to the reasons for the previously refused scheme under planning application reference 19/01831/OUT. However, the scale, layout, appearance, access and landscaping will of course be assessed in full at the time of the detailed application.

Highways Informatives

1: There shall be no discharge of surface water onto the Highway.

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

3: 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.

4: Any reserved matters application must include the following;

- Vehicle access measuring no less than 5.5m in width.
- Appropriate vehicle visibility splays in accordance with current policy standards.
- Kerb radii measuring 6m.
- A 2-metre-wide footway either side of the site access and running along the entire site frontage and tying into the existing footway north of the proposed site access; including relocation/ replacement of electricity poles/ lighting, removal of redundant kerbing and replacement with upstand kerb and footway and any associated drainage works.
- 1x2m footway on the north side of the access road as shown in principal on drawing no. 1882-01B.
- Any other reasonable items to ensure the access is in accordance with current policy standards.

Note: Some of the items featured requires a Legal Agreement between the Applicant/ Developer and the Highway Authority using the powers in Section 278 of the Highways Act, 1980.

Environmental Protection Informative

When preparing the demolition and construction statement (as required by Condition 4 above) the following information should be used when preparing the statement:

Advisory Notes for the Control of Pollution during Construction & Demolition Works: The following information is intended as guidance for applicants/developers and construction firms. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Protection recommends that the following guidelines are followed. Adherence to this advisory note will significantly reduce the likelihood of public complaint and potential enforcement action by the Environmental Protection Team.

Noise Control:

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 07:00 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 07.00 and 19:00 Monday to Friday, Saturday 08.00 to 13.00 with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request for approval by Pollution and Environmental Control prior to the commencement of works.
- 7) The site manager name and contact number should be provided in writing to the pollution and environmental control team as soon as they have been appointed.

Emission Control:

- 1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- 2) No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- 3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Dust Control:

- 1) Dust suppression methods to be employed during construction so as to minimise likelihood of nuisance being caused to neighbouring properties. A scheme of measures for the control and suppression of dust emissions shall be submitted.
- 2) Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Protection. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

Control of lighting:

- 1) No development shall take place until a scheme for the control of light pollution has been submitted to and approved in writing by the local planning authority. The scheme shall be devised by a competent person and fully comply with the Code of Practice for the Reduction of Light Pollution issued by the Institution of Lighting Engineers, the DETR document 'Lighting in the Countryside: Towards Good Practice' and all current official guidance. Such light pollution control measures as shall have been approved shall be installed prior to coming into beneficial use and thereafter be retained and maintained to the agreed specification and working order. Reason: To protect the amenity of and to minimise potential nuisance to nearby existing residents