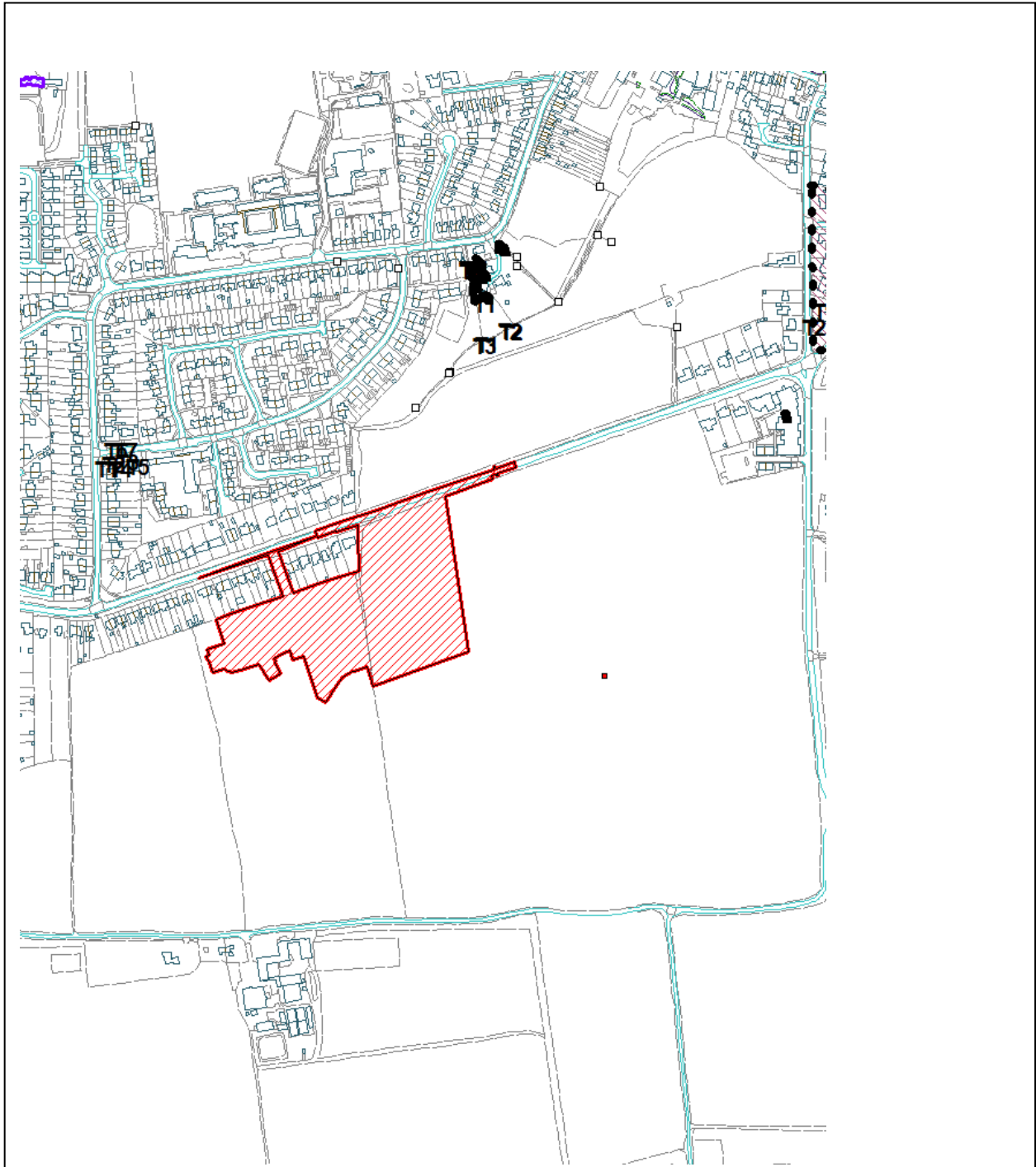


PLANNING COMMITTEE

17TH NOVEMBER 2020

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

**A.2 PLANNING APPLICATION – 20/00782/OUT – LAND SOUTH OF LONG ROAD
LAWFORD CO11 2HS**



DO NOT SCALE

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Application: 20/00782/OUT

Town / Parish: Mistley Parish Council

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

Address: Land South of Long Road Lawford CO11 2HS

Development: Outline planning with all matters reserved except for access for up to 76 no. dwellings and associated roads, hardstanding, fencing, outbuildings and drainage.

1. **Executive Summary**

- 1.1 This application is referred to the Planning Committee as the site is situated outside of any settlement development boundary (SDB), but adjacent to the SDB of Lawford. The development therefore represents a departure from the saved local plan.
- 1.2 The application site is located on the southern side of Long Road at the eastern end of the settlement of wider 'Lawford Green' development (15/00876/OUT) that approved amongst other elements 360 dwellings, a community building with public access toilets, village green, public open space a playground. There was 3.4 hectares of land in the eastern portion of this wider site allocation that was left undeveloped.
- 1.3 This application seeks outline planning permission for the erection of 76 dwellings on this land. The application is in outline form with all matters reserved except for access. This application therefore seeks approval of the access along with the principle of development.
- 1.4 The application site is outside the adopted settlement boundary but within the emerging settlement boundary of the new local plan.
- 1.5 An area of land South of Long Road (approximately 50 metres in depth) is designated as being within the 'Green gap' of the emerging local plan. The application has suggested development within this land of approximately 3 dwellings. The report indicated Officers are against this idea and feel there is ample space to develop without needing to use this locally designed open land.
- 1.6 The site is located on the edge of what the emerging Local Plan calls a 'smaller urban settlement' (the adopted at 'town' with good access to local services/facilities). Planning permission has been granted for residential development on land directly to the east for 485 dwellings. This has been built at approximately 30 dwellings per hectare. This application proposes approximately 22 dwellings per hectare. The original 360 dwelling development from the host developer is occurring immediately to the east.

Therefore, there would be minimal landscape impact whilst sufficient spacing to existing residents is retained to safeguard amenity.

- 1.7 In the current situation the Council cannot demonstrate a 5 year housing supply and therefore in accordance with the provisions of the National Planning Policy Framework (NPPF) the presumption in favour of sustainable development applies. The development is considered to meet the economic, environmental and social strands of sustainability as outlined in the NPPF.
- 1.8 Subject to the applicant entering into a Section 106 agreement to cover the provision of affordable housing and healthcare/RAMS contributions, the proposal is considered to be acceptable with no material harm to visual or residential amenity, heritage assets, ecology interest or highway safety, and the application is therefore recommended for approval.

Recommendation:

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

- a) **Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):**
 - **Financial Contribution towards RAMS**
 - **Affordable Housing Provision:**
 - **Education contribution**
 - **NHS contribution**
 - **Open Space**
- 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

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

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP5	Infrastructure & Connectivity

SP6	Place Shaping Principles
SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP1	Improving Health and Wellbeing
HP2	Community Facilities
HP3	Green Infrastructure
HP4	Safeguarded Local Greenspace
HP5	Open Space, Sports & Recreation Facilities
LP1	Housing Supply
LP2	Housing Choice
LP3	Housing Density and Standards
LP4	Housing Layout
LP5	Affordable and Council Housing
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
PPL6	Strategic Green Gaps
PPL7	Archaeology
PPL9	Listed Buildings
CP1	Sustainable Transport and Accessibility
CP2	Improving the Transport Network
CP3	Improving the Telecommunications Network

Other Guidance

Essex County Council Car Parking Standards - Design and Good Practice
Essex Design Guide for Residential and Mixed-Use Areas.
Essex Design Guide (2005)
Urban Place Supplement (2007)

Status of the Local Plan

- 2.2 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.
- 2.3 Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018, 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 Measures), 19 (Refuse/Storage points, Dwelling External Materials), 20 (construction Management Statement), 21 (Broadband Connection) and 23 (Water, Energy and Resource Efficiency Measures) of approved planning application 15/00876/OUT	Approved	30.10.2018
18/00750/DISCON	Discharge of conditions 18 (Archaeology), 22 (Local Recruitment Strategy), 24 (Contamination) of approved	Approved	02.07.2018

	planning application 15/00876/OUT.		
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 (Surface Water Drainage) 13 (Foul Water Strategy) 14 (soft	Approved	29.05.2020

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" house type 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.	Approved subject Section 106	
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	Current	

Collections and Materials Only),
(phase 3 and 5) 18 (Archaeology)
and 24 (Contamination) of
planning permission
15/00876/OUT.

4. Consultations

Essex County
Council
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

Summary

ECC Ecology have reviewed 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) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats.

ECC Ecology are satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

ECC Ecology note that this application will require the LPA to prepare a project level HRA Appropriate Assessment as the development lies within the Zone of Influence (ZOI) for the Essex Coast RAMS, approximately 1km from the Stour and Orwell Estuaries SPA and Ramsar, and delivery of mitigation measures in perpetuity will therefore be necessary to ensure that this proposal will not have an adverse effect on the integrity of the above Habitats sites from recreational disturbance, when considered 'in combination' with other plans and projects. A proportionate financial contribution will need to be secured from the applicant under a legal agreement.

The mitigation measures identified 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) should be secured and implemented in full. These should be collated into a Construction

Environmental Management Plan for Biodiversity (CEMP: Biodiversity).

As mentioned in the Badger Survey Report (Geosphere Environmental Limited, November 2019), as more than 6 months have passed since the badger survey was undertaken, this should be updated, within 6 months prior to works commencing on-site, to identify if the usage of the setts identified has changed. This should be secured as a condition of any consent.

ECC Ecology also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. These should be included in a Biodiversity Enhancement Strategy as secured as a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

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. CONCURRENT WITH RESERVED MATTERS: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

"A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

Reason: To conserve 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).

4. CONCURRENT WITH RESERVED MATTERS: BIODIVERSITY ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter."

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

5. CONCURRENT WITH RESERVED MATTERS: 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)

Arch. Liaison Off, Essex Police 17.08.2020	Essex Police and the applicant are already involved in constructive consultation in relation to incorporating Secured By Design - Homes 2019 accreditation into Phase 2 and 3 of this development. We are content the ethos of Crime Prevention Through Environmental Design (CPTED) is being addressed adequately within Phase 4 and 5. Essex Police are keen to continuing to work with the applicant to additionally achieve Secured By Design accreditation for Phases 4 and 5.
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Network Planner - UK Power Networks	No Comments Received
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Essex County Council Archaeology 14.08.2020	The above planning application has been identified as having the potential to harm non-designated heritage assets with archaeological interest.
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The Essex Historic Environment Record (HER) and Tendring Historic Environment Characterisation Project, demonstrate that the proposed development lies within an area of archaeological interest.

The site lies adjacent to an area of recorded cropmark features indicative of a Roman road, further cropmark features extend into the development area which include trackways and enclosures. The above site lies within the extent of application 15/00876/OUT which has an archaeological condition and for which a Written Scheme of Investigation has been submitted and approved. The archaeological fieldwork for Phase 1 of this application has been completed, the archaeological evaluation and excavation has identified Roman and prehistoric settlement activity, the potential for further Roman activity to lie within the above development site is high.

The following recommendations are made in line with the National Planning Policy Framework:

RECOMMENDATION: A Programme of Archaeological evaluation

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which

has been submitted by the applicant, and approved in writing by the local planning authority.

2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.

3. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Further Recommendations:

A professional team of archaeologists should undertake the archaeological work. A brief outlining the level of archaeological investigation will be issued from this office on request. Tendring District Council should inform the applicant of the recommendation and its financial implications.

TTC Planning
Policy Section

No Comments received

Cadent Gas
Limited
21.08.2020

An assessment has been carried out with respect to Cadent Gas Limited, National Grid Electricity Transmission plc's and National Grid Gas Transmission plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus. For details of Network areas please see the Cadent website (<http://cadentgas.com/Digging-safely/Dial-beforeyou-dig>) or the enclosed documentation.

Are My Works Affected?

Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified. Can you please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application.

If the application is refused for any other reason than the presence of apparatus, we will not take any further action.

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to Cadent Gas Limited, National Grid Electricity Transmission plc (NGET) and National Grid Gas Transmission plc (NGGT) and apparatus. This assessment does NOT include:

- Cadent and/or National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent and/or National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Plant Protection.
- Gas service pipes and related apparatus
- Recently installed apparatus
- Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is YOUR responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on either the National Grid or Cadent website.

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to Cadent and/or National Grid's easements or wayleaves nor any planning or building regulations applications.

Cadent Gas Limited, NGGT and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

ASSESSMENT

Affected Apparatus

The apparatus that has been identified as being in the vicinity of your proposed works is:

- High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment
- Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)

As your proposal is in proximity to apparatus, we have referred your enquiry / consultation to the following department(s) for further assessment:

- Cadent Pipelines Team

We request that you take no further action with regards to your proposal until you hear from the above. We will contact you within 28 working days from the date of this response. Please contact us if you have not had a response within this timeframe.

Requirements

BEFORE carrying out any work you must:

- Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.
- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 - 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

Essex County Fire Officer No Response

NHS East Essex CCG 14.08.2020 The proposed development is likely to have an impact on the services of 2 GP practices operating within the vicinity of the application site. These GP practices do not have capacity for the additional growth resulting from this development.

The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. As the commissioner of primary care services, North East Essex CCG would therefore expect these impacts to be fully assessed and mitigated.

North East Essex CCG acknowledges that the planning application includes a Planning Statement which suggests that a capital contribution may be required to mitigate against the healthcare impacts arising from the proposed development

A Healthcare Impact Assessment (HIA) has been prepared by North East Essex CCG to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 167 residents and subsequently increase demand upon existing constrained services.

The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

At the earliest stage in the planning process it is recommended that work is undertaken with NHS England and Public Health England to understand the current and future dental needs of the development and surrounding areas giving consideration to the current dental provision, current oral health status of the area and predicted population growth to ensure that there is sufficient and appropriate dental services that are accessible to meet the needs of the development but also address existing gaps and inequalities.

Encourage oral health preventative advice at every opportunity when planning a development, ensuring that oral health is everybody's business, integrating this into the community and including this in the health hubs to encourage and enable residents to invest in their own oral healthcare at every stage of their life.

As an Integrated Care System it is our ambition that every one of the one million people living in Suffolk and North East Essex is able to live as healthy a life as possible and has access to the help and treatment that they need in the right place, with good outcomes and experience of the care they receive.

Suffolk and North East Essex Integrated Care System, recognises and supports the role of planning to create healthy, inclusive communities and reduce health inequalities whilst supporting local strategies to improve health, social and cultural wellbeing for all aligned to the guidance in the NPPF section 91.

The way health and care is being delivered is evolving, partly due to advances in digital technology and workforce challenges. Infrastructure changes and funds received as a result of this development may incorporate not only extensions, refurbishments, reconfigurations or new buildings but will also look to address workforce issues, allow for future digital innovations and support initiatives that prevent poor health or improve health and wellbeing.

The NHS Long term plan requires a move to increase investment in the wider health and care system and support reducing health inequalities in the population. This includes investment in primary medical, community health services, the voluntary and community sector and services provided by local authorities so to boost out of hospital care and dissolve the historic divide between primary and community health services. As such, a move to health hubs incorporating health and wellbeing teams delivering a number of primary and secondary care services including mental health professionals, are being developed. The Acute hospitals will be focussing on providing specialist treatments and will need to expand these services to cope with additional growth. Any services which do not need to be delivered in an acute setting will look to be delivered in the community, closer to people's homes.

The health impact assessment (HIA) submitted with the planning application will be used to assess the application. This HIA will be cross-referenced with local health evidence/needs assessments and commissioners/providers own strategies so to ensure that the proposal impacts positively on health and wellbeing whilst any unintended consequences arising are suitably mitigated against.

The development would give rise to a need for improvements to capacity, in line with emerging STP Estates Strategy; by way of refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of The Riverside Health Centre or through other solutions that address capacity and increased demand. For this a proportion of the cost would need to be met by the developer.

The Capital Cost Calculation of additional primary healthcare services arising from the development proposal, has been calculated as £44,334.40 towards creating additional floor space at The Riverside Health Centre. Payment should be made before the development commences.

North East Essex CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

Conclusions

In its capacity as the primary healthcare commissioner, North East Essex CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

Assuming the above is considered in conjunction with the current application process, North East Essex CCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

The terms set out above are those that North East Essex CCG deem appropriate having regard to the formulated needs arising from the development.

North East Essex CCG is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

North East Essex CCG look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

ECC Schools
Service
28.08.2020

As no residential unit mix has been provided it has been assumed that all of these homes are dwellings with two or more bedrooms. Therefore a development of this size can be expected to generate the need for up to 6.84 Early Years and Childcare (EY&C) places; 22.8 primary school, and 15.2 secondary school places.

Please note that any developer contribution figures referred to in this letter are calculations only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation.

This proposal forms part of the larger Long Road development and includes land formally owned by Manningtree High School. There are a number of obligations included in the extant section 106 agreement (dated 12th April 2017), pertaining to the earlier phases of this development, and this additional phase will add to the impacts that these obligations were secured to address. It would thereby appear appropriate that these obligations are extended pro rata.

Early Years and Childcare

Essex County Council has a statutory duty under the Childcare Act 2006 to ensure that there is sufficient and accessible high-quality early years and childcare provision to meet local demand. This includes provision of childcare places for children aged between 0-5 years as well as wrap around provision for school aged children (5-11 or up to 19 with additional needs).

The Early Years and Childcare Service have secured the provision of a 30 place childcare facility through the S106 agreement from the Lawford (Bromley Road) development. This provision, along with existing provision within the surrounding 3 mile radius, will be sufficient to meet the demand generated by this new housing development. The Early Years and Childcare Service does not require further contributions for any additional housing at this stage, subject to the completion and sealing of the Deed of Variation currently being processed to secure the EY&C facility referred to above.

ECC would caveat that should the Deed of Variation not proceed to completion and be sealed then a request for a contribution toward EY&C provision of £94,926.00, index linked to April 2015, would be made. This equates to £13,878.00 per place.

Primary Education

With regard to the additional demand generated by this development, a developer contribution of £277,522.00, index linked to April 2015 is sought to mitigate its impact on local primary school provision. This equates to £12,172.00 per place.

Secondary Education

With regard to the additional demand generated by this development a developer contribution of £281,063.00 index linked to April 2015, is sought to mitigate its impact on local secondary school provision. This equates to £18,491.00 per place.

School Transport

Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council will not be seeking a school transport contribution, however, the developer should ensure that safe direct walking and cycling routes to local schools are available.

Libraries

ECC seek contributions to support the expansion of the library service to meet customer needs generated by residential developments of 20+ homes.

The provision of a Library Service is a statutory duty under the 1964 Public Libraries and Museums Act and it's increasingly become a shared gateway for other services such as for accessing digital information and communications.

In this case the suggested population increase brought about by the proposed development is expected to create additional usage of Manningtree library. As outlined in the adopted Essex Developers' Guide to Infrastructure Contributions (2016), a contribution is therefore considered necessary to improve, enhance and extend the facilities and services statutorily provided to account for the expected increase in number using these facilities.

The requested contribution is based on the following calculation:
Average. RICS East of England Library tender value cost per m2 for library provision x 30m2 / 1000 x av. household occupants + av. fitting out costs of a new provision in Essex + provision of stock per dwelling.

In this case, and taking the above into account, it is calculated that a contribution of £23,006.72 is required and should be included in any Section 106 Agreement should the Council be minded to grant permission.

In view of the above, I request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on primary and secondary education and libraries. The contributions requested have been considered in connection with the CIL Regulations 2010 (as Amended) and are CIL compliant. Our standard formula s106 agreement clauses that ensure the contribution would be necessary and fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

If your Council were minded to turn down the application, I would be grateful if the lack of surplus primary and secondary education and library provision, in the area to accommodate the proposed new homes can be noted as an additional reason for refusal, and that we are automatically consulted on any appeal or further application relating to the site.

TDC Housing
Services
09/09/2020

The application proposes up to 76 dwellings in total and as such, there will be a requirement for affordable housing to be delivered. The applicant, in their planning statement, has acknowledged that up to 23 dwellings need to be delivered as affordable housing and this is consistent with the requirements in the emerging Local Plan.

There remains a high demand for housing in Lawford and there are currently the following number of households on the housing register seeking housing in the village:

1 bedroom – 138 households*
2 bedroom - 100 households
3 bedroom – 60 households
4 bedroom - 24 households

*of the 138 households seeking a 1 bedroom home, 52 are aged 60 or over which would imply a requirement for level access accommodation.

My department would prefer to see affordable housing delivered on site and would prefer another provider be sought to take on the affordable homes. I have had discussions with the applicants regarding the tenure split and have recommended a 70/30 split in favour affordable rented homes/low cost home ownership therefore a 16/7 split.

ECC SuDS
Consultee
25.09.2020

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:

The surface water drainage strategy should be implemented as agreed in the accompanying drainage strategy and maintenance plan. We also recommend the following conditions:

Condition 1

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory

storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 2

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

ECC
Highways
Dept
06.11.2020

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.

The Highway Authority has considered all the information submitted with the planning application. The Highway Authority is satisfied that the applicant has demonstrated (in accordance with the NPPF) the impact of the proposal on the highway network would be unlikely to be severe. With the proposed upgrade of the Wignall Street/Bromley road priority junction to a mini roundabout and subject to the link road being completed and connected to Long Road the traffic will be distributed 50:50 between the Bromley Road and Long Road accesses so this is key to the operation. Therefore, from a highway and transportation perspective, the increase in up to 76 dwellings housing has no significant impact on the junctions assessed.

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

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities
 - v. prior to the commencement of any work on the site, a joint inspection of the route to be used by construction vehicles should be carried out by the Applicant and the Highway Authority, including photographic evidence.

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.

2. No occupation of the development shall take place until the following have been provided or completed:
 - a) A priority junction with ghosted right turn lane (with two pedestrian refuge islands) in Long Road to provide access to the proposal site. Priority junction shall have minimum 10.5 metre kerbed radii with dropped kerbs/tactile paving crossing points, a minimum 6.75 metre access road carriageway with two 3 metre footway/cycleways, pedestrian/cycle refuge island and a minimum 109m x 2.4m x 120m clear to ground visibility splay.

- b) A mini-roundabout at the junction of Wignall Street and Bromley Road in principal and in accordance with approved Ardent Consulting Engineers drawings K297-002C.
- c) A minimum 3-metre-wide footway/cycleway along the proposal site's Long Road frontage.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10.

3. A financial contribution of **£**,000 (index linked)** towards the provision of a new footway along Grange Road between its junction with School Lane and Bromley Road.

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.

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.

Notes:

- The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate
- In making this recommendation the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site as illustrative only
- Prior to any works taking place in the highway the developer should enter into an S278/ S106 agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works
- All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible).
- All highway related details should be agreed with the Highway Authority.
- The proposed junction layouts, and footway proposals will require an initial Stage 1 Road Safety Audit.
- The development should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009.

Informative:

1: 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.

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

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

SMO1 – Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

Waste
Management
06.07.2020
Environmental
Protection

No comments at this stage.

Building
Control and
Access Officer
02.07.2020

No comments at this time.

UU Open
Spaces
06.11.2020

Current Position

There is currently a deficit of -3.44 hectares of equipped play/open space in Lawford.

Any additional development in the Lawford area will increase demand on already stretched facilities. Although there has been some play equipment added to the first phase of the development, there still needs to be improvements to existing facilities to cope with any additional development. The closest play area to the development is located close by on School Lane.

Recommendation

Due to the significant lack of play facilities in the area it is felt that a contribution towards play is justified and relevant to this application. The nearest play area at School Lane would see the biggest impact and is in need of improvement and modernisation.

Anglian Water
Services Ltd
06.07.2020

ASSETS

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site.

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

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Manningtree Water Recycling Centre that will have available capacity for these flows

Section 3 - Used Water Network

This response has been based on the following submitted documents: Foul sewer records, Planning statement A connection has been assessed to the north of the site into our sewer run, via a gravity connection. If any documentation is given to illustrate a different method of connection, we would wish to be reconsulted. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

(1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent

will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

TDC Tree & Landscape Officer
15.07.2020

The application site comprises of land that appears to be in agricultural use. There is an established hedgerow on part of the boundary with Long Road and established trees on the northern section of the western boundary of the land.

In terms of trees and other vegetation on the application site and adjacent land the applicant has provided a detailed tree survey and report. The report accurately describes the health and condition of existing trees and the extent to which they are a constraint on the development potential of the land. The information contained in the report is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction. Recommendations.

The tree report adequately demonstrates that the development of the land could take place without causing harm to the important trees on the land.

In terms of formal legal protection of the trees it should be noted that the site is not affected by a tree preservation order and is not situated within a conservation area.

As none of the trees are threatened with removal associated with the development of the land it is not considered necessary or expedient to make any of the trees on the land the subject of a tree preservation order.

Should planning permission be likely to be granted then details of soft landscaping should be secured as a reserved matter.

Essex Wildlife Trust
17.08.2020

This development falls within the ZOI for Stour and Orwell Estuaries SPA in respect of the Essex RAMS scheme. Developer contributions are therefore required.

5. Representations

5.1 10 letters of objection were received by the Local Authority, the issues raised related to the following:

- loss of wildlife and green land;
- the additional cars associated with this development will create pollution and noise;
- there is not enough truly affordable housing included in the proposal;
- there could be up to 100-300 people extra and the local infrastructure (schools, gp surgeries, road network etc) do not have the capacity;
- already a large amount of development due to take place in the area, these are not needed;
- The roads cannot cope with the extra traffic; and
- Build-up of traffic at Manningtree station crossing is already at breaking point

6. Assessment

Site Context

- 6.1 The host site is located on the eastern edge of Lawford's settlement boundary, south of Long Road in Lawford. The site is in part behind a row of existing housing that fronts Long Road. East of the host site are more agricultural fields that have planning permission for 485 dwellings by Tendring Farms Ltd. Directly opposite the site, on the north eastern side of Long Road are more agricultural fields, although existing housing extends to the north-west as part of Lawford.
- 6.2 The host site was previously in agricultural use, however now it forms the eastern part of the wider housing development project called "Lawford Green", for 360 dwellings along with a community building, a new access to the school and a village green (ref: 15/00876/OUT). Work on this development (western section) is well is underway. The eastern side of the site (including the host site) is therefore fenced off and forms part of the existing construction area. The existing vehicular access to the site is via Bromley Road however there is a construction only access from Long Road.
- 6.3 The site includes a narrow strip of land that lies between 92 and 94 Long Road from which access to the site is gained. Overall, the application site measures 3.4 hectares (8.4 acres) in size and is approximately rectangular in shape. The western section of the site (south of the existing dwellings on Long Road, numbers 118 – 80 Long Road) was originally allocated for housing developments under the extant outline approval. The eastern side of the site was not allocated for housing under the extant outline approval and was simply a landscaped entrance to the wider Lawford Green development.
- 6.4 The land is flat and bounded by perimeter hedgerows and trees marking the field boundaries. The site is outside the settlement boundary of the adopted local plan however within the settlement boundary of the emerging Local Plan. The draft Local Plan (2017) also includes a 50m deep strip along the southern edge of Long Road as being within the 'Green Gap' via emerging Policy PPL6. There are no Listed Buildings or Conservation Areas near the host site, or effected by the proposed development. There are no public rights of way within the red line area either.
- 6.5 Existing housing to the north and east comprises detached and semi-detached houses of two-storeys. There is a mixture of material types and colours, including exposed brick, boarding and render.

Planning History

- 6.6 The host site as established forms part of the Lawford Green development. Outline planning permission (ref: 15/00876/OUT) was granted in April 2017 for 360 dwellings, along with a community building, a new access to the school and a village green. Subsequent reserved matters applications were approved for Phase 1 (ref: 17/01527/DETAIL) in 2017, Phase 2 (ref: 19/01475/DETAIL) in 2019 and Phase 3 (20/00480/DEATIL) in 2020. These Reserve Matters applications concluded the siting of all 360 dwellings on site. However, approximately 20% of the total original site area, in the north east corner, was left unaccounted for, hence this additional proposal for 76 extra dwellings on site.
- 6.7 The layouts for Phases 1, 2 and 3 fully complied with the restrictions set out by the associated masterplan and local development management criteria for such proposals.

The scheme has achieved a net residential density of 22 dwellings per hectare and provided 2.2 hectares of open space through the perimeter trail, village green, campsite and public open spaces, which equates to 10% of the development site. However, the development had 3.4 hectares of land unaccounted for hence this current proposal.

- 6.8 Phase 1 is currently under construction and it is anticipated that phase 2 will be started in 2021. Phase 3 will follow in due course. The development primarily comprises 2-storey houses, although there are a small number of chalet bungalows also included.

Proposal

- 6.9 This application seeks outline planning permission for the erection of 76 dwellings and associated roads, hardstanding, fencing, outbuildings and drainage on the site. The application is in outline form with all matters reserved except for access. The application therefore seeks approval of the access along with the principle of development only.
- 6.10 The proposed vehicular access from Long Road uses the approved accesses as part of the original outline Lawford Green development (15/00876/OUT). This access was considered appropriate for 360 dwellings, therefore an assessment of whether an additional 76 households is required as part of this application. The access road will form an estate road through the site connecting with Phase 3 (20/00480/DETAIL) along with various secondary roads and private drives. Access for pedestrians and cyclists is gained via the main access, also via the land between 92 and 94 Long Road. This secondary pedestrian access follows the outline approval's use of that land.

Principle of Development

- 6.11 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.
- 6.12 Due to the Local Authorities inability to demonstrate a 5 year housing supply, the application must be assessed under the NPPF's principles of 'Sustainable Development'. As far as the NPPF is concerned, 'Sustainable Development' is development that contributes positively to the economy, society and the environment. Under the 'presumption in favour of sustainable development', authorities are expected to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 6.13 One of the NPPF's core planning principles is to "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable". With this in mind, Policy SPL1 in the emerging Local Plan 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.
- 6.14 Although outside the settlement boundary of the adopted Local Plan, the 2015 Outline approval clearly indicates that the development site should be treated as within the

settlement boundary of Lawford. Indeed, the site is now shown as within the emerging settlement boundary of Lawford (that also includes Maningtree). Furthermore, the area is classified as a 'Town' in the adopted Local Plan and a 'Smaller Urban Settlement' in the emerging Local Plan. These areas have larger populations relative to rural settlements and benefit from a range of existing infrastructure and facilities. 'Smaller Urban Settlement' are said to *'provide for the use of sustainable transport modes because they have established town centres, employment areas and infrastructure'*. The emerging Local Plan also states of these areas, that it is possible to *'create a significant number of additional jobs and deliver sustainable housing growth on a large scale'*.

- 6.15 To maintain the Council's housing supply position going forward and prior to the adoption of the emerging Local Plan it is acknowledged that sustainable sites on the edge of Strategic Urban Settlements will be assessed on a case by case basis. In this instance the site forms part of an approved development that has been planned out via the Reserved Matters approvals, with considerable space left over. Indeed, approximately half of the land 'left over' was always according to the original indicative layout planned to have housing on it. The development extends in a linear fashion eastwards sharing a similar building line as the 485 dwellings by Tendring Farms Ltd development (Ref: 17/01537/OUT) immediately to the east.
- 6.16 The proposal seems a logical development site on the edge of one of this 'Smaller Urban Settlement'. The site will help to contribute towards the housing supply required and due to the character of the site and its surroundings, have a minimal impact upon the landscape character locality.
- 6.17 One area of caution however would be the principle of building within the 50 metres or so 'Green Gap' strip south of Long Road. This has been allocated as such within the emerging Local Plan. This 'Green Gap' has been respected by the neighbouring development to the east and Officers believe this application should follow suit. Therefore, a Planning Condition is recommended that no residential development should take place in the 'Green Gap' as allocated in the emerging Local plan.
- 6.18 As set out above, the presumption in favour of sustainable development is also applicable to this case as set out in Paragraph 11 of the NPPF. The proposal therefore needs to be considered against the three dimensions within the definition of 'sustainable development,' providing for an economic, social and environmental role.
- 6.19 In terms of the social and economic strands the scheme is considered to be in a sustainable location as identified within recent decisions of the Council for sites in the immediate locality having regard to the relatively good access to local services and facilities. The proposal would also contribute economically to the area by supporting existing construction jobs and also increasing the population within the area to help sustain local services and amenities.
- 6.20 From an environmental perspective, as discussed further below, the development, subject to planning conditions, is not considered to cause any significant harm to visual amenity within the area and would be positioned sufficient distance from neighbouring dwellings not to cause any loss of privacy or outlook.

- 6.21 The site is therefore considered to be a suitable location for this form and scale of development and is acceptable 'in principle'. Consideration therefore turns to the technical design aspects covered below.

Visual Impact

- 6.22 The redevelopment of the site will lead to a change in character from the original agricultural fields to a residential housing estate. However, the principle of residential development on the western side of the application site especially, is already established through the extant residential planning permission that exists.
- 6.23 A clear building line has been established from the larger development to the immediate east of the site for 485 dwellings (Ref: 17/01537/OUT). This development respects the 'Green Gap' as outlined in the emerging Local Plan under Policy PPL6. Effectively, the first 50 metres or so of land south of Long Road is left for visual amenity purposes. Such a planning condition shall only effect approximately 3 dwellings in the development, according to the applicant's indicative layout plans and supporting details. Officers consider that this emerging designation should be respected. A failure to do so, could lead the neighbouring development to the east, to apply for similar piecemeal development. This in turn would erode the openness of the area and undermine the integrity of the emerging local land designations.
- 6.24 As such, notwithstanding the concern regarding developments in the emerging 'Green Gap', the visual impact of this development is considered acceptable. The character of the development is likely to create a sense of place that respect its surroundings, seamlessly 'blending in' to the original Lawford Green planning approval. This is achieved through the creation of different character areas within the site. Primarily these are i) formal estate road and entrance, ii) secondary streets, and iii) amore permeable rural edge. This last element is further developed in the Layout section below.
- 6.25 The residential density of the proposal site would be 22 dwellings per hectare, which broadly matches the density achieved on Phases 1-3 of the Lawford Green development. Existing properties on Long Road are at a density of approximately 26 dwellings per hectare and the adjacent development site for 485 homes to the immediate east, achieves approximately 30 dwellings per hectare. Within this context, it is clear that the application site has a relatively low residential density, which reflects its edge of settlement position.
- 6.26 Consequently, the site is relatively well-contained and would only be visible from the public realm from its single frontage to Long Road. The development of the site would therefore not have a significant adverse impact upon the character and setting of the locality and subject to condition would not result in the loss of any emerging designated landscape or 'Green Gap' area.

Layout

- 6.27 The indicative layout makes use of the already approved access onto Long Road. ECC Highways have confirmed that there are no objections to the proposed arrangement. As all matters are reserved including layout, Officers are not prescriptively drawn into what has been put forward in the indicative layout. However, there appears to be an approximate 50 / 50 split of residential dwellings both on the western side, (south of the

existing dwellings on Long Road) and on the eastern side via the entrance to the development.

- 6.28 The previous 'Visual Impact' section highlighted the recommended development 'set back' from Long Road, therefore respecting the 'Green Gap' allocation within the emerging Local Plan. Indeed, the applicant is aware of this possibility if one looks at pages 14 and 15 of their Planning Statement (March 2020, Job Number H574). The indicative layout on page 15 highlights the 'fall back' position that Officers recommend in this instance.
- 6.29 The layout demonstrates that the proposed dwellings could achieve the required garden sizes and parking space provision. If the total of 76 dwellings cannot be achieved this is not problematic as the condition with this decision notice, if approved, would read 'up to 76 dwellings' can be built on site. Therefore, if 75 or 74 dwellings were plotted in the final layout submission that would not be problematic.
- 6.30 The scheme as indicted also includes landscape buffer as one enters the site. Although as discussed above, this is only on one side of the road at present, as residential development is indicated immediately east of dwelling 80 Long Road within the indicative layout plan. Officer's advise against this element, reinforced via planning condition as explained. A further important landscape buffer is indicated within the site between the eastern and western sections, this helps break up the built form. Equally, there is scope for an open pedestrian landscaped path between 92 and 94 Long Road on the second pedestrian access point. Again, this helps break up the mass and bulk of the built form on site.
- 6.31 The width of the entrance road and associated secondary roads follow the agreed standards of the rest of the Lawford Green development. Rose Builders often utilise swales as a Suds features, adjacent to pavements before one reaches the private curtilage of a said dwellinghouse. Such a use of swales is evident in the Lawford Green estate build out to the west. The net result of using drainage features in this way is that the front buildings lines are further set back from the Highway. Thus, creating a more spacious appearance within the street scene, ultimately giving dwellings the appearance of having larger front gardens to the benefit of the street scene.
- 6.32 Rose Builders often develop their larger 'show homes' close to the entrances of their sites. This is evident at the entrance to the Lawford Green development off Bromley Road to the west and also at, their proposed development at Stourview Avenue, Mistley. This not only looks impressive but also, due to the hipped roofs and gaps between dwellings, provides a more 'permeable' appearance. Especially as one views the development from either exiting the site into a more rural setting, or entering the site from a rural to semi-rural to sub urban setting. This is considered a subtle yet extremely effective design consideration. One would imagine this arrangement could be admirably achieved in this location, confirmed of course via the Reserve Matters application.
- 6.34 The indicative layout also shows that back to back distances to existing dwellings on Long Road and the rear of dwellings within the Tendring Farms Ltd development to the east accords with the recommend distance of 25m in the Essex Design Guide and in some cases this distance is exceeded. Also, the new homes provided within the site would appear to have space to have private gardens that accord or perhaps even exceed the minimum size standards set out in the Council's Local Plan. Therefore,

subject to design considerations at Reserve Matters stage, that the privacy of neighbouring residents will be maintained, and levels of private amenity space are acceptable.

- 6.35 The layout also demonstrates that an area of open space equating to 13% the total site area can be achieved to meet the requirements of saved policy COM6 which states that sites measuring over 1.5 hectares should provide 10% useable open space. The site would benefit from open space delivered as part of the wider Lawford Green development, including equipped play space and a perimeter trail.

Scale

- 6.36 As scale is being assessed at the Reserved Matters stage the submitted indicative plan does not details on this element. Although, if the design trend of the existing Lawford Green development is continued, one would expect two storey dwellings throughout the site. However, the Housing Officer who commented on this application indicated, that up to 23 dwellings need to be delivered as affordable housing.
- 6.37 The Housing Officer states *'there remains a high demand for housing in Lawford and there are currently the following number of households on the housing register seeking housing in the village:*

*1 bedroom – 138 households**
2 bedroom - 100 households
3 bedroom – 60 households
4 bedroom - 24 households

**of the 138 households seeking a 1 bedroom home, 52 are aged 60 or over which would imply a requirement for level access accommodation'.*

- 6.38 As the Housing Officer speaks of a high demand for 1 beds and 'level access' accommodation for the over 60's. The maths on this application would account for 43% of the total Affordable Housing being 1 bed out of a requirement of 23 in total. Therefore 10 of the Affordable Housing units should be 1 beds of that number 38% ie 4, should be one bed bungalows for the over 60's. This has been agreed by the agent, therefore Officers expect to see 4 bungalows submitted at Reserve Matters stage. It is likely the remainder of the proposed properties would be two-storey in scale.
- 6.39 Overall, this arrangement represents an appropriate response to the character and scale of properties in the vicinity and, through the submission of detailed design proposals at a later stage, will safeguard existing resident's amenity.

Impact on Residential Amenity

- 6.40 The NPPF (2019) at paragraph 127 states that planning should secure developments with a high standard of amenity for existing and future users. Saved 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.

- 6.41 The proposed layout has been carefully considered and although Officers note the representations raised by residents living in close proximity to the site, the indicative layout submitted demonstrates that sufficient spacing to existing properties to the south can be achieved thereby not causing any adverse impacts in respect of loss of light, outlook or privacy. This arrangement is considered to be in accordance with the Essex Design Guide which states that;

Where new development backs on to the rear of existing housing, existing residents are entitled to a greater degree of privacy to their rear garden boundary. Where the rear faces of the new houses are approximately parallel to those of the existing homes, the rear of the new houses may not encroach any closer than 15m to an existing rear boundary – even though with a closer encroachment, 25m between the rears of the houses could still be achieved.

- 6.42 The indicative plans provided demonstrate that a minimum of 15m from the rear elevation of the proposed properties to the southern boundary of the site can be achieved in conjunction with the required 25m back to back distances.
- 6.43 As established in the section above, 4 bungalows are expected on site. These by definition of their design will not give rise to any overlooking issues. Overall, Officers are confident that a proposal can be detailed at Reserve Matters stage that shall preserve the amenity of neighbouring residential properties.

Highway Safety/Parking

- 6.44 Paragraph 108 of the NPPF (2019) requires Councils to, when making decisions, take account of whether;
- a) appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 6.45 Saved Policy QL10 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate.
- 6.46 As established, the proposal will use the same design of junction at Long Road approved under the original Lawford Green approval. This access has been accepted by County Highways, the width of the access is adequate as are the visibility splays and crossing refuges.
- 6.47 The application indicates that both a pedestrian footpath and a dwelling could be sited between 92 and 96 Long Road. This would strictly be assessed at Reserve Matters stage, however officers are not supportive of having a dwelling in this location. This would narrow the pedestrian access from the site to Long Road, thus making the pedestrian access a more intimidating process.

- 6.48 The Highway Authority is satisfied that the application has demonstrated the impact of the proposal on the highway network would be unlikely to be severe. With the proposed upgrade of the Wignall Street/Bromley road priority junction to a mini roundabout and subject to the link road being completed and connected to Long Road the traffic will be distributed 50:50 between the Bromley Road and Long Road accesses so this is key to the decision. Therefore, from a highway and transportation perspective, the increase in up to 76 dwellings housing has no significant impact on the junctions assessed. The Highway Authority have asked for a Construction Management Plan and a various off site and on site highway improvements as a Condition of approval, both of which Officers support. The Highways Officer has also suggested a financial contribution towards a footpath that is required at nearby Grange Road. However, this is not supported by Officers as such a contribution is not directly associated with the host proposal due to the fact the two sites are in no way interconnected. Therefore, the request is not considered necessary or appropriate in this circumstance.
- 6.49 The indicative plan shows that each property would be served by a minimum of 2 no. parking spaces either through open bays or garaging. Large driveways are shown which could absorb visitor parking. This provision accords with the requirements of the current parking standards.

Ecology/Trees

- 6.50 Paragraph 170 of the NPPF requires Councils, when determining planning applications, to minimise impacts on and providing net gains for biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Saved policies EN6 of the adopted Local Plan and emerging policy PPL4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.
- 6.51 In this respect an ecological appraisal was submitted for the original planning application on the wider site. This biodiversity survey identified that bats are active along the existing hedgerows. Accordingly, this application submitted a new report, and this recommends that such hedges should be retained where possible. Furthermore, subsequent surveys have been undertaken on the site and have revealed badger activity on parts of the site. Therefore, measures to manage and mitigate the impact of this development for both bats and badgers is set out in the updated ecology report. The recommendations are advised to be included as a Planning Condition of this decision, if approved.
- 6.52 Essex County Council Place Services Ecology Team and Essex Wildlife Trust have reviewed the information provided and both have no objections subject to the application securing a financial contribution towards visitor management measures in respect of RAMS and a condition securing ecological mitigation and enhancement measures.
- 6.53 The Council's Tree and Landscaping Officer states there is an established hedgerow on part of the boundary with Long Road and established trees on the northern section of the western boundary of the land. Furthermore, development of the land could take place without causing harm to the important trees. However, in terms of formal legal protection of the trees, the site is not affected by a tree preservation order and is not situated within a conservation area.

6.54 Officers note, as none of the trees are threatened with removal associated with the development, it is not considered necessary or expedient to make any of the trees on site the subject of a tree preservation order. Should planning permission be likely to be granted then details of soft landscaping shall be secured as a reserved matter. Officers are content with this approach and have no objections to the application with regards to trees or ecology.

Drainage

6.55 A Flood Risk Assessment and sustainable drainage strategy has been provided with the application. The site lies within Flood Zone 1 and is therefore at low risk of flooding from rivers and the sea. Surface water from the development must be adequately managed to prevent runoff and risk of flooding elsewhere. The sustainable drainage strategy proposes to utilise rainwater storage where possible for landscape irrigation, permeable hard surfacing and catchment areas.

6.56 Essex County Council Flood Water Management Team raises no objection to the proposal subject to conditions set out below.

6.57 Anglian Water in their consultation response confirms that the foul drainage from this development is in the catchment of Manningtree Water Recycling Centre that will have available capacity for these flows

Archaeology

6.58 The site has been identified as having the potential to harm non-designated heritage assets with archaeological interest.

6.59 Essex Historic Environment Record (HER) and Tendring Historic Environment Characterisation Project, demonstrate that the proposed development lies within an area of archaeological interest.

6.60 The site lies adjacent to an area of recorded cropmark features indicative of a Roman road, further cropmark features extend into the development area which include trackways and enclosures.

6.61 The extent of application 15/00876/OUT had an archaeological condition and for which a Written Scheme of Investigation was required. This has not been discharged for the host area of the site, therefore this condition is recommended to be attached again.

Section 106 – Legal Obligations

6.62 The following obligations are to be secured as part of a Section 106 Legal Agreement;

- NHS Provision

6.63 There is a requirement for a developer contribution of £44,334.40, for the improvement of health care facilities at both, The Riverside Health Centre and Lawford before development commences.

- Affordable Housing

6.64 The Council's Housing Department have confirmed the requirement of 30% affordable housing for this scheme. Therefore, 23 dwellings need to be delivered as affordable housing and this is consistent with the requirements in the emerging Local Plan.

6.65 There remains a high demand for housing in Lawford and there are currently the following number of households on the housing register seeking housing in the village:

- 1 bedroom – 138 households*
- 2 bedroom - 100 households
- 3 bedroom – 60 households
- 4 bedroom - 24 households

*of the 138 households seeking a 1 bedroom home, 52 are aged 60 or over which would imply a requirement for level access accommodation.

6.66 The high demand for 1 beds and 'level access' accommodation for the over 60's, this accounts for 43% of the total Affordable Housing requirement of 23 in total. Therefore 10 of the Affordable Housing units should be 1 beds of that number 38% ie 4, should be one bed bungalows for the over 60's.

- RAMS

6.67 Legal advice has been sought to confirm that Tendring District Council should now seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment (HRA) has been carried out to confirm that the mitigation will be the RAMS contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Site (Stour Estuary SPA and Ramsar).

- Open Space

6.68 The Open Space Officer has said, there is currently a deficit of -3.44 hectares of equipped play/open space in Lawford. Any additional development in the Lawford area will increase demand on already stretched facilities. The Officer goes on to say, although there has been some play equipment added to the first and second phase of the development, there still needs to be improvements to existing facilities to cope with any additional development. The closest play area to the development is located close by on School Lane. Due to the significant lack of play facilities in the area it is felt that a contribution towards play is justified and relevant to this application. The nearest play area at School Lane would see the biggest impact and is in need of improvement and modernisation.

6.69 This considered justifiable and in accordance with Policy COM6 and is therefore included within the terms of the Section 106 document.

- Education & Libraries

6.70 Essex County Council have requested that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on primary and secondary education and libraries. The sum of £581,591.72 is requested for Schools and Library's in the area.

Other Matters

6.71 The site is currently governed but the conditions attached to the original extant outline permission on site for 360 dwellings. Where relevant, these original conditions are re imposed on this application as they have not been previously been discharged. Thus making the scheme in line with Phase 1, 2 and 3 of the outline permission that have been fully approved at Reserve Matters stage.

7 Conclusion

7.1 The proposal for 76 dwellings is considered to represent sustainable development, on the western edge of the wider Lawford Green development.

7.2 The indicative layout and the proposed density and scale of the development is considered to be acceptable. Subject to planning condition, the proposal would result in no material harm to residential amenity, highway safety and biodiversity interests. Subject to completion of the S106 legal agreement and the conditions set out below the application is recommended for approval.

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
Affordable Housing Provision	30% affordable housing (23 dwellings including 4 bungalows)
NHS contribution	£44,334.40 for improvements to the The Riverside Health Centre and Lawford Practice
Education contribution	£581,591.72 for Schools and Library's in the area.
Financial contribution towards RAMS.	£125.85 per dwelling
Open Space	Dependant of Reserve Matters i.e. the number & size of dwellings approved.

8.2 Conditions and Reasons

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

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

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

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

- 3 Approval of the details of the appearance, landscape, scale and layout (hereinafter called "the Reserved Matters") shall be obtained for the development before any development on such phase is commenced. The development shall be carried out in accordance with any such approval.

Reason - The application is in outline and detailed matters require approval before development can commence.

- 4 The maximum number of dwellings to be contained in the development shall be up to (but no more than) 76 dwellings.

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

- 5 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities
 - v. prior to the commencement of any work on the site, a joint inspection of the route to be used by construction vehicles should be carried out by the Applicant and the Highway Authority, including photographic evidence.

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.

- 6 No occupation of the development shall take place until the following have been provided or completed:

- a) A priority junction with ghosted right turn lane (with two pedestrian refuge islands) in Long Road to provide access to the proposal site. Priority junction shall have minimum 10.5 metre kerbed radii with dropped kerbs/tactile paving crossing points, a minimum 6.75 metre access road carriageway with two 3 metre footway/cycleways, pedestrian/cycle refuge island and a minimum 109m x 2.4m x 120m clear to ground visibility splay.

b) A mini-roundabout at the junction of Wignall Street and Bromley Road in principal and in accordance with approved Ardent Consulting Engineers drawings K297-002C.

c) A minimum 3-metre-wide footway/cycleway along the proposal site's Long Road frontage.

Reason - To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10.

- 7 Prior to occupation of the approved development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport (in consultation with Essex County Council), to include six one day travel vouchers per household for use with the relevant local public transport operator.

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

- 8 No development shall take place until a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be implemented in accordance with the approved details.

In particular the drainage scheme shall include:

- o Drainage modelling calculations showing how the run-off for all events up to and including the 1 in 100 year plus climate change is controlled within the site.
- o Where infiltration techniques are being proposed, and all run-off cannot be infiltrated, attenuation storage must be provided for any overflow volumes calculated.
- o Where run-off is proposed to be discharged to a watercourse, discharge should be limited to the greenfield 1 in 1 year rate for all events.
- o Where different SuDS features are being proposed, the drainage modelling should show how these are cascaded together and show clearly their combined effect in controlling both the water quantity and improving water quality within the development. .
- o Account for a 10% urban creep in the calculation of run-off from the development.
- o Provide the appropriate number of treatment stages from the different areas of the development.
- o Provide the details of the adoption and maintenance of the scheme for the lifetime of the development.
- o Provide the Drainage Scheme Layout showing the SuDS features and their dimensions as appropriate.

Reason - To prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water in a range of rainfall events and ensure the system operates as designed for the lifetime of the development.

- 9 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason - To prevent environmental and amenity problems arising from flooding.

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

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

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

Reason - To ensure that the development provides a satisfactory setting, in the interests of the character and appearance of the landscape and the visual amenity of the site.

- 12 No development shall commence until an Ecological Mitigation Scheme and Management/Enhancement Plan has been submitted to and approved, in writing, by the Local Planning Authority. The document shall include:

i) A survey to confirm (or otherwise) the presence of protected species on the application site.

If protected species are present, the survey shall be accompanied by a scheme of appropriate mitigation measures (including bat protection measures and precise details of the timing and method/s of protection). No development shall be undertaken except in full accordance with any such approved scheme of mitigation.

ii) A management plan to demonstrate how biodiversity within the site will be encouraged by the development.

Reason - In order to safeguard protected wildlife species and their habitats and in the interests of biodiversity.

- 13 A. No development or preliminary ground-works within the development can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the Local Planning Authority. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ through re-design of the development, shall be submitted to the Local Planning Authority.

B. No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the Local Planning Authority.

C. Following completion of the archaeological fieldwork, the applicant will submit to the Local Planning Authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the Local Planning Authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason - The proposed development is located within an area with potential for below ground archaeological deposits. The development would result in harm to non-designated heritage assets with archaeological interest.

- 14 No development shall commence until precise details of lighting, refuse storage/collection points and the manufacturer and types and colours of the external facing and roofing materials for the dwellings to be used in the construction have been submitted to and approved, in writing, by the Local Planning Authority. Such lighting, refuse points and materials so approved shall be those used in the development.

Reason - To ensure a satisfactory development in relation to external appearance.

- 15 Within the hereby permitted development, no dwelling shall be occupied until a high-speed broadband connection is installed utilising resistant tubing to that dwelling, all in accordance with details that shall be submitted and approved, in writing, by the Local Planning Authority. If the applicant is unable to achieve this standard of connection, and can evidence through consultation that this would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 24mbps) wireless service will be considered acceptable.

Reason - To ensure the development is able to be equipped with high speed broadband to enable opportunities for web-based communication and homeworking.

- 16 Prior to commencement of development the applicants shall submit to the Local Planning Authority, in writing, a Local Recruitment Strategy to include details of

how the applicant/ developer shall use their reasonable endeavours to promote and encourage the recruitment of employees and other staff in the locality of the application site, for the construction of the development and for the uses of the development thereafter. The approved Local Recruitment Strategy shall be adhered to therein after.

Reason - To promote and encourage the recruitment of employees and other staff in the locality of the application site.

- 17 Prior to the commencement of development, a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development shall be submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.

Reason - To enhance the sustainability of the development through better use of water, energy and materials.

- 18 No development shall commence until an assessment of the risks posed by any contamination within that the application site is carried out. This assessment shall be in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the Local Planning Authority within 20 days of the report being completed and approved in writing by the Local Planning Authority.

Reason - To ensure that any risks (to future users of the land and neighbouring land and to controlled waters, property and ecological systems) arising from any land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

19. No residential development shall take place in the land designated as a 'Green Gap' with the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Reason - In the interests of visual amenity.

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.

Highways Informatives

1: 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.

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

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

SMO1 – Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

Anglian Water Informative: Your attention is drawn to the letter from Anglian Water dated 06/07/2020

Cadent Gas Informative: Your attention is drawn to the letter from Cadent Gas dated 21/08/2020

Essex Suds Informative: Your attention is drawn to the letter from Essex Suds dated 25/09/2020

S106 Informative: The applicant is reminded that this permission is linked to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

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/>.