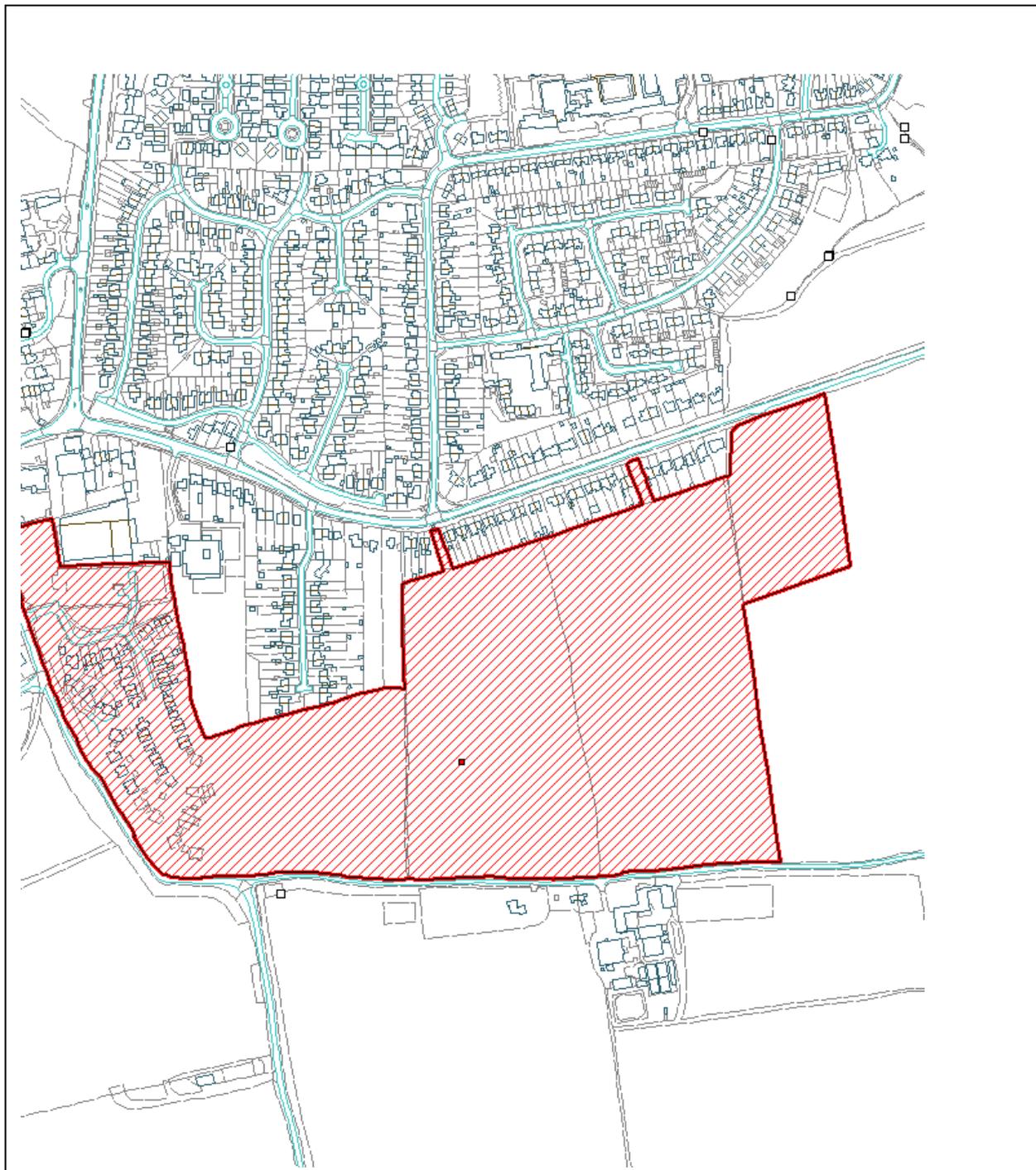


PLANNING COMMITTEE

22ND SEPTEMBER 2020

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.3 PLANNING APPLICATION – 20/00480/DETAIL – LAND EAST OF BROMLEY ROAD, LAWFORD, CO11 2HS



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Application: 20/00480/DETAIL

Town / Parish: Lawford Parish Council

Applicant: Mr Steven Rose - Rose Builders (Properties) Ltd

Address: Land East of Bromley Road, Lawford, CO11 2HS

Development: Reserved matters application with details of appearance, landscaping, layout and scale pursuant to Phase 3 of outline permission (15/00876/OUT) including 100 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 3 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, appearance and scale.
- 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 eastern third of the outline permission - is accessed from Long Road with 32 dwellings north of the estate road and 68 dwellings to the south. The scheme retains the substantial hedge to the eastern boundary and to the south adjacent to Dead Lane.
- 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: Approval

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 £125.58 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
<u>Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)</u>	
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, 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.
- 2.4 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.
- 2.5 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.
- 2.6 In relation to housing supply:
- 2.7 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.

- 2.8 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).
- 2.9 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.

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 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.	Approved	13.04.2017
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	Approved	30.10.2018

	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		
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
19/01475/DETAIL	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.	Approved	09.07.2020
19/01498/NMA	Non Material Amendment to approval of 15/00876/OUT for substitution of "Cornelia" house type for "Barbier" house type at plots 86-87, 90-93, 100-101. Proposed substitution of "Cornelia" house type for "Cornelia Variation" housetype at plots 54-57. Change of rear and side elevations, and internal layout to "Alexander" house type at plots 75-79.		04.11.2019
19/01698/DISCON	Discharge of condition 07 (construction Management Plan) 12	Approved	29.05.2020

	(Surface Water Drainage) 13 (Foul Water Strategy) 14 (soft Landscaping) 16 (Ecological mitigation scheme) 18 (Archaeology WSI) 19 (Refuse and external materials) 20 (construction Method Statement) and 24 (Remediation) of planning permission 15/00876/OUT.		
19/01751/DETAIL	Reserved matters application following outline permission 15/00876/OUT - Application to substitute "Cornelia" house type for "Barbier" house type at plots 86-87, 90-93, 100-101 as previously approved by 17/01527/DETAIL. Proposed substitution of "Cornelia" house type for "Cornelia Variation" housetype at plots 54-57. Change of rear and side elevations, and internal layout to "Alexander" house type at plots 75-79.	Approved	28.08.2020
20/00178/NMA	Non Material Amendment to approval of 15/00876/OUT for substitution of plots 39, 60 and 81 from "Braithewaite Variation" house type to "Braithewaite" house type. Hand plot 63.	Approved	25.03.2020
20/00458/OUT	Variation of condition 9 of 15/00876/OUT amending the delivery requirement of the spine road before the 201st occupation.	Current	
20/00707/DISCON	Discharge of conditions (phase 3) 12 (Surface Water), 13 (Foul Water), 14 (Landscaping), 16 (Ecology Mitigation), 17 (Tree Protection), 19 (Refuse Collections and Materials Only), (phase 3 and 5) 18 (Archaeology) and 24 (Contamination) of planning permission 15/00876/OUT.	Approved	18.06.2020
20/00773/DISCON	Discharge of conditions (phase 3) 12 (Surface Water), 13 (Foul Water), 14 (Landscaping), 16 (Ecology Mitigation), 17 (Tree Protection), 19 (Refuse Collections and Materials Only), (phase 3 and 5) 18 (Archaeology) and 24 (Contamination) of planning permission 15/00876/OUT.	Current	

4. Consultations

ECC
Highways
11.08.2020

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.

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 the occupation of any of the proposed development the internal road and footway layout shall be provided in principal and accord with Drawing Number:

- 981s ph3 . I . 004 a Proposed block 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.

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

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8.

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.

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.

Essex Wildlife Trust
17.08.2020

No comments

Tree Landscape Officer
15.06.2020

In order to show the impact of the development proposal on the trees and other vegetation on the application site the applicant has provided a tree survey and report. This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations.

The report accurately describes the health, condition and amenity value of the trees and other vegetation on the land. The implementation of the

development proposal will not adversely affect any significant trees but will necessitate the removal of a section of hedgerow.

Taking into account new soft landscaping associated with the development of the land the removal of part of hedgerow will not cause significant long term harm to either the character or appearance of the area.

In terms of new planting the applicant has provided comprehensive and detailed soft landscaping proposals that will both soften and enhance its appearance.

The information provided is sufficient to secure an appropriate level of soft landscaping.

Waste
Management
11.06.2020

Bin collection points to be of adequate size to accommodate 180L wheeled bin, 55 Ltr recycling boxes and 23Ltr food caddy per household. Private drive to be of hard standing construction suitable for the movement of wheeled bins and all access road built to suitable construction to allow access to 23 tonne refuse and recycling vehicles and 26 tonne garden waste vehicle.

ECC SuDS
04.06.2020

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

- This application does not relate to drainage. However, it should be subject to the drainage conditions put on the application at outline stage.

ECC Ecology
02.09.2020

No objection subject to securing

a. A proportionate financial contribution in line with the Essex Coast RAMS tariff to deliver mitigation measures to avoid adverse effects on the integrity of the Essex Estuaries SAC and the Stour and Orwell SPA and Ramsar

b. mitigation and enhancement measures

Recommended conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Badger Survey Report (Geosphere Environmental Limited, November 2019), the Ecological Mitigation and Management Plan (Geosphere Environmental Limited, July 2019) and the Updated Ecological Survey (Geosphere Environmental Limited, June 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

2. PRIOR TO COMMENCEMENT: ADDITIONAL MEASURES FOR BADGERS

"No development shall take place (including any demolition, ground works, site clearance) until a further badger survey and updated mitigation statement has been submitted to and approved in writing by the local planning authority. This further survey shall be undertaken to identify whether any Badger activity has changed since the previous surveys were undertaken and whether further mitigation and/or works are required for badgers during the construction phase. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter."

Reason: To conserve Protected species and allow the LPA to discharge its duties under the Badger Protection Act 1992 and s17 Crime & Disorder Act 1998.

3. PRIOR TO COMMENCEMENT: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

"A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

5. **Representations**

- 5.1 Lawford Parish Council – No Objections
- 5.2 No neighbour or third party comments were received.

6. **Assessment**

Site Context

- 6.1 The host site is on the southern side of Lawford, and forms Phase 3 of outline planning permission, (Ref:15/00876/OUT). Development for the approved outline was split in 3 phases; Phase 1 was the western side of the site; Phase 2 is the central area and Phase 3 is the eastern side.
- 6.2 The entire site is 22.76 ha, Phase 3 is approximately a quarter of this total size (6.3 hectares) encompassing 100 dwellings when completed. Phase 3 is an rectangular shaped parcel of land fronting on to Dead Lane to the south; Long Road is some 120 metres to the north and Bromley Road over 700 metres to the west.
- 6.3 The western boundary of Phase 3 connects with approved Phase 2. The northern edge of the Phase 3 is located some 100 metres south of the existing established residential dwellings on Long Road. Essentially, the Phase 3 red line leaves space (3.4 hectares) in the northern and north eastern section of the site for possible further developments. The red line for Phase 3 also includes space to connect the central access road that runs through the wider outline site to Long Road in the north east corner.
- 6.4 The site lies outside the defined settlement boundary of the saved Local Plan but within the settlement boundary of the emerging Local Plan. The topography of the land is flat and comprises open arable farmland, to the south and east there are associated field boundaries that are marked by hedgerows and trees. A public footpath (No. 12) crosses the Outline site, running from Long Road to Dead Lane and forms the western boundary of Phase 2.
- 6.5 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. Although no Listed Building or Conservation Area are affected by the proposal and there are no protected trees on site.
- 6.6 Development on Phase 1 of the site is well underway with approximately 47 units completed with many plots sold and occupied. The western side of the wider outline site therefore now resembles a largely finished new housing development. The eastern side is as yet undeveloped open countryside.
- 6.7 Immediately east of the application site is an expanse of open countryside that has planning approval for the erection of up to 300 dwellings, up to 2 hectares of employment land (A2/A3/B1/D1 uses), with associated public open space and infrastructure, via application (Ref: 15/00761/OUT).

Planning History

- 6.8 The original outline permission (Ref: 15/00876/OUT), included the Reserve Matter 'access'. This confirmed access to the site from both Bromley Road and Long Road. The Long Road access will not be provided until the 201st dwelling is occupied. However, there is a live application (Ref: 20/00458/OUT) that seeks to vary this condition to the 261st occupation.
- 6.9 The remaining Reserve Matters for Phase 3 therefore relate only to appearance, landscaping, layout and scale.
- 6.10 As part on the original outline approval there were 24 planning conditions attached. These were often pre commencement conditions and involving matters such as; an agreed Master Plan, Phasing Schedule, Construction Management details, Landscaping, Lighting, Drainage and various highway related on-site and off-site improvements. Importantly, these conditions related to each separate phase of the development. The conditions cover ground that could be considered by Reserve Matters, such as drainage, tree protection and lighting. Hence a tandem application has been submitted 20/00773/DISCON. However, this Reserve Matters application has to be decided first, due primarily to agreeing to a 'layout' on site.

OUTLINE APPLICATION CONDITIONS 15/00876/OUT		Timing
1	Time Frame	By 13/04/2020
2	Time Frame For Reserved Matters	By 13/04/2022
3	Master Plan	Reserved Matter
4	Reserved Matters	Reserved Matter
5	Land Use Audit	No discharge required
6	Maximum number of dwellings	No discharge required
7	Wheel Cleaning	Prior to Commencement
8	Access Details and Off Site Highway Improvements	Prior to Occupation
9	Off Site Highway Improvements	Prior to 201st Occupation
10	A137 Cox's Hill/Long Road/Wignall Street mini roundabout	Prior to 31st Occupation
11	Residential Travel Information Pack	Prior to Occupation
12	Surface water drainage	Prior to Commencement
13	Foul Water	Prior to Commencement
14	Hard and soft landscaping	Prior to Commencement
15	Replace failed Trees within 5 years	First planting season
16	Ecological Mitigation and Enhancement Plan	Prior to Commencement
17	Tree protection measures	Prior to Commencement
18	Archaeological Investigation	Prior to Commencement
19	Lighting, refuse	Prior to Commencement
20	Construction management plan	Prior to Commencement
21	High Speed Broadband	Prior to Occupation
22	Local Recruitment Strategy	Prior to Commencement
23	Resource efficiency measures	Prior to Commencement
24	Contamination	Prior to Commencement

- 6.11 As mentioned the outline conditions are required for each phase. The applicant has advanced the relevant discharge of the outline conditions, completely in phase 1 and partially in phase 2.
- 6.12 The original outline application was also approved with a signed Section 106 document to secure:
- On-site Council Housing/Affordable Housing (14 Houses ‘Gifted’ to TDC, these are within Phase 2);
 - Education contribution and/or land for school expansion;
 - Health contribution;
 - Community facilities;
 - Completion and transfer of public open space;
 - Contribution towards off-site traffic management measures at the A137 railway crossing; and
 - Contribution towards monitoring impacts on the Stour Estuary. Access was also considered and approved as part of the outline application
- 6.13 Phase 1 Reserve Matters (Ref: 17/01527/DETAIL), involved 120 dwellings, this was approved on 14/03/2018.
- 6.14 Phase 2 Reserve Matters (Ref: 19/01475/DETAIL), involving 140 dwellings, was approved on 09/07/2020.

Proposal

- 6.15 This is a Reserved Matters application (appearance, landscaping, layout and scale) for phase 3 of the approved outline consent, and consists of the final 100 dwellings of the original outline approval.
- 6.16 The proposed dwellings vary in size from 2-bedroom flats to 5-bedroom homes. Most are 2-storey houses although there are 2 chalet bungalows (known as ‘Alexander’) and 3 flats over garages, or ‘FOGS’ (known as ‘Ruben’). The proposed mix of housing is as follows:

House Size	No.	Percentage
2 Bed	13	13%
3 Bed	47	47%
4 Bed	40	40%
5 Bed	0	0%
Total	100	100%

Beds	House Type	Sq Ft	No.	Total Sq Ft
2-Bed	Hebe	714	6	4,284
2-Bed	Ruben	762	3	2,286
2-Bed	Amber	802	2	1,604
2-Bed	Grace	833	2	1,666
3-Bed	Constance	872	4	3,488
3-Bed	Barbier	1,064	8	8,512
3-Bed	Damask	1,184	3	3,552
3-Bed	Damask Variation	1,206	8	9,648
3-Bed	Rosemary	1,186	16	18,976
3-Bed	Amelia	1,271	6	7,626

3-Bed	Alexander	1,608	2	3,216
4-Bed	Anna	1,300	6	7,800
4-Bed	Victoria	1,466	8	11,728
4-Bed	Ophelia	1,468	5	7,340
4-Bed	Charlotte	1,626	6	9,756
4-Bed	Cadenza	1,743	5	8,715
4-Bed	Berkeley	1,902	8	15,216
5-Bed	Braithewaite Variation	2,388	2	4,776

- 6.17 This housing mix is very similar to the mix of Phase 2, although it has slightly more 4- bedroom homes and fewer 2-bedroom homes. Most of the dwellings have separate outbuildings, the few that do not have sheds.
- 6.18 The proposal retains the well-established boundary hedges situated along the eastern and southern boundaries, which maintains the simple rural nature of the surroundings and the areas retained for wildlife purposes. The spine road continues through the site and leads upto Long Road. The application proposes 32 dwellings north of the spine road and 68 south of it.
- 6.19 Phase 3 layout leaves space (3.4 hectares) in the northern and north eastern section of the site for possible further development. There is a current separate new outline planning application for up to 76 no. dwellings (Ref: 20/00782/OUT) to decide the outcome of that land.
- 6.20 Officers would point out that in reality the land that was originally allocated for housing that is being 'saved' by the three phases is in fact closer to 1.5 hectares. This is due to the fact that the land either side of the north east corner access from Long Road (approximately 2 hectares) was never originally allocated as a housing area in the Master Plan.

Principle of Development

- 6.21 The principle of residential development and access arrangements have been accepted by the granting of outline planning permission 15/00876/OUT. Issues such as the impact on the village character, highway safety (with off-site improvement works to the roundabout), drainage, archaeology, lighting and land contamination have therefore already been assessed via the outline permission and associated planning conditions.
- 6.22 In terms of appearance and scale, the current proposal reflects closely the Phase 1 and Phase 2 consents. Indeed, the dwelling types proposed are mostly identical. Two new house types are proposed, these are assessed in the sections below.
- 6.23 With regards to layout and landscape, due to the more condensed layout throughout all three phases, there is a deviation away from the original site Masterplan. The proposal provides the opportunity to deviate from the Master Plan if the standards of layout, housing density, residential amenity, parking, landscape, open space and ecology are acceptable.
- 6.24 Therefore, the proposed development needs to comply with the sustainable development objectives of the NPPF, Chapters 11 and 12 in particular. Together with development management policies, QL9 QL10 QL11, HG6, HG7, HG9 and TR7 within the adopted Tendring Local Plan 2007. Within the Emerging Local Plan, SP6, CP1, LP3 and LP4 are important as is

guidance from the Essex County Council Car Parking Standards and the Essex Design Guide (2020). The development is assessed against these policies in the sections below.

Appearance and scale

- 6.25 The residential properties will be of a traditional design which reflects what has already been established through approved Phase 1 and Phase 2. The same house types proposed in this application have also been used in Phases 1 and 2, they are as follows:
- The 'Hebe' – 2 bed - (used in Phase 1)
 - The 'Grace' – 2 bed - (used in Phase 2)
 - The 'Barbier' – 3 bed - (used in Phase 1 and 2)
 - The 'Cornelia' – 3 bed - (used in Phase 1 and 2)
 - The 'Damask' – 3 bed - (used in Phase 1 and 2)
 - The 'Amelia' – 3 bed - (used in Phase 2)
 - The 'Rosemary' – 3 bed - (used in Phase 2)
 - The 'Albertine' – 3 bed - (used in Phase 2)
 - The 'Alexander' – 3 bed - (used in Phase 1 and 2)
 - The 'Charlotte' – 4 bed - (used in Phase 1 and 2)
 - The 'Victoria' – 4 bed - (used in Phase 1 and 2)
 - The 'Ophelia' – 4 bed - (used in Phase 2)
 - The 'Cadenza' – 4 bed - (used in Phase 2)
 - The 'Berkeley' – 4 bed - (used in Phase 2)

 - The 'Grace' – 2 bed – (new)
 - The 'Ruben' – 2 bed – (new)
- 6.26 All of the dwellings are of an attractive design, and are between 2 - 4 bedroom proportions, being terraced, semi-detached and detached houses. Also, there are 2 detached chalets and 3 flats above garages. This represents a suitable housing 'mix'. As these house types have been approved in appearance and scale already on the same site, no objection is raised to their use within Phase 3.
- 6.27 There are two new housing types introduced. Firstly, the 'Amber', a 2-bedroom house with a relatively wide frontage. Like the 'Grace' its roof design is hipped. The front elevation includes an attractive soldier course above the impressive sash windows, helping to lift the eaves off the window frame and exposing some overhanging eaves detail. The street scene drawings show this house type very much in keeping with the style and appearance of the other dwellings used nearby. Officers have no objection to the scale or appearance of this proposed new house type.
- 6.28 The second new house type is the 'Ruben'. This is a 2-bedroom 'FOG' (Flat Over Garage) and was previously used on the Summers Park development in Lawford (Ref: 14/01050/DETAIL, here it was called a 'Coach House'). The 'Ruben' includes first floor living accommodation above four ground floor parking spaces. The Highways Officer has not objected to the use of these adapted 'carports'. The applicant states, such homes are useful as they can be used to provide passive surveillance of parking areas. This sentiment is often echoed by the Designing Out Crime organisation. Architecturally, the property type has an eaves of 4 m and ridge of 6.75m with side hips to the roof with 4 front facing small pitched dormers. The parking spaces are open fronted. Visually, although new to the development, they are reflective of the vernacular and styles used in the wider development and ultimately officers do not object to their appearance or scale.
- 6.29 The proposed materials used on in Phase 3 has been specified, within a 'Materials Plan'. The pallet of materials used is similar to Phases 1 and 2, this will enhance the appearance of the dwellings and will complement the surrounding residential development. The overall appearance

of the dwelling types would appear largely indistinguishable from high quality designs that appear in Phases 1 and 2 and no objection is raised.

- 6.30 Overall, the scale and appearance of the buildings used is very similar to what has been approved in Phase's 1 and 2. The scheme builds upon the successful Phase 1 and 2 proposals and is considered to be compliant with national and local design principles and policies for such new developments.

Layout and Impact on Residential Amenity

- 6.31 Paragraph 127 of the National Planning Policy Framework 2019 states that planning should involve good architecture, layout and landscaping. Policy H7 of the adopted Tendring District Local Plan (2007) states that development should be designed so as to incorporate suitable outdoor amenity space, so as to have no unduly adverse impact on the character of the area or neighbouring residential amenity. Emerging Policy LP3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) supports these objectives.
- 6.32 The layout of the development is important to ensure a suitably spacious arrangement is achieved, especially given the fact that the applicant is attempting to obtain all 360 dwellings on an area approximately 1.5 hectares below the total space originally intended for housing. The layout is also, key to ensure acceptable amenity and parking standards are met.
- 6.33 In terms of density, Condition 5 of the original outline gave a density standard to meet via the 'Land Use Audit', dated 21/01/16. The area labelled as "Character Area 1" (south of the site) on the 'Land Use Audit' gives a guide residential density of 15 dph (dwellings per hectare). The layout proposed has a density of 12.0 dph. "Character Area 2" on the 'Land Use Audit' has a guide density of 21 dph. The layout proposed has a density of 23.8 dph. Therefore, the Southern part of the site, that borders Dead Road and is more noticeable from the public realm, is less densely developed than required. However, the central and northern part of the site is slightly over the target density for the area.
- 6.34 With regards to general layout, approved Condition 3 of the original outline permission agreed a 'Master Plan' for the entire site wide development, showing 'indicative' roadways, areas for housing and open space.
- 6.35 The general layout has altered from the original Masterplan. There are changes to the building layouts from what was first envisaged especially to the south of the site. The loss of some communal green areas within Phase 3 is also disappointing. However, the density to the south of the site is lower than expected. Also, additional open space and a second LEAP was gained in Phase 2, adjacent to Phase 3. Furthermore, open space has been created to the south east corner for the badger's sett, while the excellent green corridor is retained around the borders of the site. These factors help offset the departure somewhat from the original Masterplan. The Landscape Officer has commented in full support of the proposal and the communal soft planting proposals offered forward.
- 6.36 In relation to the gaps between dwellings (side by side), no objection is raised. There is a positive spacious feel between dwellings.
- 6.37 Officers have carefully reviewed the proposed block plan. With regards parking, either two or three open parking spaces are laid out with a separate outbuilding behind. This arrangement closely follows what has been approved within Phases 1 and 2. The County Highways have offered no objections to the parking arrangement. There is space to the front of the open parking spaces given for visitors. On the larger 4/5 bedroom plots this is required for the host dwelling.

However, there is plenty of space achievable for visitors off site. No objections parking grounds is raised.

- Residential Amenity

- 6.38 Paragraph 127 of the National Planning Policy Framework 2019 states that planning should always seek to secure a high standard of amenity for existing and future users. Policy QL11 of the adopted Tendring District Local Plan (2007) states that development will only be permitted if it 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 (June 2017) supports these objectives.
- 6.39 There are plot types where the desired 25 metre distance is not fully achieved, for example between 327/ 328 backing onto 325 and 324. Also, between 329 and 354, similarity between 363 and the possible future development to the north. However, these are isolated incidences. Furthermore, the 'angle' of the building line relationships is over 30 degrees, not directly back to back. In such cases the Essex Design Guide allows for wall to wall relationships down to 15 metres on these plots. Further fenestration and layout amendments have also minimised overlooking concerns in these cases.
- 6.40 One area that is not strict controlled by the Essex Design Guide is the issue of outlook. The layout, height and design of the 'FOGS' or 'Ruben' was changed in order to limit their mass, bulk and height for amenity reasons, ie reduce the sense over overbearing / over dominance. Ruben Plot's 341 and 336 are 20 metres from the rear of plots 350 and 351, equally they are approximately 14 metres from the rear of plots 338 and 339. This distance together with the amended relatively narrow hipped roof design makes these Ruben plots acceptable. That conclusion relates also to Ruben plot 335 and the relationship with plot 333 opposite.
- 6.41 Ruben plot 335 is at its closest point 10 metres from the rear of plot 332, extending to 20 metres. Due to the splayed nature of the Ruben layout, position of the fenestration, extended garden size at plot 332 and the Ruben's position in relation to the sun movements. Again, on balance these factors make the relationship acceptable.
- 6.42 The updated Ruben design also includes high level roof lights that do not impact on the amenity of neighbouring properties. Equally, the obscured hallway window overlooks the Ruben garden space. No objection is raised.
- 6.43 With regards to the corner plots where close relationships can take place. Officers have worked with the agent to resolve any significant overlooking concerns via the repositioning of windows and in some cases garages. Revised plans have been received, subsequently there are no objections with regards loss of residential amenity to existing or future owners.
- 6.44 In conclusion, during the course of the application Officers requested a number of changes including the repositioning of windows, the use of obscured glassing and the re positioning of garages on site. The net result of these changes is that all the plots on site have achieved an acceptable level of residential amenity with particular regard to, overlooking, over shadowing, loss of light or over dominance on the shared boundaries.
- 6.45 Overall, the proposed layout does not appear over developed or cramped. The parking standards are met, while the layout respects the residential amenity of neighbouring properties. As such, the layout is deemed to be compliant with local and national design policies.

Landscape

- 6.46 Local Plan Policy EN1 and draft Local Plan Policy PPL3 seeks to protect and limit the potential landscape impacts of new development. While paragraph 175 d) of the NPPF seeks to ensure a 'measurable net gains for biodiversity'.
- 6.47 The Landscape Officer has fully supported the proposal and offered no recommendations for additional or alternative planting. Suds features and lighting have been included throughout the site however are covered by the original outline permission and associated planning conditions.
- 6.48 A Landscape Visual Impact Assessment (LVIA) was produced in support of the Outline application. The key landscape recommendations, as set out in the LVIA, have been incorporated into the design for Phase 3. The deviation from the Masterplan has been discussed above and no objection is raised.
- 6.49 It is noteworthy that the landscaping condition (14) and tree protection condition (17) attached to the Outline (Ref:15/00876/OUT) and Phase 3 consents, requires is a separate discharge of condition application. This application is currently live (Ref: 20/00773/DISCON). The Landscape Officer has offered no objections in this case also.
- 6.50 As such, the development is considered compliant with the aforementioned policy guidance and Officers raise no objection to the development on grounds of landscaping.
- 6.51 Officers would stress however, that part of the 3.4 hectares of land left over in the north east corner has been unaccounted for in landscaping terms. This is essentially the land to the east and west of the entrance spur road from Long Road. This was originally classified within the outline Masterplan to be a 'green space' and offers significant opportunity to further landscape the land either side of the access road into the site. This has not been included within this application as the restricted red line that leads up to Long Road does not give enough space for that additional planting to take place. Ultimately, if the separate outline application for that 'left over' land is not successful, Officers would expect a further application to be submitted within this outline approval (phase 4) to resolve the landscaping in that area.

Ecology

- 6.52 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.
- 6.53 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.
- 6.54 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.
- 6.55 Survey work also revealed badger setts in the eastern field boundaries. The associated mitigation plans recommended a combination of sett transferal and habitat enhancement. For this reason, there are two areas in the south-eastern corner of Phase 3 that could be used as artificial setts. Furthermore, a buffer is applied to the eastern field hedgerow to allow the continued use of this hedge by badgers.
- 6.56 The ecological proposals have been reviewed by both Essex County Council Ecology and Essex Wildlife Trust. There have been no objections to the proposals and ecological management plans subject to planning condition.

- 6.57 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. 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.
- 6.58 Overall, there are no objections on ecology grounds subject to planning conditions.

Habitat Regulations Assessment

- 6.59 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.
- 6.60 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.
- 6.61 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.

Open Space

- 6.62 The site includes 10% open space provision, which contributes to the overall provision of the entire site and meets the Council's minimum provision. This is largely provided through the perimeter trail.
- 6.63 Phase 3 benefits from open space and play provided within earlier phases, in particular the Locally Equipped Area for Play (LEAP) on the western edge of phase 3. This second LEAP on site is considered well integrated within the site and is served by good east-west and north-south pedestrian and cycle links.
- 6.64 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

- 6.65 As established by the Outline Planning Permission 15/00876/OUT, the development requires s106 contributions.
- 6.66 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. The siting of these aspects is set out in the Site Identification Plan that forms part of the s106.

- 6.67 Schedule 2, (Affordable Housing) of the s106 requires the delivery of affordable housing in 2 tranches – the 120th occupation (8 units) and the 240th occupation (6 units). All 14 units are within Phase 2.
- 6.68 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."
- 6.69 There are no other viability updates.

7 Conclusion

- 7.1 Officers believe the proposal is 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. Any outstanding details relating to Suds, lighting, contamination or archeology have been adequately controlled by the original Outline planning conditions.
- 7.2 This scheme provides a range of housing within landscaped surroundings to create safe, attractive and characterful streets. The appearance does not feel cramped or overdeveloped.
- 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. 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.
- 7.4 The landscaped perimeter of the site will provide benefits for local biodiversity, as well as retaining the character of Bromley Road and Dead Lane.
- 7.5 Ultimately, the proposals bring forward much-needed housing in a manner that is considered a sympathetic and high-quality addition to Lawford. The proposal is 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 section106 legal agreement with the agreed Heads of Terms, as set out in the table below:

CATEGORY	TERMS
Financial contribution towards RAMS.	£125.58 per dwelling

8.2 Conditions and Reasons

- 1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

981s ph3 . l . 026	Grace floor plans and front elevation	Received on	07 Apr 2020
981s ph3 . l . 027	Grace rear and side elevation		07 Apr 2020
981s ph3 . l . 020	Hebe floor plans and front elevation		07 Apr 2020
981s ph3 . l . 021	Hebe rear and side elevation		07 Apr 2020
981s ph3 . l . 028	Constance floor plans and front elevation		07 Apr 2020

Classification - Official

981s ph3 . l . 029	Constance rear and side elevation	07 Apr 2020
981s ph3 . l . 030	Constance variation floor plans and front elevation	07 Apr 2020
981s ph3 . l . 031	Constance variation rear and side elevation	07 Apr 2020
981s ph3 . l . 038	Rosemary floor plans and front elevation	07 Apr 2020
981s ph3 . l . 039	Rosemary rear and side elevation	07 Apr 2020
981s ph3 . l . 040 (a)	Amended rosemary side elevation	09 Sep 2020
981s ph3 . l . 041	Amelia floor plans and front elevation	07 Apr 2020
981s ph3 . l . 042	Amelia rear and side elevation	07 Apr 2020
981s ph3 . l . 043	Alexander floor plans and front elevation	07 Apr 2020
981s ph3 . l . 044 (a)	Amended alexander rear and side elevation	09 Sep 2020
981s ph3 . l . 045	Anna floor plans and front elevation	07 Apr 2020
981s ph3 . l . 046	Anna first floor plan and rear elevation	07 Apr 2020
981s ph3 . l . 047 (a)	Amended anna side elevation	09 Sep 2020
981s ph3 . l . 054	Charlotte floor plans and front elevation	07 Apr 2020
981s ph3 . l . 055 (a)	Amended charlotte rear and side elevation	09 Sep 2020
981s ph3 . l . 022 (a)	Amended the ruben floor plans and front elevation	09 Sep 2020
981s ph3 . l . 023 (a)	Amended the ruben side and rear elevation	09 Sep 2020
981s ph3 . l . 050 (a)	Amended the ophelia floor plans and front elevation	09 Sep 2020
981s ph3 . l . 053 (a)	Amended the ophelia (gabled) rear and side elevation	09 Sep 2020
981s ph3 . l . 061 (a)	Amended braithwaite rear and side elevation	09 Sep 2020
981s ph3 . l . 060	Braithwaite variation floor plans and front elevation	07 Apr 2020
981s ph3 . l . 057 (a)	Amended cadenza rear and side elevation	09 Sep 2020
981s ph3 . l . 056	Cadenza floor plans and front elevation	07 Apr 2020
981s ph3 . l . 036 (a)	Amended damask variation floor plans and front elevation	09 Sep 2020
981s ph3 . l . 037 (a)	Amended damask variation rear and side elevation	09 Sep 2020
981s ph3 . l . 051 (a)	Amended the ophelia side and rear elevation	09 Sep 2020
981s ph3 . l . 052 (a)	Amended the ophelia (gabled) floor plans and front elevation	09 Sep 2020
981s ph3 . l . 024	Amber floor plans and front elevation	07 Apr 2020
981s ph3 . l . 025	Amber rear and side elevation	07 Apr 2020
981s ph3 . l . 032	Barbier floor plans and front elevation	07 Apr 2020
981s ph3 . l . 033 (a)	Amended barbier rear and side elevation	09 Sep 2020
981s ph3 . l . 034	Damask floor plans and front elevation	07 Apr 2020
981s ph3 . l . 035 (a)	Amended damask rear and side elevation	09 Sep 2020
981s ph3 . l . 048	Victoria floor plans and front elevation	07 Apr 2020
981s ph3 . l . 049 (a)	Amended victoria side and rear elevation	10 Sep 2020
981s ph3 . l . 058	Berkeley floor plans and front elevation	07 Apr 2020
981s ph3 . l . 059 (a)	Amended berkeley rear and side elevation	09 Sep 2020
981s ph3 . l . 062 a	Outbuildings 1 floor plans and elevations	29 Apr 2020
981s ph3 . l . 063 a	Outbuildings 2 floor plans and elevations	29 Apr 2020
981s ph3 . l . 064	Outbuildings 3 floor plans and elevations	07 Apr 2020
981s ph3 . l . 065	Sub station floor plans and elevations	07 Apr 2020
981s ph3 . l . 006	Hard landscaping plan	07 Apr 2020
981s ph3 . l . 006 (b)	Amended roads hard landscaping	11 Sep 2020
19/163-01 b	Amended detailed hard and soft landscaping	11 Sep 2020
19/163-02 b	Amended detailed hard and soft landscaping	11 Sep 2020
19/163-03 b	Amended detailed hard and soft landscaping	11 Sep 2020
19/163-04 b	Amended detailed hard and soft landscaping	11 Sep 2020
19/163-05 b	Amended detailed hard and soft landscaping	11 Sep 2020
19/163-06 b	Amended detailed hard and soft landscaping	11 Sep 2020
981s ph3 . l . 008 (b)	Amended private hard landscaping	09 Sep 2020
981s ph3 . l . 009 (b)	Amended private hard landscaping	09 Sep 2020
981s ph3 . l . 004 (d)	Amended house type key	11 Sep 2020
981s ph3 . l . 005 (c)	Amended materials key	11 Sep 2020

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 Drawing Number:

- 981s ph3 . I . 004 d Proposed site layout / Amended house type key

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.

3. Prior to the commencement of any above ground works, 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.

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 and in accordance with Policy DM 1 and 8.

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 in accordance with Policy DM8.

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

Reason - To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8.

7. Prior to occupation of the development, those properties without an outbuilding or garage in Phase 3 of the hereby approved development shall be provided with Cycle parking in accordance with the EPOA Parking Standards. The details of the cycle parking arrangements proposed shall be submitted to and agreed in writing by the Local Planning Department before their first installation.

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.

8. Prior to occupation of the proposed dwellings, 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.

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 and Policy DM1.

10. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Badger Survey Report (Geosphere Environmental Limited, November 2019), the Ecological Mitigation and Management Plan (Geosphere Environmental Limited, July 2019) and the Updated Ecological Survey (Geosphere Environmental Limited, June 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason - To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

11. No development shall take place (including any demolition, ground works, site clearance) until a further badger survey and updated mitigation statement has been submitted to and approved in writing by the local planning authority. This further survey shall be undertaken to identify whether any Badger activity has changed since the previous surveys were undertaken and whether further mitigation and/or works are required for badgers during the construction phase. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason - To conserve Protected species and allow the LPA to discharge its duties under the Badger Protection Act 1992 and s17 Crime & Disorder Act 1998.

12. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason - To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) or the details provided within approved plans, 981s ph3 . I . 037 (a) Amended damask variation rear and side elevation, received on 09 Sep 2020. The proposed first floor rear W.C window and rear hallway window on plot 291 shall be glazed with obscure glass with a degree of obscurity equivalent to Pilkington level 5 and shall be permanently maintained thereafter as obscure glazed.

Reason - To safeguard the amenities of the adjoining premises from overlooking and loss of privacy.

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

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.

2: General note: areas where there is no footway being provided adjacent to the carriageway and the intention is for these areas to be adopted a half a metre 'no build zone' will need to be

provided and hard surfaced.

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.

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.

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

5: 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.

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/>.