

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	09/04/2021
Planning Development Manager authorisation:	TF	09/04/2021
Admin checks / despatch completed	DB	09.04.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	09/04/2021

Application: 20/01840/FUL **Town / Parish:** Elmstead Market Parish Council

Applicant: Mr J Lynch - South East Commercial Homes LLP

Address: Forres Clacton Road Elmstead

Development Proposed 8 bungalows and associated access roads and landscaping.

1. Town / Parish Council

Elmstead Parish Council
17.02.2021

Elmstead Parish Council wishes to make the following comments on this application:

The council has no objections to the above application and amended proposed block plan 07 rev b, but wishes to confirm that this is in relation to the 8 bungalows on the site, not the 9 bungalows as proposed on the application it received a paper copy of.

The council refers to the recommendation of the Public Realm Open Spaces officer highlighting that there is a 4.51ha deficit of equipped play/formal open space in Elmstead and that a contribution to the Charity Field site is justified and relevant. The council requests that this recommendation be taken up as a condition of planning.

The council also requests that as stated in the Tree and Landscape Officer's report the details of soft landscaping to include sufficient detail regarding plant species and specification must be provided prior to determination. Also that the new trees shown on the current soft landscaping plan must be planted to mitigate the loss of the trees to be removed.

2. Consultation Responses

ECC Highways Dept
26.02.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2019 and previous application 16/01690/OUT.

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 Method Statement has been submitted to, and approved in writing by, the local planning authority.

The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

2. In accordance with previous application: 16/01690/OUT and prior to the first occupation of the development, the proposed road junction at its bell mouth junction with Clacton Road shall be constructed at right angles to the highway boundary and to the existing carriageway with a minimum 6 metre kerb radii as shown in principle in the amended Block Plan, drawing no. 07 Rev. B, to a carriageway width of 5.5 metres with a 2 metre wide footway on both sides to connect to the existing footway on Clacton Road.

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 DM1 and DM6.

3. Based on recent speed data results and prior to occupation of the development, the new road junction / access (with Clacton Road) at its centre line shall be provided with a minimum clear to ground visibility splay with dimensions of 2.4 metres by 160 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.

4. Prior to first occupation of the development the existing pedestrian refuge island associated tactile paving near the proposed entrance to the development on Clacton Road will need to be moved/ re-located, details shall be agreed with the Local Planning Authority prior to commencement of the development.

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 DM1 and DM6.

5. Prior to first occupation of the development the size 3 and size 5 vehicular turning facility shown in principle in the amended Block Plan, drawing no. 07 Rev. B, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

6. No unbound materials shall be used in the surface treatment of the proposed vehicular access/ internal road layout throughout.

Reason: To avoid displacement of loose material onto the highway in

the interests of highway safety in accordance with policy DM1.

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

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

8. Prior to first occupation of the development vehicle parking shall be provided in accordance with the EPOA Parking Standards as shown in principle in the Proposed Block Plan, drawing no. 19/17/02 Rev a, constructed ready for use. The vehicle parking area and associated turning area shall be retained in the agreed form at all times.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

9. All double garages should have a minimum internal measurement of 7m x 5.5m.

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

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

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

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

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

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:

- Prior to any works taking place in the highway the developer should enter into an S278 agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works
- All highway related details should be agreed with the Highway Authority.
- The proposed junction layout, re-location of the pedestrian refuge and footway proposals will require an initial Stage 1 Road Safety Audit.

Informative:

1: 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 enough to ensure future maintenance as a public highway by the ECC.

2: 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.

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

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

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

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.

3. Planning History

03/00286/OUT	Erection of domestic dwelling	Refused	07.04.2003
07/01245/FUL	Erection of two storey side extension, porch and detached garage.	Approved	18.09.2007
13/00787/FUL	Alterations and extensions to existing garage building (to facilitate conversion to residential annexe).	Approved	21.10.2013
14/00087/FUL	Construction of two storey side extension (following demolition of single storey side extension).	Approved	18.03.2014

14/00754/FUL	Proposed single storey side extension.	Approved	05.08.2014
16/01690/OUT	Proposed erection of up to 9 no. dwellings and associated out-buildings with access onto Clacton road (A133).	Approved	16.12.2016
19/01205/FUL	Proposed erection of a detached dwelling with cartlodge and landscaping.	Withdrawn	16.09.2019
19/01211/DETAIL	Construction of 8 new dwellings with associated development and landscaping (approval of reserved matters Layout, Scale, Appearance and Landscaping following approval of 16/01690/OUT - Access already approved under 16/01690/OUT).	Approved	12.11.2019
20/01095/DISCON	Discharge of conditions 16, 17 and 18 (archaeology) of approved application 16/01690/OUT.	Approved	07.10.2020

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1	Spatial Strategy
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
HG9	Private Amenity Space
HG14	Side Isolation
EN1	Landscape Character
EN6	Biodiversity
EN6A	Protected Species
EN11A	Protection of International Sites European Sites and RAMSAR Sites
EN29	Archaeology
COM6	Provision of Recreational Open Space for New Residential Development
TR1A	Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL7 Archaeology

HP5 Open Space, Sports & Recreation Facilities

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Tendring Landscape Character Assessment

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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

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 has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development

plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have 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.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located on the southern side of Clacton Road (A133) within the Parish of Elmstead and relates to the property known as Forres. The site is outside any Settlement Development Boundary as defined within the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

The site measures approximately 0.90 hectares in size and is made up of redundant agricultural land and part of the former residential curtilage of Forres. To the east, running the whole length of the site is a business park comprising of B1, B2 and B8 units.

To the north of the site is a large scrap metal yard and residential development that leads into Elmstead to the west. To the south is Beth Chatto Gardens and to the west is a parcel of land in agricultural use beyond which is further sporadic residential development that leads in Elmstead. The site contains a number of trees to its frontage and along the eastern boundary. The site is relatively flat in nature and comprises rough grassland.

Planning History

This application follows a previously approved development of 8 detached houses (approved under 16/01690/OUT and 19/01211/DETAIL). The previous applicant no longer wanted to develop the land for 8 large detached dwellings (in accordance with the previous approval) and has subsequently sold the site onto South East Commercial Homes LLP.

Description of Proposal

This new application now seeks full planning permission for the erection of 8 detached bungalows.

Due to the time passed since the previously approved outline and reserved matters application, the amendment to the development from houses to bungalows could not be dealt with as a revised reserved matters application and requires a fresh full planning application.

19/01211/DETAIL was approved on 12.11.2019 and therefore remains extant until November 2021.

The application was originally submitted for 9 dwellings, however, given the context of the Local Plan and the fall-back position (covered in more detail below) the agent was advised that no additional units to those already approved under 19/01211/DETAIL would be permitted on this site and the application should be reduced to 8.

At the time of the officer site visit, the previously approved development had not commenced. However, an email received from the agent on 11th March 2021 provides photographs showing site clearance / works to the new access in progress.

Assessment

The main considerations are;

- Principle of Development;
- Scale, Layout and Appearance;
- Residential Amenities;
- Trees and Landscaping;
- Highway Considerations and Parking Provision;
- Financial Contribution - RAMS;
- Requirements of Outline Conditions; and,
- Representations.

Principle of Development

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. As mentioned above, the site lies outside of the Elmstead Market Settlement Development Boundary as defined within the adopted or emerging Local Plans. Therefore, in the context of the progress of the emerging Local Plan and the Council's ability to demonstrate a 5-year housing land supply, the residential development of the land is unacceptable in principle.

However, a material planning consideration of particular relevance in this instance is the extant permission for 8 dwellings on the site (which has commenced).

To deem this current application for the same number of dwellings unacceptable in principle would be wholly unreasonable as there is a clear fall-back position for the same number of units which has commenced. The approval of this application for 8 bungalows in place of 8 dwellings does not compromise the Council's spatial strategy for the area and cannot be considered contrary to Saved Policy QL1 or Emerging Policy SPL1.

The application is therefore considered acceptable in principle. In fact, officers are of the opinion that the development of the site for 8 bungalows responds more appropriately to the housing market / need for the area than the 8 houses already approved (which included 1 unique, extensive plot originally intended for the applicant designed to suit his specific living requirements).

Scale, Layout and Appearance

The development for 8 bungalows is accessed via the new access point as approved under application 16/01690/OUT off Clacton Road between Forres to the north-west and the business units to the south-east. The new access drive extends through the centre of the site providing access and turning areas.

The development is well set back from the highway with only glimpses of the dwellings possible through the access, minimised further by their single storey height and retained planting to the site boundaries. The visual impact on the street scene is minimal, not prominent or harmful. The built form either side of the access means that the development does not appear out of character in the locality. The development would be largely screened by existing buildings and vegetation and through the implementation of additional planting would be satisfactorily assimilated into its surroundings.

The layout of the development allows for well-spaced properties retaining for 1 metre or more to their respective boundaries in excess of the standards set out within saved Policy HG14 of the adopted Plan and providing private gardens in excess of the minimum standards required by saved Policy HG9 of the adopted Local Plan. The dwellings are laid out as such to create a staggered street scene to avoid uniformity and add interest. Each plot is slightly different and the materials finishes are included on the detailed plans. Overall, the design and finishes are considered acceptable, again adding variation and interest to overall character of the development.

Overall the development is considered to represent an acceptable scale, layout and appearance that creates a satisfactory development that will not result in any harm to the area.

Residential Amenities

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

Each dwelling is served by a private garden area in excess of the minimum standards required by saved Policy HG9 of the adopted Tendring District Local Plan 2007. The separation distances, single storey height and layout ensures a good standard of outlook, light and privacy between plots and an acceptable relationship with Forres with no other nearby residential properties affected.

Trees and Landscaping

Policy EN1 of the adopted Local Plan and Policy PPL3 in the emerging Local Plan seek to protect and, wherever possible, enhance the quality of the district's landscape; requiring developments to conserve natural and man-made features that contribute toward local distinctiveness and, where necessary, requiring suitable measures for landscape conservation and enhancement.

The application site forms part of the residential curtilage of Forres and land to the south. It is clear that the planning application has the potential to cause harm to, and the complete removal of, several trees on the land especially on the front boundary with Clacton Road where the new access to the highway is proposed.

In order to show the potential impact of the development on the trees the applicant has provided a Tree Survey and Report. The information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction; Recommendations.

The report identifies those trees that are to be removed in order to facilitate the development proposal and the way that retained trees will be physically protected for the duration of the construction phase of the development.

At the present time the vegetation on the front boundary provides a good level of screening for the private garden and makes a moderate contribution to the street scene. The low level vegetation consists of Holly, Elder and Elm with larger trees set back into the garden ' most notably two Lime Trees. The Limes are mature and attractive specimens. However, at some stage a large soil bank has been placed around the stems of the Limes that has caused the bark on the bole of the trees to decay and is likely to have compromised their long term viability.

Other trees, including a small Oak and a Walnut are set back further in to the main body of the garden. These trees cannot be clearly seen from a public place and therefore have commensurately lower visual amenity value.

The trees identified for removal are not in sufficiently good condition to merit formal legal protection by means of a tree preservation order and the removal of the Limes is required to create a new access to the highway in accordance with the extant outline planning consent.

The details contained in the tree report regarding the physical protection of retained trees are sufficient to ensure that they will not be harmed by the development of the land.

In terms of soft landscaping, the application is accompanied by an amended plan providing sufficient details, which will be secured by condition.

Highway Considerations and Parking Provision

Paragraph 108 of the National Planning Policy Framework 2019 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 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. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. The development exceeds these standards.

Essex County Council as the Highway Authority has been consulted on the application (see above for details) and raise no objection to the development subject to conditions which will be imposed or added as informatives as required. Conditions imposed on the original 2016 outline approve will also be added for completeness.

Officers are satisfied that the site can accommodate the proposed development without resulting in any highway safety harm being served by appropriate accesses, visibility splays, parking and turning provision.

Financial Contribution – Recreational Disturbance

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

The application scheme proposes a residential development on a site that lies within the Zone of Influence (Zoi) being approximately 3400 metres from the Colne Estuary SPA and Essex Estuaries SAC. New housing development within the Zoi would be likely to increase the number of recreational visitors to the Colne Estuary and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

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

Financial Contribution – Open Space and Play Space

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

There is currently a deficit of 4.51 hectares of equipped play/formal open space in Elmstead Market. Due to the lack of open space and recreation facilities in Elmstead a contribution towards play and open space would apply to this development.

However, as mentioned above, the extant and commenced fall-back position for the development of the site for 8 dwellings is of particular relevance to the consideration of open space contributions for this current application. The original application was granted at a time when open space contributions were not sought for developments of this size. This fall-back position allowing the development of the site for 8 dwellings with no contributions, means that it would unreasonable to request the open contribution now simply to a change in the design of the scheme.

Planning Obligation – Affordable Housing

The NPPF states that affordable housing should be delivered on sites classed as "major developments". Major developments are defined in the NPPF as sites that deliver 10 or more homes or sites that are greater than 0.5 hectares in area. This is an application for 8 homes but the site area is 0.9 hectares so it is classed as a major development and as such, there is a requirement for affordable housing. The Council's emerging Local Plan requires that 30% of the dwellings on eligible sites are delivered as affordable housing and therefore, on this application, this would equate to 2 of the 8 dwellings.

However, as mentioned above, the extant and commenced fall-back position for the development of the site for 8 dwellings is of particular relevance to the consideration of affordable housing obligations for this current application. The original application was granted at a time when affordable housing was not applicable to such developments. This fall-back position allowing the development of the site for 8 dwellings with no contributions, means that it would unreasonable to request the affordable housing contribution now simply to a change in the design of the scheme.

Archaeology

A programme of archaeological investigation was recommended on application 16/01690/OUT due to the impact of the development on the archaeological deposits revealed through cropmark features and recorded on the EHER.

These requirements were satisfied by the approval of 20/01095/DISCON and this application is accompanied by the approved report.

No further work or conditions are required for this application.

Biodiversity

Condition 4 of the outline permission required the inclusion of ecological enhancements in the development. This application is accompanied by the necessary report and ecological management scheme. This report includes impact avoidance precautionary measures for protected, priority and rare species, as well as new habitats for locally recorded protected, priority

and declining wildlife such as; birds, bats and hedgehogs. By following this report the site would be proportionately enhanced for local wildlife to provide a net gain.

An appropriately worded condition will be included.

Representations

Elmstead Parish Council does not raise an objection to the development but makes the following comments (officer response in italics):

- Confirmation that the development is for 8 bungalows, not 9.

This was confirmed by the officer via telephone at the time of comment.

- Open Space contribution should be provided.

This is addressed in the main report above.

- Concur with the Tree Officer's requests in terms of new planting.

Sufficient landscaping has been provided on drawing 20 Revision A received on 9th February.

No individual letters of representation have been received.

Conclusion

Having regard to the extant permission on the site and capacity to develop the site for 8 dwellings, the approval of this full planning permission for 8 dwellings within the same site will not undermine the Council's ability to manage growth through the plan-led approach. As addressed above, the proposed development is acceptable in all other regards. Accordingly, the application is recommended for approval subject to conditions.

6. Recommendation

Approval - Full

7. Conditions

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

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

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

Drawing No. 07	Rev B Amended Proposed Block Plan
Drawing No. 08	Rev A Amended Site Plan Showing Landscaping
Drawing No. 09	Rev A Amended Site Plan
Drawing No. 10	Plot 1 Proposed Elevations and Floor Plans
Drawing No. 11	Plots 2 and 9 Proposed Elevations and Floor Plans
Drawing No. 12	Plot 3 Proposed Elevations and Floor Plans
Drawing No. 13	Plot 4 Proposed Elevations and Floor Plans
Drawing No. 14	Plot 5 Proposed Elevations and Floor Plans
Drawing No. 15	Plot 6 Proposed Elevations and Floor Plans
Drawing No. 16	Plot 7 Proposed Elevations and Floor Plans
Drawing No. 17	Plot 8 Proposed Elevations and Floor Plans

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

- 3 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on approved plan Drawing No. 20 Rev A 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 the adequate implementation and maintenance of the approved landscaping scheme for a period of five years in the interests of the character and quality of the development.

- 4 The fences and other boundary enclosures shown on the approved Drawing no. 20 Rev A Landscaping Plan shall be erected prior to the occupation of the dwellings hereby approved and retained in this approved form unless otherwise agreed in writing by the Local Planning Authority.

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

- 5 The development hereby approved shall be carried out in strict accordance with the Tree Survey Report - Rev A dated July 2019 unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the trees to be retained are protected in the interests of visual amenity and landscape character.

- 6 The development shall be carried out in strict accordance with the Ecological Management Scheme Including Biodiversity Enhancements dated July 2019.

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

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

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

- 8 The approved Drawing no. 21 Construction Method Statement shall be adhered to throughout the construction period.

Reason - To ensure that on-street parking of construction vehicles in the adjoining streets does not occur, to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and to ensure working conditions are sympathetic to residential amenities.

- 9 Prior to the first occupation of the development, the proposed road junction at its bell mouth junction with Clacton Road shall be constructed at right angles to the highway boundary and to the existing carriageway with a minimum 6 metre kerb radii as shown in principle in the amended Block Plan, drawing no. 07 Rev. B, to a carriageway width of 5.5 metres with a 2 metre wide footway on both sides to connect to the existing footway on Clacton Road.

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.

- 10 Prior to occupation of the development, the new road junction / access (with Clacton Road) at its centre line shall be provided with a minimum clear to ground visibility splay with dimensions of 2.4 metres by 160 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.

- 11 Prior to first occupation of the development the size 3 and size 5 vehicular turning facility shown in principle in the amended Block Plan, drawing no. 07 Rev. B, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

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

- 12 No unbound materials shall be used in the surface treatment of the proposed vehicular access/ internal road layout throughout.

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

- 13 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.

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

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

- 15 Prior to commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety.

- 16 Prior to first occupation of the development the existing pedestrian refuge island associated tactile paving near the proposed entrance to the development on Clacton Road will need to be moved/ re-located, details shall be agreed with the Local Planning Authority prior to commencement of the development.

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.

8. 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 Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Legal Agreement Informative - Recreational Impact Mitigation

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

Highways Informatives

1: 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 enough to ensure future maintenance as a public highway by the ECC.

2: 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.

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

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

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

4: Prior to any works taking place in the highway the developer should enter into an S278 agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.

5: All highway related details should be agreed with the Highway Authority.

6: The proposed junction layout, re-location of the pedestrian refuge and footway proposals will require an initial Stage 1 Road Safety Audit.

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.

Building Control Informative

The access drive will need to be designed for a fire tender to access the site.

Secure By Design

Essex Police would like to see this applicant seek to achieve Secured by Design accreditation in respect of this development as alluded to in the Design and Access statement.

The proposed site plan does show most of the dwellings seem to be positioned well for good natural surveillance while protecting the vulnerable rear of the properties.

Essex Police provide at no cost, impartial advice service to any applicant who request this service and is able to support them to achieve appropriate consideration of the Secure By Design requirements and invites the applicant to contact Essex Police via designingoutcrime@essex.police.uk.

Environmental Protection Informative

If any unforeseen contamination is encountered during the development works this should be reported immediately so that appropriate action can be taken.

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