

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	03/08/2020
Planning Development Manager authorisation:	TF	13/08/2020
Admin checks / despatch completed	CC	13/08/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	13/08/2020

Application: 20/00065/FUL **Town / Parish:** Clacton Non Parished

Applicant: Bramwood Property Development Ltd

Address: Land at Fots Farm Thorpe Road Clacton On Sea

Development: Proposed erection of 9 bungalows with associated parking facilities.

1. Town / Parish Council

Clacton – No Town
Council

2. Consultation Responses

ECC Highways Dept
16.03.2020

The information that was submitted in association with the application has been fully considered by the Highway Authority. It is noted that this is an additional 9 dwellings on top of the previous 9 dwellings that was approved under application: 18/00598/FUL. Access will be gained via the existing private road serving Phase 1 of this development; the proposals demonstrate that there is adequate parking and turning being provided for these additional 9 dwellings, 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. Prior to occupation of the development the vehicular turning facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
2. Prior to the first occupation of the development, the existing road junction at its junction with Thorpe Road shall be retained at right angles to the highway boundary and to the existing carriageway. The existing footway shall be retained on its existing alignment on Thorpe Road. An intermittent white edge line to diagram: 1009 (Chapter 5 of the Traffic Signs Manual) shall be installed across the length of the drop kerb for the vehicle access into and out of the site.
3. No unbound material shall be used in the surface treatment of the vehicular access within 10 metres of the highway boundary.

4. There shall be no discharge of surface water onto the highway.
5. Each new property shall be provided with 2 parking spaces and each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres or each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.
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.
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.
8. 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

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.

UU Open Spaces
18.03.2020

Response from Public Realm - Open Space & Play

Current Position

There is currently a deficit of 41.08 hectares of play in the Clacton/Holland area.

Any additional development in Clacton will increase demand on already stretched facilities.

Recommendation

Due to the significant lack of play facilities in the area a contribution, towards play is justified and relevant to the planning application the biggest impact will most likely be to the nearest play area at Foots Farm. This play area will need to be increased to cope with any additional development.

Waste Management
24.02.2020

Private drive to be constructed to a suitable standard to allow access for a HGV refuse collection vehicle. If access is not permitted then private driveway to be constructed of suitable hard standing to allow free movement of wheeled bins from properties to collection vehicle for emptying and returning.

Building Control and
Access Officer
09.03.2020

No comments at this stage.

Tree & Landscape Officer
10.03.2020

There are no trees or other significant vegetation on the application site.

Should planning permission be likely to be granted then a condition should be attached to secure details of the soft landscaping shown on the proposed site layout plan.

Housing Services
07.04.2020

TDC Housing have been asked to comment on the affordable housing requirements for this application and would comment as follows:

It is noted that the site is referred to as Phase 2 of the Foots Farm development. The first phase (ref: 18/00598/FUL) delivered 9 x 3 bedroom bungalows. We have taken Phase 1 into account in assessing the affordable housing requirements.

The above application proposes a further 9 x 3 bedroom bungalows so taking into account the total number of homes delivered and proposed on both sites, this equates to 18 x 3 bed bungalows on both phases. The Council's emerging Local Plan requires affordable housing to be delivered on sites delivering 11 or more homes and states that 30% of the sites should be delivered as affordable housing. This would equate to 5 x 3 bedroom bungalows in total.

There is a desperate shortage of 3 bedroom bungalows in the affordable rented sector in the district. The Council only has 1 x 3 bedroom bungalow in its stock and there are only 10 in the RP sector. There is a high demand for this type of properties from families with a disabled family member. There are currently 34 households on the housing register in desperate need of this type of property and the current waiting time in the sector for a 3 bed bungalow to become available is in excess of four years.

In light of this information, TDC Housing would like to see 5 x 3 bed bungalows delivered as affordable housing on this site. The Council would like the first option to purchase these properties but if this is not possible, we would like to see another registered provider take them on. It is noted that the applicant has submitted an assessment regarding the viability of delivering affordable housing on site.

Environmental Protection
08.04.2020

Please see below for the full comments associated with the above planning app -

1. Contaminated Land - with reference to the Geo-technical report, dated December 2019; the Environmental Protection Team would like to request the following be considered when determining the application

A. Prior to occupation of the approved development, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management

procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Implementation of Approved Remediation Scheme

B. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

C. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition A, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition B.

Reason - To ensure the proper investigation and where necessary, remediation of the site in the interests of the amenities of the locality and future occupants of the development.

In order to minimise potential nuisance to nearby existing residents caused by construction works Environmental Protection ask that the following is conditioned;

Prior to the commencement of any construction works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, Environmental Control -

Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible.
- 2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) 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 5228:2014.
- 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 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 in writing for approval by Pollution and Environmental Control prior to the commencement of works.

Emission Control

1) All waste arising from the 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. Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. 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).

3. Planning History

02/01308/FUL	Erection of building to be used as an indoor riding school for the disabled	Approved	11.09.2002
04/01053/FUL	Retention of barn for riding school and continued use of remainder of site for grazing and stabling of horses	Approved	04.08.2004
18/00200/DEMCON	Demolition of outbuildings/barns/stables adjacent to farmhouse.	Determination	07.03.2018
18/00598/FUL	Proposed erection of 9 bungalows with associated parking facilities, served via improvements to and an extension of the existing private drive.	Approved	11.06.2018
18/01240/DISCON	Discharge of Conditions 3 (landscaping), 11 (ecological enhancements) and 12 (construction method statement) of 18/00598/FUL.	Approved	17.08.2018
18/01267/FUL	Proposed erection of 5 bungalows with associated parking facilities	Withdrawn	12.12.2018

	following the demolition of an existing dwelling house.		
18/01291/DEMCON	Demolition of existing barn/outbuilding.	Determination	28.08.2018
19/00064/DEMCON	Demolition of barns/outbuildings.	Determination	07.02.2019
20/00065/FUL	Proposed erection of 9 bungalows with associated parking facilities.	Current	

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
HG1	Housing Provision
HG3	Residential Development Within Defined Settlements
HG4	Affordable Housing in New Developments
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
HG14	Side Isolation
EN1	Landscape Character
EN6	Biodiversity
EN6A	Protected Species
EN11A	Protection of International Sites European Sites and RAMSAR Sites
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development
COM6	Provision of Recreational Open Space for New Residential Development
COM19	Contaminated Land

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

SPL1	Managing Growth
SPL3	Sustainable Design
LP3	Housing Density and Standards
LP4	Housing Layout
LP5	Affordable and Council Housing
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
HP5	Open Space, Sports & Recreation Facilities
CP1	Sustainable Transport and Accessibility

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 site is located on the northern outskirts of Clacton-on-Sea directly to the north of the Foots Farm Estate. The site comprises of a small area of ex-paddock land associated with Foots Farm Riding School. The site is accessed via a long private track situated off Thorpe Road to the east and which runs past several farm buildings/stores and Foots Farm House, which are in the applicant's ownership. To the south of the site are 1970's style two-storey properties that face south and to the west is a recently constructed bungalow development of 9 properties. To the south is a footpath that leads to a recreation ground situated to the west of the site beyond the existing 9 bungalows. To the north is paddock land that borders the B1442 beyond.

Proposal

This application seeks planning permission for the erection of 9 no. detached bungalows. The bungalows would comprise of 3 bedrooms and would be arranged to the north of the existing private track serving Foots Farm and the existing bungalows from Thorpe Road. The access track has recently been upgraded and supplemented by passing places to serve the recently constructed development. A pedestrian link to the existing footpath to the south has also been implemented.

Appraisal

Principle

The site lies outside of the Settlement Development Boundary of the Saved Local Plan (Tendring District Local Plan 2007) but within the SDB of the draft Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Therefore whilst being outside the SDB in the saved local plan, the SDB contained within the emerging plan has been altered via the current local plan

review process. As such the site has been included as being within the SDB of the emerging plan represents a significant material planning consideration and demonstrates that it is the Council's intention going forward to release this land for residential purposes. The site is bordered by residential development to the south and west. Consequently, the development of the site with single storey properties would not represent an intrusive extension out into open countryside. Furthermore, the development of the site utilising the access from Thorpe Road would not prejudice the development of the rest of the land to the north due to the access and the track not being sufficient to serve a more comprehensive larger housing development.

As such the principle of residential development on the plot has to be considered acceptable and sustainable.

Visual Impact/Design

As stated above the site previously formed paddock land associated with Foots Farm and therefore is enclosed by natural boundaries to the north, south and west. To the south is a large 1970's housing estate and to the west is a recently constructed bungalow development of 9 units with a recreation ground and large day nursery located beyond. To the north the land is bordered by the B1442. The site therefore is relatively well-contained and would not extend out into open countryside. Public views of the development would be limited due to the existing mature vegetation and the surrounding development offering good levels of screening.

A landscaping condition will be attached to secure further planting to strengthen the existing perimeter hedgerows along with new planting at key points to the front of properties to enhance the overall aesthetics of the development.

Design/Layout

The layout of the proposed development addresses the linear form of the access track. The bungalows address the private drive and are setback to allow for the implementation of planting to the front of each property. The properties retain sufficient spacing between each other to ensure that the development would not appear overly cramped. Open parking bays rather than garages assist in this respect.

Each property is shown to have a private amenity space of 100sqm or more which accords with the requirements saved policy HG9.

The development comprises of traditional hipped roof bungalows featuring a mixture of design features including bay windows and gable projecting elements to provide a varied appearing development. The submitted materials schedule confirms that the properties will comprise of a mix of different brickwork and slate/red pantiles.

Overall the layout and design of the development would represent an appropriate response to the character and appearance of the area.

Residential Amenities

The single storey nature of the properties and the distance to surrounding properties, particularly those to the south, ensures that the development would not cause harm to local resident's amenities.

Permitted development rights will be removed from plots 4-9 due to the smaller nature of the rear gardens and to therefore safeguard future resident's amenity.

Highway Considerations

Essex County Council Highways have no objections to the development providing;

- Prior to occupation of the development the vehicular turning facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
- Prior to the first occupation of the development, the existing road junction at its junction with Thorpe Road shall be retained at right angles to the highway boundary and to the existing carriageway. The existing footway shall be retained on its existing alignment on Thorpe Road. An intermittent white edge line to diagram: 1009 (Chapter 5 of the Traffic Signs Manual) shall be installed across the length of the drop kerb for the vehicle access into and out of the site.
- No unbound material shall be used in the surface treatment of the vehicular access within 10 metres of the highway boundary.
Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.
- There shall be no discharge of surface water onto the highway.
- Each new property shall be provided with 2 parking spaces and each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres or each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.
- 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.
- 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.
- 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.

In respect of parking provision each property would be served by 2 no. parking bays of a size commensurate with the current parking standards. 2 no. visitor's spaces are also proposed. This provision accords with the requirements of the standards.

Trees/Biodiversity

The Council's Tree Officer has provided the following comments;

There are no trees or other significant vegetation on the application site.

Should planning permission be likely to be granted then a condition should be attached to secure details of the soft landscaping shown on the proposed site layout plan.

The submitted ecology report confirms that the site is of low ecological value. The site previously contained old stables/outbuildings which have now been demolished. The application for the demolition of these buildings demonstrated that they did not contain roosting bats/birds. Ecological enhancements will be secured via condition including the provision of bird/bat boxes within the development.

Legal Obligations/Viability

In respect of legal obligations the development has been considered in conjunction with the existing development of 9 bungalows to the west which was in the applicant's ownership at the time of construction. A viability assessment has been provided and independently reviewed. The assessment concludes that the development would be viable with the required contributions towards public open space improvements and RAMS but not with a policy compliant affordable housing provision (30% of 18 units). The report concludes that the maximum the scheme can provide in conjunction with the RAMS/POS payments is an off-site affordable housing contribution of £80,000. In view of this a legal agreement has been completed to secure the details outlined below.

RAMS

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.

The application scheme proposes a residential on a site that lies within the Zone of Influence (Zol) of the Essex Estuaries SAC and the Colne Estuary SPA and Ramsar. New housing development within the Zol would be likely to increase the number of recreational visitors to these designated sites and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation. In this case the mitigation is a contribution of £125.58 per property.

A completed unilateral undertaking has been provided to secure this legal obligation and to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

POS

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built". These sentiments are carried forward within emerging Policy HP5.

In line with the requirements of saved Policy COM6 and emerging Policy HP5 the Council's Open Space Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution toward public open or play space.

They have confirmed that due to the significant lack of play facilities in the area a contribution, towards play is justified and relevant to the planning application and the biggest impact will most likely be to the nearest play area at Foots Farm. This play area will need to be increased to cope with any additional development.

A completed unilateral undertaking has been provided which secures a contribution towards enhancements at the Foots Farm play area in line with policy requirements.

Affordable Housing

As stated above a viability assessment has been provided and independently reviewed by BNP Paribas. This concludes that the maximum affordable housing contribution that can be provided is £80,000. This is secured via the completed unilateral undertaking and will be paid before the occupation of the 5th bungalow.

Other Considerations

Building Control have no comments to make on the proposals.

No letters of objection have been received.

6. Recommendation

Approval

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837:2012 Trees in relation to design, demolition and construction."

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

- 3 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

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

- 4 Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plan, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

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

- 5 No unbound material shall be used in the surface treatment of the vehicular access within 10 metres of the highway boundary.

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

- 6 Prior to the first occupation of the development, the existing road junction at its junction with Thorpe Road shall be retained at right angles to the highway boundary and to the existing carriageway. The existing footway shall be retained on its existing alignment on Thorpe Road. An intermittent white edge line to diagram: 1009 (Chapter 5 of the Traffic Signs Manual) shall be installed across the length of the drop kerb for the vehicle access into and out of the site.

Reason - To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety.

- 7 All new driveways and parking areas 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 or surface within the curtilage of the dwelling.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

- 8 Prior to occupation of the approved development, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of the above, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the above.

Reason - To ensure the proper investigation and where necessary, remediation of the site in the interests of the amenities of the locality and future occupants of the development.

- 9 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions or roof additions to the bungalows, nor shall any buildings, swimming or other pool enclosures be erected except in accordance with drawings showing the design and siting of such additions or building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - It is necessary for the Local Planning Authority to be able to consider and control further development in order to ensure that the properties retain sufficient private amenity space and the impact upon existing/future residents is not harmed.

- 10 Before any development commences a detailed ecological enhancement scheme (including the provision of bird and bat boxes within the site) shall be submitted to and approved in writing by the Local Planning Authority. The scheme, which shall include a timetable for its implementation, shall be implemented in accordance with the approved works before occupation of the hereby approved development.

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

- 11 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period.

The Construction Method Statement shall provide for:

1. the parking of vehicles of site operatives and visitors
2. loading and unloading of plant and materials
3. storage of plant and materials used in constructing the development
4. wheel and underbody washing facilities

Reason - In the interests of residential amenity and highway safety.

- 12 Prior to occupation of the proposed development, 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.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 13 The development hereby permitted shall be carried out in accordance with the following approved plans:

- 1945/1
- 1945/2
- 1945/3
- 1945/4
- 1945/5
- 1945/6
- 1945/7
- 1945/8
- 1945/9
- 1816/7
- Materials Schedule

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

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.

Legal Agreement Informative - Open Space/Play Space Contribution

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: Public Open Space financial contribution in accordance with Policy COM6 of the adopted Tendring District Local Plan (2007) and Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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

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

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

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO