



1. Prior to the occupation of the proposed dwelling, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 3.6 metres (4 low kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge. Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

2. No unbound material shall be used in the surface treatment of the vehicular access within 6 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.

3. There shall be no discharge of surface water onto the highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

6. 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.

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

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

8. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

9. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the carriageway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the carriageway is not obstructed during the construction period in the interest of highway safety in accordance with 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.

Informative:

1: The single garage should have a minimum internal measurement of 7m x 3m to encourage the use of garages for their intended purpose and to discourage on-street parking.

2: Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

3: 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](mailto:development.management@essexhighways.org) or by post to:

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

4: Steps should be taken to ensure that the Developer provides enough turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

### **3. Planning History**

|              |   |          |            |
|--------------|---|----------|------------|
| 16/01391/OUT | Residential development of 0.5 ha of land to create up to eight detached bungalows. | Approved | 01.12.2016 |
|--------------|---|----------|------------|

|                 |   |          |            |
|-----------------|---|----------|------------|
| 18/00010/OUT    | Outline planning application for seven detached bungalows and new access road to serve proposed and approved developments.                                      | Refused  | 27.02.2018 |
| 18/01259/DETAIL | Reserved matters application following planning approval 16/01391/OUT - Erection of eight detached bungalows.   | Approved | 05.10.2018 |
| 19/00785/OUT    | Proposed seven detached bungalows and the upgrading of the existing private road (outline application considering access only with all other matters reserved). | Approved | 04.10.2019 |
| 20/00277/OUT    | Proposed variation to condition 5 (design of access road) of permission 19/00785/OUT.   | Approved | 20.04.2020 |
| 20/00667/DETAIL | Approval of reserved matters for outline approval 20/00277/OUT for the erection of 7 dwellings.   | Approved | 21.08.2020 |

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG6 Dwelling Size and Type

HG14 Side Isolation

EN1 Landscape Character

EN6 Biodiversity

HG9 Private Amenity Space

HG14 Side Isolation

EN11A Protection of International Sites European Sites and RAMSAR Sites

COM6 Provision of Recreational Open Space for New Residential Development

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

LP1 Housing Supply

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

HP5 Open Space, Sports & Recreation Facilities

CP2 Improving the Transport Network

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 site forms part of the original red lined site area subject of application 19/00785/OUT for the development of the site for 7 dwellings situated on the north-western side of Connaught Road within the Parish of Weeley. The land formed part of an agricultural field, which extends to the northwest. While the postal address of Connaught Road is Little Clacton, the site is just within the parish of Weeley. Opposite, a row of eight bungalows have

recently been constructed (approved under reference 16/01391/OUT and 18/01259/DETAIL) served by an extension to Connaught Road.

The site is an addition to the development currently under construction for the 7 bungalows approved under reference 19/00785/OUT, revised under 20/00277/OUT and finalised under 20/00667/DETAIL. The remainder of Connaught Road contains a mixture of bungalows and chalet style properties dating from the 1950's onwards.

The site falls within the Parish of Weeley but is adjacent to Little Clacton to the south-east. The site lies outside of the development boundary for either Weeley or Little Clacton but is adjacent to the defined Settlement Development Boundary of Little Clacton as set out in the Tendring District Local Plan (2007) and abuts the extended boundary as set out within Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) (which has been extended to include the approved development opposite).

In terms of relationship to any settlement, the proposed dwellings are considered to relate to the facilities within the village of Little Clacton.

### Description of Proposal

The application seeks full planning permission for the erection of 1 no. 3 bedroom detached bungalow with integral garage.

### Assessment

- Principle of Development;
- Scale, Layout and Impact;
- Trees and Landscaping;
- Residential Amenities;
- Highway Considerations and Parking Provision;
- Financial Contribution – Recreational Disturbance;
- Financial Contribution – Open Space and Play Space;
- Legal Obligation – Affordable Housing; and,
- Representations.

### Principle of Development

The planning and appeal history for the site and directly opposite establishes the principle of residential development in this location.

For completeness, this can be assessed as follows;

The site lies outside of any Settlement Development Boundary as defined within both the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

The National Planning Policy Framework 2019 (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 report, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination in Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

Whilst it is recognised that there would be conflict with Saved Policy QL1 and Emerging Policy SPL1 in terms of the site being sited outside the settlement development boundary, as stated above, in the context of the 5 year housing land supply paragraph 11 d) of the NPPF requires applications for housing development to be assessed on their merits, whether sites are allocated for development in the Local Plan or not and it is important to consider whether any circumstances outweigh this conflict.

Therefore, at this present time, it is correct to assess the housing development on its merits against the sustainable development objectives set out within Paragraph 8 of the NPPF. The economic objective, a social objective and an environmental objective are therefore assessed below.

#### - Economic

It is considered that the proposal would contribute economically to the area, for example by providing employment during the construction of the development and from future occupants utilising local services, and so meets the economic arm of sustainable development.

#### - Social

Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations therefore being in line with the aims of the aforementioned paragraph 17 of the NPPF. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.

Both Weeley and Little Clacton are categorised as Rural Service Centres. It is accepted that each of these settlements can achieve small-scale growth over the plan period. To allow for this to happen, Settlement Development Boundaries have been drawn flexibly, where practical, to accommodate a range of sites both within and on the edge of villages. With this in mind, the draft Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 settlement development boundary has been marginally extended and now includes the opposite site approved under 16/01391/OUT and 18/01259/DETAIL.

In terms of the social role, the site is within walking distance of the convenience store on Harwich Road approximately 600 metres away with further shops, a post office and public house in the centre of Little Clacton. The site is also within walking and cycling distance of Little Clacton Primary School and recreational area. Weeley Road is also on a bus route and there is a bus stop located opposite Connaught Road with services to Mistley, Tendring



and Colchester. These facilities go some way to illustrate the sustainability credentials for the village.

#### - Environmental

The environmental role is about contributing to protecting and enhancing the natural and built environment which is considered below under the heading Layout, Scale and Impact.

#### Scale, Layout and Impact

Paragraphs 127 and 170 of the National Planning Policy Framework (2019) states that developments should function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, including the surrounding built environment and landscape setting.

The adopted Tendring District Local Plan (2007) Saved Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

This dwelling will be of an identical format to the dwellings as proposed on the remainder of the site and as built on the opposite side of Connaught Road. The proposed dwelling would continue the linear arrangement of existing properties and those recently approved as part of the outline scheme. The proposed development of an additional dwelling will not have any greater impact upon the character of the area. Moreover, there is an identical development of 8 units on the opposite side of the road therefore mirroring the scale, layout and density of development. The development will be relatively contained within the envelope of the existing settlement and the housing previously approved having no wider landscape impact than that already allowed under the previous outline approval. The spacing around the dwellings, garden sizes and parking provision all meet or exceed minimum standards demonstrating that an overall of 8 dwellings can be achieved on the site comfortably.

In the context of frontage housing along Weeley Road, and representing a continuation of Connaught Road, the development will not extend development beyond the public perception of the village limits in the locality. The form of development will replicate the existing linear development pattern of this area of the village. As such it will not be detrimental to the character and appearance of the surrounding countryside.

#### Trees and Landscaping

The application site is in agricultural use and does not contain any trees or other significant vegetation.

The soft landscaping plan, submitted in support of the application, shows a new hedge on the north western (rear) boundary of the development and a single tree in the rear garden of the proposed dwelling. In this regard the soft landscaping proposals are acceptable and will be secured by condition.

## Residential Amenities

The NPPF, in paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives supports these objectives.

The addition of one dwelling to the end of the row of bungalows already under construction will not result in any material harm to existing or future occupants. The dwelling has no immediate neighbouring dwellings to its southern side or to the rear with only one adjoining neighbouring property to the north-east (part of the approved development under reference 20/00277/OUT and 20/00667/DETAIL). The spacing around the property, distance to the shared boundary and single storey height will ensure a good standard of amenity. Furthermore, the dwelling is served by a private amenity space in excess of the minimum standards set out within Saved Policy HG9 of the adopted Tendring District Local Plan (2007).

## Highway Considerations and Parking Provision

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

The Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms, a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. The proposed plan shows a garage and parking bays. Although the garage is slightly undersized at 6.7 metres it remains a usable area with enough space provided to the front of the garage for a further 2 parking spaces. The development is therefore acceptable in terms of access and parking.

## Financial Contribution - Recreational Disturbance

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. 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 (Zoi) being approximately 5020 metres from the Colne Estuary Ramsar and SPA and 4800 metres from Hamford Water SPA and SAC. New housing development within the Zoi would be likely to increase the number of recreational visitors to the Colne Estuary and Hamford Water 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.

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.

#### Financial Contribution - Open Space and Play Space

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

The site falls within the Parish of Weeley but is adjacent to Little Clacton to the south-east. The site lies outside of the development boundary for either Weeley or Little Clacton but is adjacent to the defined Settlement Development Boundary of Little Clacton as set out in the Tendring District Local Plan (2007) and abuts the extended boundary as set out within Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) (which has been extended to include the approved development).

There is currently a deficit of -2.18 hectares of equipped play and formal open space in Weeley and a deficit of -2.22 hectares in Little Clacton. The closest play area to the development is located at Plough Corner 0.6 miles from the development. Due to the significant lack of play and open spaces facilities in the area, a contribution is justified and relevant to cope with any additional development. Little Clacton Parish Council have plans in place to create additional facilities at The Parish Playing Fields, Plough Corner

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

#### Legal Obligation - Affordable Housing

Paragraph 34 of the National Planning Policy Framework 2019 (NPPF) state that Local Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required. Paragraph 64 of the NPPF states provision of affordable housing should be sought for residential developments that are major developments. Within the glossary of the NPPF (2019), major development is defined as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.

Policy HG4 in the adopted Tendring District Local Plan (2007) requires major scale residential developments to provide 40% of new dwellings as affordable housing for people who cannot otherwise afford to buy or rent on the open market. Policy LP5 in the emerging Local Plan, which is based on more up to date evidence on viability, requires 30% of new dwellings on large sites to be made available for affordable or Council Housing.

If the site was to be considered in isolation it would not fall within the definition of a major development set out within NPPF (2019) and consideration against the affordable housing policies would not apply. However, the issue here is that through a series of applications the requirement to provide affordable housing can be bypassed. In the case of *New Dawn Homes Ltd v S S for C & L G and Tewkesbury B C* [2016] EWHC 3314 (Admin), Mr Justice Holgate sitting in the High Court endorsed the approach taken in *R (Westminster City Council) v First Secretary of State and Brandlord Limited* [2003] J.P.L 1066 to determine the factual question of whether two development sites could be aggregated or considered to form part of a larger whole. Those criteria were ownership, whether the areas of land could

be considered to be a single site for planning purposes, and whether the development should be treated as a single development.

Having regard to the planning and appeal history of the adjacent sites and the potential for deliberate piecemeal development, consideration has been given to affordable housing policies and requirements and relevant case law.

Application 16/01391/OUT was made on the 26 August 2016 and the outline permission was granted on the 01 December 2016. The advice in paragraph 64 of the NPPF which requires affordable housing on Major Developments was published on the 29 December 2016. The site area of the development was given as 0.5 ha hence it would have attracted a requirement for affordable housing if made and determined after the advice was published on 29/12/2016 but at the time the only requirement was contained in the Local Plan and the scale of the development did not reach that threshold. The form accompanying the application states that notice was served on the Barrington Fullers. Ownership of the site is now with South East Developments Ltd under title number EX976145. The unilateral s106 of 4/10/2019 given in relation to 19/00785/OUT/20/00277/OUT suggest the company acquired the title on the 13 July 2018.

Application 19/00785/OUT/20/00277/OUT was made on the 24 May 2019 and the applicant is said to be Endeavour. The site are is given as 0.49ha with the obvious intent of avoiding the need to provide affordable housing. The site is in two ownerships the road fronting the site is owned by South East Developments Ltd under title number EX976145 and the remainder by N E J Barrington Fuller, A R Fuller, J D Barrington Fuller and D C Fuller under title number EX939994. The ownership certificate at part 25 of the application is clearly not correct. This may be a deliberate attempt to confuse.

Officers consider that there was no affordable housing requirement for 16/01391/OUT and it is now in different ownership and the houses have been built out. It would be incorrect to treat 16/01391/OUT and 19/00785/OUT/20/00277/OUT as a single development. The 8<sup>th</sup> dwelling is being delivered within the original red lined site area approved under 19/00785/OUT does not change matters. However, any additional development of the remainder of the land within Connaught Road would be considered to be a single development combined with 20/00668/FUL and may require affordable housing to be provided.

### Representations

Objections have been received from both Little Clacton and Weeley Parish Councils. The objections raised can be summarised and addressed as follows (officer response in italics);

- Sited outside of the village envelope.
- Contrary to policies seeking to protect the green gaps between villages.
- No need for more housing as 5 year housing supply met.
- Trying to squeeze an additional dwelling into the previous site.

*The principle of development, its impact and requirement to be considered alongside the adjacent development have been addressed in the main report above. The site is not a designated green gap/strategic green gap. The development occupies the same site as that approved previously.*

1 individual letter of representation has been submitted querying the plot size and affordable housing requirement.

*This is addressed in the main report above.*

## Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval subject to conditions.

## **6. Recommendation**

Approval - Full

## **7. Conditions**

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

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

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

DWG. NO. P01 Layout, Floor Plans, Elevations and Materials  
DWG. No. P03b Landscaping Plan

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

- 3 Notwithstanding the details shown on approved Landscaping Plan DWG. No. P03b the hedgerow planting shown on the rear boundary of the approved landscaping scheme shall be extended along the south-western boundary of the site (side boundary). The approved landscaping scheme including the continuation of the hedgerow planting 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 order to soften and mitigate the visual impact of the development on the remaining open fields beyond having regard to the semi-rural setting.

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

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

- 5 The development shall not be occupied until such time as the road, turning, driveway and garage have been provided in accordance with the approved plans and shall be retained in this approved form thereafter.

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

- 6 Prior to the occupation of the proposed dwelling, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 3.6 metres (4 low kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

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

- 7 There shall be no discharge of surface water onto the highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 8 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls or other enclosures shall be erected forward of the front elevation of the dwelling hereby approved except in accordance with details that shall previously be 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 landscape harm does not result in this edge of settlement location.

- 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 additions or alterations to any of the dwellings or their roofs, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions and/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 landscape harm does not result in this edge of settlement location and to ensure that no harm to neighbouring amenities will occur.

## **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.

### Future Applications and Affordable Housing Requirements

Any additional development of the remainder of the land within Connaught Road, up to Weeley Road/Clacton Road would be considered to be a single development combined with 20/00668/FUL and 19/00785/OUT and would be considered against affordable housing national and local plan policy requirements.

### Highways Informatives

1. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the carriageway to ensure that appropriate loading / unloading facilities are available to ensure that the carriageway is not obstructed during the construction period in the interest of highway safety.
2. The single garage should have a minimum internal measurement of 7m x 3m to encourage the use of garages for their intended purpose and to discourage on-street parking.
3. Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.
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](mailto:development.management@essexhighways.org) or by post to:

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