

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NW	18/12/2020
Planning Development Manager authorisation:	TF	18/12/2020
Admin checks / despatch completed	DB	21/12/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	21/12/2020

Application: 20/01153/FUL

Town / Parish: Harwich Town Council

Applicant: Mr Chilver

Address: 139 Fronks Road Dovercourt Harwich

Development: Construction of 9no. new dwellings with garages, new access road and associated works.

1. Town / Parish Council

Harwich Town Council
15.10.2020

No objection to this application, however this is based on the expectation that, in relation to the newly created public road, which is to be provided within the site, adequate street lighting is to be installed as part of this proposal if the road is adopted or otherwise maintained.

2. Consultation Responses

ECC
Highways
Dept
09.10.2020

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

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

1. Prior to occupation of the development, the road junction / access at its centre line shall be provided with a minimum clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

2. Prior to the first occupation of the development, the proposed vehicular access at its bell-mouth junction with Fronks Road shall be provided with:

- o Minimum 6 metre radius kerbs returned to an access road carriageway width of 6m shared surface. and flanking footways 2m. in width returned around both the radius kerbs which shall connect to the existing footways with associated drop kerbs/ tactile paving on either side of the junction.

- o The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.

Reason: To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety and in accordance with Policy DM 1 and 6.

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

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

4. Prior to the occupation of the development the internal layout shall be provided in principal with drawing number:

- o 907/100 a Block plan.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

5. No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1.

6. Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the carriageway and to a width of 3.6m (4 low kerbs) with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

7. Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles while vehicular parking space which is bounded by walls or other construction shall have minimum dimensions of 3.4 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

8. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

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

9. As indicated on drawing no. 907/110 all single garages should have a minimum internal measurement of 7m x 3m.

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

10. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1.

11. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of Residential Travel Information Packs for sustainable transport for the occupants of each dwelling, approved by Local Planning Authority, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

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

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

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

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

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

TDC Tree &
Landscape
Officer
28.09.2020

The application site currently form part of the host property and contains several large trees and established shrubs. Some of the trees between the front of the existing dwelling and the highway are afforded formal legal protection by Tendring District Council Tree Preservation Order 99/30/TPO 139 Fronks Road, Dovercourt, Harwich.

The development proposal has the potential to adversely affect trees and the local landscape character.

In terms of the potential impact of the development proposal on the existing trees and other vegetation on the application site 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.

It is clear that some trees and other vegetation would need to be cleared if the development proposal were to be implemented. However, the tree report adequately demonstrates that the development of the land could take place without causing harm to the most important trees on the land.

Should planning permission be likely to be granted then a condition should be attached to secure details of the indicative soft landscaping shown on the Site Layout Plan.

TDC Open
Spaces
14.10.2020

Response from Public Realm
Open Space & Play
Application Details

Application No: 20/01153/FUL

Site Address: 139 Fronks Road Dovercourt Harwich

Description of Development Construction of 9no. new dwellings with garages, new access road and associated works

Current Position

There is currently a deficit of -12.67 hectares of equipped play in Harwich and Dovercourt.

Recommendation

Due to the overall deficit in both Open Space and Play Areas in Harwich and Dovercourt it is felt that a contribution is justified and relevant to the planning application. The contribution would be used at the nearest play area at:

Dovercourt Pool, Low Road.

Essex
County
Council
Ecology
08.12.2020

No objection subject to securing:

1. a) A proportionate financial contribution towards effective visitor management measures in line with Essex Coast RAMS; and
2. b) biodiversity mitigation and enhancement measures

Summary

ECC Ecology have reviewed the Preliminary Ecological Appraisal (Geosphere Environmental, December 2019) and the Record Sheet For Climbing Inspection Of Trees To Be Removed (Geosphere Environmental, November 2020) 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 Tendring DC have prepared a project level HRA Appropriate Assessment which identifies that the development is approximately 1.1km from both the Stour and Orwell SPA, SAC and Ramsar and Hamford Water SPA, SAC and Ramsar. Therefore this site lies within the Zone of Influence (ZOI) for the Essex Coast RAMS 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. We also note

that Tendring DC will secure the Essex Coast RAMS contribution per dwelling under a legal agreement.

The mitigation measures identified in the Preliminary Ecological Appraisal (Geosphere Environmental, December 2019) and the Record Sheet For Climbing Inspection Of Trees To Be Removed (Geosphere Environmental, November 2020) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species. The Record Sheet For Climbing Inspection Of Trees To Be Removed (Geosphere Environmental, November 2020) identifies that trees with bat roost suitability have now been climbed and the ones proposed for removal are considered to be of negligible suitability for bats.

ECC Ecology 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. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be 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 Preliminary Ecological Appraisal (Geosphere Environmental, December 2019) and the Record Sheet For Climbing Inspection Of Trees To Be Removed (Geosphere Environmental, November 2020) 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 SLAB LEVEL: 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:

1. *a) Purpose and conservation objectives for the proposed enhancement measures;*
2. *b) detailed designs to achieve stated objectives;*
3. *c) locations of proposed enhancement measures by appropriate maps and plans;*
4. *d) persons responsible for implementing the enhancement measures;*
5. *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).

3.PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

“A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

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)

Please contact us with any queries.

Yours sincerely,

Sue Hooton CEnv MCIEEM BSc (Hons) Principal Ecological Consultant
Place Services at Essex County Council

TDC Waste Management 23.09.2020	Access road to be constructed to withstand weight and dimensions of 26 tonne refuse collection vehicle to allow waste and recycling collections from properties.
------------------------------------	--

TDC
Environmental
Protection
28.09.2020

Environmental Protection have reviewed the application and have the following comments to make:

Demolition & Construction In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Pollution and Environmental Control ask that the following is conditioned

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

- Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

- Emission Control

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

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in

enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

- **Third Party**

There have been 4 letters of objection received with their comments summarised below:

- Substantial harm would arise to the countryside as well as nearby trees and wildlife, in particular Deer, Birds and Bats
- Loss of a view. We should be embracing and protecting what limited green spaces there is and not allowing development on them.
- The development is limited in its contributions to local housing land supply and does not contribute to affordable housing.
- Concerns over highway safety, poor visibility splays, with hundreds of school children and road users.
- Are traffic calming measures such as at Low Road required?
- The Plan indicates that the hedge is to stay (west aspect) offering a degree of privacy but no guarantees that any of the new owners particularly N06 will keep it in place choosing to replace it with a fence, removing the limited privacy.
- Concerns relating to water runoff from the proposed project and drainage.
- Side / Rear of the property N06, overlooks a part of the garden of 13 Gordon Road and 8 Queens Road
- Noise pollution will affect the tranquil surroundings.
- Further consultation with local residents affected is necessary and to obtain professional impact assessment.
- Plans indicates that some of the trees currently backing onto the southern boundary will be removed, thereby exacerbating overlooking.
- Plots 6, 7 and 8 are two storey houses situated above the neighbours to the south, facing these neighbour's rear bedrooms making overlooking unavoidable under the current proposal.
- Extra building in this area is putting a strain on facilities, Doctor's appointments, Schools are at their limits etc.
- Building should be restricted to waste land and derelict buildings in an attempt to try and regenerate this area

Two brief letters of support have been received.

3. Planning History

00/00041/TPO	Fell 2 Sycamores T.7 and T.8 and reduce by a third in height and trim Holly T.9 (TPO 99/30)	Approved	11.05.2000
00/02130/FUL	Two storey addition with garaging and utility room plus two additional living rooms on first floor and covered lobby access from existing house	Approved	24.04.2001

02/01299/TPO	Crown lift to Beech tree, crown reduce and cut back to Bay tree and remove dead wood from purple leaved Plum tree and thin by 20%	Approved	01.08.2002
19/30109/PREA PP	Redevelopment of site.		07.08.2019
20/01153/FUL	Construction of 9no. new dwellings with garages, new access road and associated works.	Current	
00/00550/FUL	Erection of detached house and garage	Approved	31.05.2000
05/00814/FUL	Erection of detached house and garage (Renewal of 00/00550/FUL)	Approved	13.07.2005
10/00716/FUL	Erection of detached house and garage (Renewal of 00/00550/FUL). (Extension of time on previously approved application 05/00814/FUL).	Refused	03.09.2010

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG13 Backland Residential Development

HG14 Side Isolation

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

TR1A Development Affecting Highways
TR7 Vehicle Parking at New Development
COM6 Provision of Recreational Open Space for New Residential Development
COM19 Contaminated Land
COM21 Light Pollution
COM23 General Pollution

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

SPL1 Managing Growth
SPL3 Sustainable Design
LP3 Housing Density and Standards
LP4 Housing Layout
LP5 Affordable and Council Housing
LP8 Backland Residential Development
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
HP5 Open Space, Sports & Recreation Facilities
CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice
Essex Design Guide

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26th January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight

in decision making owing to their advancement through the final stages of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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 relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate technically falls below 5 years – but this is only because, until the modified Section 1 Local Plan is formally adopted at the end of January 2021, housing supply has to be calculated against a housing need figure derived through the government's 'standard methodology' – a figure that is significantly higher than the 'objectively assessed housing need' of 550 dwellings per annum in the Section 1 Plan and confirmed by the Inspector in his final report to be sound. Because of this technicality, the NPPF still requires 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.

However, because the housing land supply shortfall is relatively modest when applying the standard method prescribed by the NPPF and significant weight can now be given, in the interim, to the sound policies in the modified Section 1 Plan (including the housing requirement of 550 dwellings per annum), the reality is that there is no housing shortfall and, on adoption of the Section 1 Plan, the Council will be able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years. Therefore, in weighing the benefits of residential development against the harm, the Inspector's confirmation of 550 dwellings per annum as the actual objectively assessed housing need for Tendring is a significant material consideration which substantially tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing – particularly in the consideration of proposals that fall outside of the settlement development boundaries in either the adopted or the emerging Section 2 Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The host site is at 139 Fronks Road, situated on the southern side of Fronks Road in Dovercourt, near Harwich. The red line area occupies an unusually large plot for a single residential dwelling. The host site is rectangular in shape, running north to south, measuring some 50 metres wide and 150 metres in depth (total size 0.521 ha). There is also a narrow strip of land running east to west of some 125 metres in length and 5 metres in width that connects with Hall Lane to the east. This is opening includes access to an adoptable sewer. The applicant has said of this strip of land:

'In the past the applicant had been approached by some residents of Gordon Road who were seeking access to the rear of their properties. There had also been some discussion some time ago regarding the potential for development to the rear of No 131-137 Fronks Road and this section of land would give good access to the adoptable sewer. None of this has been explored in any detail, that I am aware, but as the land was not required to make the proposed development acceptable it was not included within the application site as it had other potential uses. It remains within the blue line as it is land within the control of the applicant at this time.'

When the application was first submitted the total red line site area fell under 0.5 hectares. However, the red line area was somewhat contrived in shape, and Officers successfully recommended a more 'regular' site layout, including the inclusion of the north west corner. This took the total site area over 0.5 hectares, therefore triggering Affordable Housing contributions.

Approximately 35 metres back from Fronks Road stands the host dwelling; a substantial two storey house with a separate detached garage with room above to the side (east). There is a gap of some 15 metres from the boundary to the west. The existing main dwelling dates from the 1930's, it has been altered and extended over the years. The gardens to the rear are mostly laid to lawn with defined areas of planting and orchard.

There is a significant fall in land levels from the north to south of the site just under 10 metres (approx 1m in 16m). There are also trees on the eastern boundary that are subject to Tree Preservation Orders.

Planning Approval was granted for an additional dwelling on the site in 2000 (ref: 00/00550/FUL0 and renewed in 2005 (ref: 05/00814/FUL) a subsequent request to renew the approval was refused due to lacking a financial contribution for open space.

The host site is not within or effecting the setting of a Conservation Area or any Listed Buildings.

Proposal

The application seeks the construction of 9 no. new dwellings with garages, new access road and associated works (gardens, fencings, landscaping etc).

There are 8 different housing types used across the site. The houses have been designed as 6 x 1 ½ Storey dwellings and 3 x 1 storey dwellings (bungalows).

The housing mix is as follows:

- 8 x No 3 bed units / 1 x No2 bed unit

No Affordable Units will be provided within this mix. However, there is a contribution of £53,000 pounds towards affordable housing written into the Section 106 document.

1. Principle

The site lies within the Settlement Development Boundary (SDB) for Dovercourt as defined within the saved Tendring District Local plan (2007) and the emerging Tendring District Local Plan Publication Draft (2017) and has not been safeguarded for an alternative use. Consequently, the principle of residential development on the site is not objectionable.

The acceptability of the proposal depends upon the 'development management' criteria being adequately met. For example, the visual impact of the development in relation to the character of the area; the residential amenity consideration for existing and future residents; matters relating to ecological wellbeing on the site and importantly, the impact on highway safety. These matters are further explored in the sections below.

2. Layout, Design and Appearance (Policy HG13 and Emerging LP8)

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). The NPPF recognises the importance of good design in Chapter 12, in particular Paragraph 127, while Paragraph 122 d) reminds decision makers about the 'desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change'. In this case, the principle is deemed acceptable, however closer scrutiny to achieve successful 'backland' development is required.

At a local level, the acceptability of the proposal is chiefly governed by adopted Policy HG13 'Backland Residential Development'. This policy is concerned with residential development on land that; lies behind the line of the existing development frontage, has little or no frontage to a public highway and is a piecemeal development, ie it does not form part of a large area allocated for development. The emerging Local Plan includes a very similar policy to the adopted policy on these matters, namely emerging policy LP8 'Backland Residential Development'. Therefore, the criteria for these forms of developments remains consistent in existing and emerging local plans.

Adopted Policy HG13 'Backland Residential Development' contains 7 main elements, they shall be answered in turn:

i) the site lies within a defined settlement development boundary and does not comprise land allocated or safeguarded for purposes other than a residential use

The host site is found within a defined settlement boundary of Harwich and Dovercourt, also the proposals do not comprise the land allocation. The proposal complies.

ii) where a proposal includes existing private garden land which would not result in less satisfactory access or off-street parking arrangements, an unacceptable reduction in existing private amenity space or any other unreasonable loss of amenity to existing dwellings

The host site is large enough to accommodate the 9 dwellings proposed. The new access road is considered well designed and the plot arrangement off the new access road are spacious and uncluttered. All the proposed dwellings have the correct level of parking, all the dwellings also have garages, often as the third parking space.

The host dwelling 139 Fronks Road, retains a significant front garden / rear space (1150 sq.m) and separate independent access road from Fronks Road. The amenity of the host dwelling is considered to be adequately maintained, aided by additional fencing and landscaping to the rear especially. Regarding boundary treatments, the design includes a comprehensive fencing arrangement both forward of the host building and to the rear. Often soft planting is included in front of the proposed new fencing, softening an otherwise bland but necessary series of boundary treatments. The existing boundary hedge along the western edge of the site (neighbouring the dwellings off Queens Road) is to be retained. Officers consider the retention of this hedge ultimately as a civil matter going forward and do not recommend a separate planning condition.

The issue of residential amenity for existing and future users has been carefully considered by Officers.

Policy QL11 of the Saved Plan 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'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). The NPPF at Paragraph 127 f) reminds decision makers developments should have a 'high standard of amenity for existing and future users'. Whilst the Essex Design Guide seeks in part to provide minimum standards of back to back distances between dwellings to overcome both overlooking and over shadowing. Normally 'new dwellings' should be 15 metres from the rear boundary of existing dwellings. Providing for a minimum of 25 metres gap between both. However, the design guide also says that this distance can be reduced if one or both of the houses concerned are 'designed in such a way as not to overlook one another'.

When reviewing the layout and appearance therefore, there is good spacing between plots to ensure privacy is maintained, whilst natural surveillance of the street and parking areas is achieved. The plots have also been designed to avoid direct overlooking between each other, this shall be reinforced via planning condition for the numerous obscured windows shown on the elevation plans.

A number of minor window changes and layout alterations were suggested by Officers, all of which have been adopted by the applicant in the revised layout and elevation plans. These changes resulted in improvements to the residential amenity for the future inhabitants and for those existing dwellings. This is further outlined below.

- Plot 1

This dwelling is a 1 ½ storey dwelling with a rear facing bedroom window and bathroom window in the roof space. The dwelling is also at its nearest point approximately 3 metres from the shared boundary to the west. However, the relationship is not directly back to back, there is an approximate 45 degree angle between the two. Also, the dwelling is over 21 metres from the original rear wall of the dwellings to the south east 2a Queens Road. The

shared boundary is reinforced by a mature tree line within the garden of 2a Queens Road. Indeed, the resident at this neighbouring property did not object to the development subject to the ecology on the host site being maintained. Obscured glass has been used in the WC windows at first floor. First floor views north from the bedroom window due to the layout, do not look into the rear gardens of 141 Fronks Road to the north west.

Overall, Officers consider this relationship acceptable with regards residential amenity.

- Plot 2

This dwelling is a 1 ½ storey dwelling, the rear of Plot 2 achieves an angle of 40 degrees to the rear of the properties in Queens Road. The centre of the gable is just over 10 metres from the boundary, measured perpendicular to the gable, the small high level secondary window to Bedroom 3 has been removed. Therefore, there are no first floor windows to the rear. The first floor bedroom windows look south east. Obscured glass has been used in the W.C room facing north west.

Overall, Officers consider this relationship acceptable with regards residential amenity.

- Plot 3

This dwelling is a 1 ½ storey dwelling, the gable of Plot 3 is approximately 13 metres from the western boundary and the side wing over 16 metres. There are no windows in the first floor rear other than a single obscured glassed roof light. The first floor side elevation looking south includes a front orientated dormer window and two roof light these are not objectional in principle as they face a bungalow dwelling that has no first floor or ground floor fenestration on the northern elevation. However, Officers consider it necessary to ensure the bathroom roof light is obscured to maintain privacy, especially if the neighbour to the south wishes to provide some secondary side fenestration in the future.

Plot 3 at first floor includes a single dormer window for bedroom 3 facing northwards. This window is 11 metres from the boundary with Plot 2 and 25 metres from the side gable of Plot 2 complying with the Essex Design Guide if parallel. The angle between the properties is 40 degrees and between the two properties is a protected walnut tree T19 and a garage. The height of the garage ridge is 4.5 metres which means there is no line of site into Plot 2 garden from Bedroom 3 of Plot 3. The garage has been moved forward to help maintain privacy.

Overall Officer accept this relationship with regards residential amenity.

- Plots 4 and 5

Both these plots are single storey bungalows. There are no objections with regards to the fenestration in either plot.

Officer accept the relationship with regards residential amenity.

- Plot 6

This dwelling is a 1 ½ storey dwelling, the roof design has been changed to include a hip to reduce the mass and bulk. Also, the bathroom window on the western elevation has been removed. There are two high level roof lights on this elevation, and both are of obscured glass. The western building line is now approximately 8 metres from the boundary to the west. A single first floor double casement bedroom window faces south. However, the southern building line has been moved northwards. The distance is now approximately 17

metres to the boundary with 13 Gorden Road to the south (some 35 metres back to back). Also, additional landscaping has been brought into the common ground to the south to help minimise overlooking. Views northwards from plot 6 at first floor level are obscured by the garage in plot 5.

Overall, Officer accept the relationship with regards residential amenity.

- Plot 7

This dwelling is a 1 ½ storey dwelling, the rear building line has been moved north during the process. There is a distance of approximately 18 metres to the shared boundary to the south and back to back distances are approximately 38.5 metres. There are two rear facing first floor bedroom windows but given these distances and the significant tree line between the plot and the dwellings to the south, no objection is raised. There are no first floor side facing windows.

Overall, Officer accept the relationship with regards residential amenity.

- Plot 8

This dwelling is a 1 ½ storey dwelling, the back to back distances are similar to plot 7. The secondary first floor window facing plot 9 has been removed and obscured glassing has been used in the W.C first floor windows facing the gardens of plot 137 Fronks Road.

Officers accept the relationship with regards residential amenity.

- Plot 9

This dwelling is a single storey bungalow. There are no objections with regards to the fenestration proposed.

Officers accept the relationship with regards residential amenity.

As demonstrated above, in conclusion no objections relating to the residential amenity are raised. Officers consider the removal of Permitted Development rights Class A, B and C, as necessary to avoid any such concerns in the future.

iii. a safe and convenient means of vehicular and pedestrian access/egress can be provided that is not likely to cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will be discouraged

The proposed access road is accompanied by a footpath that runs the full length of the road. Officers are of the view that such arrangements shall provide a safe and user friendly means of access for both motorists and pedestrians. There have been no objections from the ECC Highways to the proposals subject to a series of highway related conditions such as visibility splays, surface water run-off, use of bounded driveway material, width of roads and size of garages. All the suggested planning conditions have been brought forward in the recommendation.

The road/pavement and dwelling layout are designed in such a way that there will not be any significant loss of residential amenity to any future occupier of the proposed or existing neighbouring dwellings.

iv. the proposal does not involve “tandem” development using a shared access

The proposed layout is not linear or 'tandem'. Indeed, there are 8 different varieties of dwellings on offer adding to the visual interest to the development. The building lines are varied as are the orientation of the dwellings, making for an interesting streetscape. The host dwelling retains its own private access. Ultimately Officers have no objection to the proposal on grounds of layout or access.

v. the site does not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution

The site does not contain an awkwardly shaped development or parcel of land. The host site is a large rectangular parcel of land with ample space for such a comprehensive redevelopment of the site. Given the location within the settlement boundary, Officers do not consider the development to be unacceptable in principle. The properties retain sufficient spacing between each other to ensure that the development would not appear overly cramped. The open parking bays and garages often to the side of the dwellings assist in this respect. There is not a sense of 'over development' within the layout proposed.

vi. the site is not on the edge of defined settlements and likely to produce a hard urban edge or other form of development out of character in its particular setting

The site is located well within the settlement boundary, there are a number of trees that are being kept as part of the development. It is not considered that there shall be a unduly negative change in the character of the setting that exists at present. Although for certain, there will be a greater sense of urbanisation created. This fact notwithstanding, there have been no objections from the Council's Landscape and Trees Officer or County Ecology to the proposals, subject to planning condition outlined in the sections below.

vii. the proposal would not be out of character with the area or set a harmful precedent for other similar forms of development.

There is no reason to believe the development would set a harmful precedent for other forms of development. In any event, each planning application shall be dealt with on its own merits.

The proposed layout offers a variety of dwelling types, none greater than 1 ½ storeys. The dwellings also combine a number of key design features to help soften their overall impact, including chimneys, canopy's, brick plinths, front gables, overhanging eaves, fascia and window detailing's. These features, together with a good mixture of materials provide a visual interest throughout the scheme and assists in breaking up the overall built form. A 'materials' planning condition is recommended to ensure compliance with vernacular locally.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of two bedrooms should be a minimum of 75 square metres and for a dwelling of three bedrooms or more should be a minimum of 100 square metres. Each property is shown to have a private amenity space well over the required levels which accords with the requirements saved policy HG9.

All the dwellings are designed with floor areas equal or greater than nationally Described Space Standards.

Overall, the layout and design of the development would represent an appropriate response to the character and appearance of the host site and the neighbouring developments to the south and west in particular.

3. Landscaping

The application site contains several large trees and established shrubs. Some of the trees between the front of the existing dwelling and the highway are afforded formal legal protection by Tendring District Council Tree Preservation Order 99/30/TPO 139 Fronks Road, Dovercourt, Harwich.

In terms of the potential impact of the development proposal on the existing trees and other vegetation on the application site, the applicant has provided a detailed tree survey and report. The Council's Tree and Landscape Officer states 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. Also, that the information contained in the report is in accordance with BS5837: 2012 'Trees in relation to design, demolition and construction - Recommendations'.

It is clear that some trees and other vegetation would need to be cleared in the event of an approval however the tree report adequately demonstrates that the development of the land could take place without causing harm to the most important trees on the land. A root protection condition for the driveway and garages is recommended for plots 1 and 3. The applicant has provided a Landscape Plan that includes boundary treatments, the Tree and Landscape Officer has offered no objections to these details. Therefore, a planting condition together with the replacement of any failed planting within 5 years is recommended. The hedge on the western boundary is indicated to as being retained. Ultimately, the longer term maintenance and upkeep of this feature will be a civil matter for the neighbouring properties concerned. A planning condition relating to this fence is considered unenforceable in practice.

A planning condition controlling external lighting in the locality is considered necessary to retain adequate levels of residential amenity to the existing/neighbouring occupiers and the future users of the site, also in the interest of ecology in the area. This is further outlined in the ecology section below.

Also, a planning condition is suggested relating to the details of the ongoing site maintenance procedures that are to be put in place to control the communal areas landscaping areas, for example in the north west corner. The Council's Legal Department advised against putting such matters in the legal agreement.

4. Ecology

ECC Ecology has reviewed the Preliminary Ecological Appraisal (Geosphere Environmental, December 2019) and the Record Sheet For Climbing Inspection Of Trees To Be Removed (Geosphere Environmental, November 2020). These reports relate to the likely impacts of development on; designated sites, protected species and priority species & habitats. The ecologists have confirmed that there is sufficient ecological information available for determination.

The reports provide certainty for Officers of the likely impacts on protected and priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

As such three ecology related planning conditions are recommended.

1. Development in accordance with ecological appraisal recommendations
2. Prior to slab level: biodiversity enhancement strategy
3. Prior to occupation: wildlife sensitive lighting design scheme

Officers have outlined these conditions in the recommendation.

Further to these suggestions, following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be the RAMS level 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 Sites.

The contribution is secured by Section 106. There is therefore certainty that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

5. Access and Highway Safety

Essex Highways Authority have stated they have no objections subject to 11 conditions relating to visibility splays, the width of the access, the use of no unbound materials, no discharge of surface water, and the submission of a Construction Method Statement ect. These 11 suggested conditions are included as conditions within the recommendation.

The Adopted Car Parking Standards state for a dwelling of two or more bedrooms, there should be provision for a minimum of two parking spaces measuring 5.5m x 2.9m or, if being relied upon as one of the parking spaces, a garage should have internal measurements of 7m x 3m. The submitted plans show a garage at each plot, all of which meet the requirements (controlled by planning condition). Overall, resulting in parking provision that is in accordance with policy. There are no objections to the access arrangements and the development is not considered to cause any significant highway safety concerns via the intensification use at the access to Fronks Road or within the site.

6. Legal Considerations

A completed Section 106 document has been provided to secure the legal obligations associated with this application. That includes:

- i) RAMS Payment
- ii) Open Space Provision
- iii) Affordable housing provision

i) The RAMS payment is explained in the ecology section above.

ii) With regards Open Space, Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built".

There is currently a deficit of -12.67 hectares of equipped play in Harwich and Dovercourt. Due to the overall deficit in both Open Space and Play Areas in Harwich and Dovercourt it is felt that a contribution is justified and relevant to the planning application. The contribution would be used at the nearest play area at Dovercourt Pool, Low Road. A signed Section 106 document has been prepared to secure this legal obligation and to ensure compliance with saved policy COM6.

iii) Paragraph 63 of the NPPF says: 'Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).'

The affordable housing contribution has been brought into the application as the site area is over 0.5 hectares.

Emerging Affordable Housing Policy LP5 of the draft Tendring District Local Plan (2013-2033 and beyond) expects up to 30% of new dwellings, (including conversions) to be made available to Tendring District Council or its nominated partner(s) to acquire at a proportionate discounted value for use as affordable or council housing. The Housing Services Department has confirmed the figures are 'round down'. Therefore, this application requires 2 affordable homes.

TDC Housing 'prefer' an off-site financial contribution in lieu of on-site provision in this case. This is because it is unlikely a Registered Provider would want to take on such a small number of units offered here.

TDC Housing have concluded, looking at a contribution based on 10% of the Market Value for what was required, a contribution of £53,500 should be secured.

Officers raised no objections to these signed agreements. The application subsequently adheres to both Local and National Policy on these areas of 'community uplift'.

7. Other Matters

Drainage in this location is considered a 'Low Risk' with regards surface water. However, the development is introducing a 'more vulnerable risk' as defined by the NPPF Para 163 footnote 50. This is due to increased levels of hardstanding on site and the slopes associated

with the land. Therefore, a sustainable drainage strategy condition is recommended prior to commencing the works on site.

The Environmental Protection Department have also requested a Construction Method Statement, this shall monitor noise and emission controls from the site. This condition is also recommended within the decision notice.

A 1.8 metre high boundary fence is considered necessary along the southern boundary of Plots 6, 7 and 8. This is included as a planning condition.

6. Recommendation

Approval subject to conditions.

7. Conditions

- 1 The development to which this permission relates must be begun no later than the expiration of three years beginning with the date on which this permission is granted.

Reason - The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

907/112b	Amended landscape plan	Date Received	17 Dec 2020
907/106b	Amended plot 6 - proposed elevations and floor plans		17 Dec 2020
907/109a	Amended plot 9 - proposed floor plan and elevations		17 Dec 2020
907/108b	Amended plot 8 - proposed elevations and floor plans		17 Dec 2020
907/loc a	Amended site plan		03 Dec 2020
907/103/a	Amended plot 3 - proposed elevations and floor plans		19 Nov 2020
907/107/a	Amended plot 7 - proposed elevations and floor plans		19 Nov 2020
907/100/b	Amended block plan		19 Nov 2020
907/101/b	Amended plot 1 - proposed elevations and floor plans		19 Nov 2020
907/102/a	Amended plot 2 - proposed elevations and floor plans		19 Nov 2020
907/100/b	Amended garden size plan		19 Nov 2020
907/110	Garages - proposed floor plan and elevations		24 Aug 2020
907/104	Plot 4 - proposed floor plan and elevations		24 Aug 2020
907/105	Plot 5 - proposed floor plan and elevations		24 Aug 2020

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

- 3 Prior to occupation of the development, the road junction / access at its centre line shall be provided with a minimum clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety.

- 4 Prior to the first occupation of the development, the proposed vehicular access at its bell-mouth junction with Fronks Road shall be provided with:
- Minimum 6 metre radius kerbs returned to an access road carriageway width of 6m shared surface. and flanking footways 2m. in width returned around both the radius kerbs which shall connect to the existing footways with associated drop kerbs/ tactile paving on either side of the junction.
 - The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.

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

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

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

- 6 Prior to the occupation of the development the internal layout shall be provided in principal with drawing number:
- 907/100 b Amended Block plan.

Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 7 No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 8 Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the carriageway and to a width of 3.6m (4 low kerbs) with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 9 Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles while vehicular parking space which is bounded by walls or other construction shall have minimum dimensions of 3.4 metres x 5.5 metres.

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety.

- 10 The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason - To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity.

- 11 As indicated on drawing no. 907/110 all single garages should have a minimum internal measurement of 7m x 3m.

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

- 12 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of Residential Travel Information Packs for sustainable transport for the occupants of each dwelling, approved by Local Planning Authority, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

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

- 13 No development shall take place until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Local Planning Authority. This shall include measures to minimise the risk of flooding during the construction works. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development.

Reason - To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal.

- 14 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- Noise Control

- i) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- ii) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- iii) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.
- iv) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- v) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method

chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents. 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

- Emission Control

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

- Highway

- 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 under body washing facilities shall be provided.

Reason -

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974). To ensure that on-street parking of construction vehicles in the adjoining streets does not occur, in the interests of highway safety.

15 Notwithstanding the provisions of Schedule 2, Part 1 Class A, B and C of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no extensions or alterations to the roofs shall be allowed within the curtilage of all the Plots (1 to 9 inclusive) hereby permitted without planning permission having been obtained from the Local Planning Authority.

Reason - In the interest of visual amenity.

16 The boundary treatment plan as shown on approved drawing no. 907/112/a shall implemented prior to first occupation of the approved dwellings and retained thereafter as approved.

Reason - In the interests of residential amenity and visual amenity.

17 The approved scheme of landscaping shown on drawing no. 907/112/a shall be implemented no later than the first planting season following commencement of the development (or within such extended period or phased arrangement as the Local Planning Authority may allow) and shall thereafter be retained and maintained for a period of five years. Any plant material removed, dying or becoming seriously

damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason - To ensure the effective implementation of the approved landscaping scheme, in the interests of visual amenity.

- 18 Before their first use on site details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details/samples.

Reason - To ensure the satisfactory appearance of the development.

- 19 No work on site shall take place until a detailed design for the foundations of the garage and driveway at Plots 1 and 3 has been submitted to and approved in writing by the Local Planning Authority. The details shall include how the nearby trees and associated roots shall be protected during the development together with a method statement for the construction. The development hereby approved shall only take place in accordance with the approved detailed scheme.

Reason – These plots are within close proximity to mature trees, the measures are therefore to protect the health of the trees.

- 20 No building hereby permitted shall be occupied until a 1.8 metre high timber close boarded fence shall be erected along the southern boundary of Plots 6, 7 and 8 hereby approved.

Reason – In the interest of residential amenity and security.

- 21 No building hereby permitted shall be occupied until a landscape management plan setting out how the communal open space and landscaping will be carried out and by whom, has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved landscape management plan for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure appropriate landscaping of the communal areas is provided by the development.

- 22 The obscured glass referred to on the elevational drawings of this application, shall be non-opening unless; the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The window shall be glazed with obscure glass with a degree of obscurity equivalent to Pilkington level 5 and shall be permanently maintained thereafter as obscure glazed.

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

- 23 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) or the details provided within approved plan, 907/108 A (Plot 8 Elevations and Floor Plans), the side facing roof light servicing the bathroom of plot 3 shall be glazed with obscure glass with a degree of obscurity equivalent to Pilkington level 5 and shall be permanently maintained thereafter as obscure glazed.

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

8. Informatives

Positive and Proactive Statement

1. 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 these 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.

2. The applicant is reminded, where the Local Planning Authority has removed Permitted Development Rights as detailed in the Planning Conditions above. There shall be no planning fee (zero fee) incurred if future homeowners submit applications for such works that would have fallen within the Permitted Development allowance criteria of that removed.

Highways Informatives

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

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

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

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