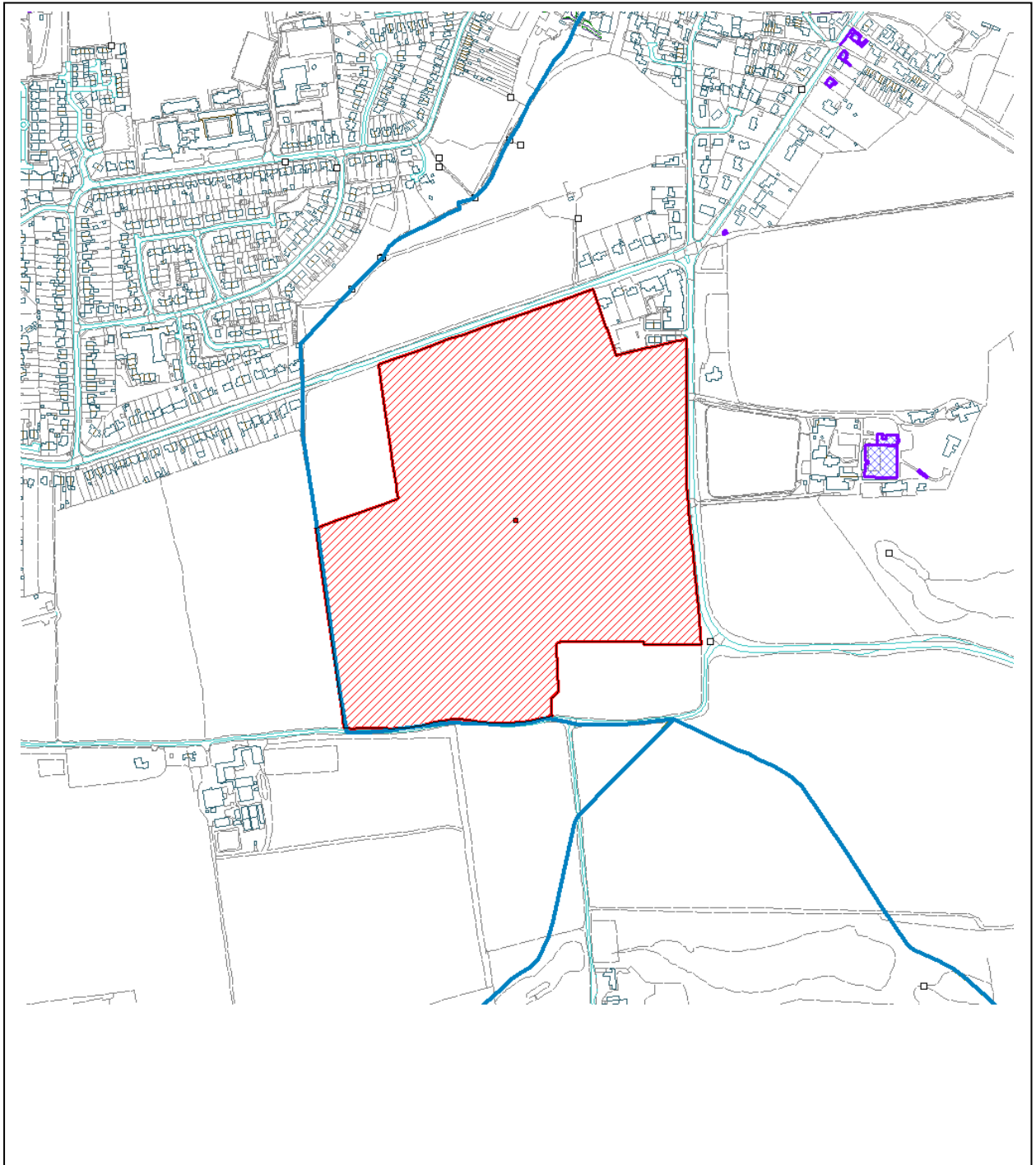


PLANNING COMMITTEE

26th October 2021

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

**A.1 PLANNING APPLICATION – 21/00197/DETAIL – LAND TO THE SOUTH OF
LONG ROAD AND TO WEST OF CLACTON ROAD MISTLEY CO11 2HN**



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Application: 21/00197/DETAIL

Town / Parish: Mistley Parish Council

Applicant: Tendring Farms Ltd

Address: Land to The South of Long Road and to West of Clacton Road Mistley
CO11 2HN

Development: Reserved matters application with details of appearance, landscaping, layout and scale pursuant to the residential element of outline permission (17/01181/OUT - Approved under appeal APP/P1560/W/19/3220201) including up to 485 dwellings, up to 2 hectares of employment land (A2/A3/B1/B2; B8; D1 uses), with associated public open space and infrastructure

1. Executive Summary

- 1.1 The host site obtained outline approval on appeal for the erection of up to 485 dwellings, up to 2 hectares of employment land (A2/A3/B1/B2; B8; D1 uses), with associated public open space and infrastructure on the 23 December 2019. The outline approval was for all matters reserved, other than strategic access points onto the public highway.
- 1.2 The current application is seeking consent with regard to the reserved matters of landscaping, layout, appearance and scale. Importantly, the application relates only to the residential aspect of the development approximately 85% of the site, not the Employment Land in the south east corner (the remaining 15%) that is expected under a separate Reserved Matters application in the future.
- 1.3 The application was requested to be referred to Committee for a decision by Cllr. Coley for the following reasons:
 - The identification of which dwellings are considered as Affordable Housing & the status of those dwellings;
 - The developer's commitment to Renewable Energy Facilities;
 - There is no information at all regarding the Employment Land, although the application title includes this area for consideration. It is blank on the maps;
 - We also have concerns regarding the number of flats proposed (46) and no provision for private amenity space; and
 - The Design and Access Statement was limited in its content

All of these concerns are addressed in the report and updated reports and plans submitted.

- 1.4 The site lies outside the defined settlement boundary of the saved Local Plan but within the settlement boundary of the emerging Local Plan. The principle of residential development has been accepted by the granting of outline planning permission, which also established the position of the accesses.
- 1.5 It is considered that in respect of Access, Appearance, Layout, Scale and Landscaping, the application has demonstrated that the development would be of high quality, would respond to its surroundings and would be sustainable. The detailed plans comply with the outline requirements, and the usual design

parameters (garden sizes, distance between dwellings and level of parking). The reserved matters are considered acceptable with no material harm to visual or residential amenity, or highway safety.

- 1.6 As such, the Reserved Matters can be agreed subject to: the completion of a Deed of Variation of the original Section 106 Legal Agreement to secure the extension of the perimeter walking trail all the way round the outside of the site and signposts to the public footpaths beyond. Also, a series of Planning conditions outlined in section 8.2 of this report. The reason the Deed of Variation is offered is that this would cover the whole site rather than just the red line area of the host application, ensuring the landscape buffer is continued around the whole site.
- 1.7 If the Committee endorses this recommendation, conditions would be imposed relating directly to the reserved matters under consideration, while conditions attached to the outline approval would still apply. The legal agreement for the original application which secures affordable housing, education, health and off-site highway contributions, public open space and RAMS would also still apply to the outline approval and the site as a whole.

Recommendation:

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

- a) **Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):**
 - perimeter walking trail all the way round the boundaries of the entire original site
 - signposts to the public footpaths beyond
- b) Subject to the conditions stated in section 8.2
- c) That the Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

2. Planning Policy

The following Local and National Planning Policies are relevant to this planning application.

NPPF *National Planning Policy Framework February 2021*
NPPG *National Planning Practice Guidance*

Tendring District Local Plan 2007 (Part Superseded)

QL2	Promoting Transport Choice
QL3	Minimising and Managing Flood Risk
QL11	Environmental Impacts and Compatibility of Uses
QL12	Planning Obligations
HG1	Housing Provision
HG4	Affordable Housing in New Developments
HG7	Residential Densities
HG9	Private Amenity Space
COM1	Access for All
COM2	Community Safety
COM6	Provision of Recreational Open Space for New Residential Development
COM8A	Proposed New Recreational Open Space
COM21	Light Pollution
COM22	Noise Pollution
COM23	General Pollution
COM26	Contributions to Education Provision
COM29	Utilities
COM31A	Sewerage and Sewage Disposal
EN1	Landscape Character
EN2	Local Green Gaps
EN4	Protection of the Best and Most Versatile Agricultural Land
EN6	Biodiversity
EN6A	Protected Species
EN6B	Habitat Creation
EN12	Design and Access Statements
EN13	Sustainable Drainage Systems
EN17	Conservation Areas
EN23	Development within the Proximity of a Listed Building
TR1A	Development Affecting Highways
TR1	Transport Assessment
TR3A	Provision for Walking
TR4	Safeguarding and Improving Public Rights of Way
TR5	Provision for Cycling
TR7	Vehicle Parking at New Development

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

Section 1: North Essex Authorities' Shared Strategic Section 1 Plan, adopted January 2021

SP1	Presumption in Favour of Sustainable Development
SP2	RAMS
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles

Section 2: Emerging

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP5	Open Space, Sports & Recreation Facilities

LP1	Housing Supply
LP2	Housing Choice
LP3	Housing Density and Standards
LP4	Housing Layout
LP5	Affordable and Council Housing
PPL1	Development and Flood Risk
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
PPL6	Strategic Green Gaps
PPL8	Conservation Areas
PPL9	Listed Buildings
PPL10	Renewable Energy Generation
CP1	Sustainable Transport and Accessibility
CP2	Improving the Transport Network

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to emerging Section 2 of the 2013-33 Local Plan which contains more specific policies and proposals for Tendring has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29th June 2021. The Council is holding a six week public consultation on the Main Modifications and associated documents, which began on 16th July 2021. The consultation will run for just over 6 weeks, closing at 5pm on 31st August 2021, following which adoption is expected later this year. Section 2 will join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

In relation to housing supply:

The Framework requires Councils 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, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, the 'tilted balance' at paragraph 11 d) ii) of the Framework is engaged. This requires applications for housing development be granted permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Following the adoption of Section 1 of the 2013-33 Local Plan and the Council's 'Objectively Assessed housing Need' of 550 dwellings per annum there is no housing shortfall. The Council is able to report a comfortable surplus of housing land supply over the 5 year requirement. The 'titled balance' at paragraph 11 d) ii) of the Framework does not therefore apply to applications for housing.

3. Relevant Planning History

14/30366/PREAPP	Outline proposal for approximately 300 dwellings, public open space, commercial floor space (B1), highways works and local amenities.		10.12.2014
15/00761/OUT	Outline application with all matters reserved, other than strategic access points onto the public highway, for the erection of up to 300 dwellings, up to 2 hectares of employment land (A2/A3/B1/D1 uses), with associated public open space and infrastructure.	Approved	18.07.2016
16/00818/OUT	Resubmission of outline application with all matters reserved, other than strategic access points onto the public highway, for the erection of up to 300 dwellings, up to 2 hectares of employment land (A2/A3/B1/D1 uses), with associated public open space and infrastructure.	Approved	
17/00534/OUT	Variation of condition 4 of 15/00761/OUT to change parameter plans.	Refused	10.08.2017
17/00535/DETAIL	Application for Phase 1 Reserved Matters for Access, Appearance, Landscaping, Layout and Scale for 96 Residential following	Approved	16.08.2018

	Outline Planning Permission 15/00761/OUT (as subsequently amended by 17/01537/OUT).		
17/01181/OUT	Outline application with all matters reserved, other than strategic access points onto the public highway, for the erection of up to 485 dwellings, up to 2 hectares of employment land (A2/A3/B1/B2; B8; D1 uses), with associated public open space and infrastructure. *	Refused	29.11.2018
	*This application was approved at appeal Reference		
	APP/P1506/W/19/3220201	Approved	23/12/2021
17/01537/OUT	Variation of condition 4 of application 15/00761/OUT to change the description of the condition to 'The reserved matters shall be in general conformity with the following indicative drawings: Building Heights Plan - Drawing No: 001, Illustrative Masterplan - Drawing No: PL17006/04 and Landscape Plan - Drawing No: 003'.	Approved	14.06.2018
18/01190/OUT	Variation of Conditions 1, 11, 12, 13, 14, 15, and 16 of 17/01537/OUT to allow work to commence prior to the submission of remaining reserved matters (reserved matters for 96 units already submitted).	Approved	19.09.2019
19/00336/OUT	Variation of condition 4 of application 17/01537/OUT to change the description of the condition to 'The reserved matters shall be in general conformity with the following indicative drawings: Building Heights Plan - Drawing No: 001A, Illustrative Masterplan - Drawing No: PL17006/04A and Landscape Plan - Drawing No: 003A'.	Refused	21.11.2019

19/00539/DETAIL	Reserved matters application pursuant to outline planning permission 17/01537/OUT for the creation of phase 2 - 204 dwellings and four commercial buildings, plus associated roads, driveways, parking, footpaths, landscaping and ancillary works.	Approved	07.01.2020
20/30058/PREAPP	Submission of the reserved matters, other than strategic access points onto the public highway, for the erection of up to 485 dwellings, up to 2 hectares of employment land (A2/A3/B1/B2; B8; D1 uses), with associated public open space and infrastructure.	Withdrawn	26.10.2020
20/01421/DISCON	Discharge of condition 8 (archaeology) of application 17/01181/OUT (approved on appeal APP/P1506/W/19/3220201).	Approved	07.12.2020
20/01484/OUT	Construction of medical centre and car parking.	Refused	01.02.2021
21/00213/OUT	Variation of condition 3 (Approved Plans) and 12 (highway proposal drawings) of approved planning application 17/01181/OUT (Approved under appeal APP/P1560/W/19/3220201).	Current	
21/00451/DISCON	Discharge of conditions 9a (Surface Water Drainage), 9b (Drainage Maintenance Arrangements), 10 (Foul Water Strategy) and 11 (Off-Site Flooding Scheme) of application 17/01181/OUT (approved on appeal APP/P1506/W/19/3220201).	Current	
21/00494/DISCON	Discharge of conditions 6 (Phasing Plan), 7 (Construction Management Plan) and 16 (Broadband Strategy) of approved application 17/01181/OUT (Granted under Appeal ref: APP/P1506/W/19/3220201)		Part Discharged. Condition 6 discharged 01/10/2021

21/30179/PREAPP	Proposed erection of a 4,000 sqft local convenience store. It will be accessed directly from the approved Lawford Green spine road. It will be two storeys high, comprising the store at ground floor and potentially a small number of flats above. The new building will be immediately south of the Green Gap.	07.07.2021
21/01170/DISCON	Discharge of condition 8A (Archaeology) of approved application 17/01181/OUT.	Approved 25.08.2021

4. Consultations

Anglian Water Services Ltd
20.04.2021

There is no drainage strategy documents submitted therefore we are unable to make comments to this application.

TDC
Environmental
Protection
16.04.2021

In order to minimise potential nuisance to nearby existing residents caused by construction works, Pollution and Environmental Control ask that the following are conditioned;

Prior to the commencement of any site clearance, 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. The method statement (Demolition/Construction Management Plan) should include the following;

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 5228:2014.

- 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 Local 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) A scheme of measures for the control and suppression of dust emissions shall be submitted to and approved in writing by the Local Planning Authority. Such agreed works shall be implemented in the approved form prior to the commencement of any development of the site and shall be maintained in the approved form until the development is completed and ready to be signed off as complete for the permitted purpose
- 2) All waste arising from the 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.
- 3) No materials produced as a result of the site development or clearance shall be burned on site. 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.

Dust Control

- 1) Dust suppression methods to be employed during construction so as to minimize likelihood of nuisance being caused to neighbouring properties. A scheme of measures for the control and suppression of dust emissions shall be submitted.

Site Lighting Control

- 1) Any lighting of the site under development shall be located, designed and directed [or screened] so

that it does not cause avoidable intrusion to adjacent residential properties/ constitute a traffic hazard/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Professionals.

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).

Contaminated Land

Prior to the commencement of the permitted development, the applicant is advised to undertake a suitable and sufficient site investigation and any necessary risk assessment to ensure the land is free from significant levels of contamination.

This will incorporate a 'phase one' assessment in the form of a desktop study/site walkover report. This will include a review of previous investigations; previous uses; potential sources of contamination; and potential pathways and receptors. If necessary, this shall be followed up by a 'phase two' risk assessment that shall incorporate a detailed intrusive investigation referring to the phase one study.

Reason: to protect workers and end users of the site

Control of lighting:

No development shall take place until a scheme for the control of light pollution has been submitted to and approved in writing by the local planning authority. The scheme shall be devised by a competent person and fully comply with the Code of Practice for the Reduction of Light Pollution issued by the Institution of Lighting Engineers, the DETR document 'Lighting in the Countryside: Towards Good Practice' and all current official guidance. Such light pollution control measures as shall have been approved shall be installed prior to coming into beneficial use and thereafter be

retained and maintained to the agreed specification and working order.

Reason: To protect the amenity of and to minimise potential nuisance to nearby existing residents.

ECC Urban Design
18.06.2021

Overall, it is considered that the scheme has moved forwards since the previous consultation response, and it is clear how comments have been taken on board in regard to the overall layout and connectivity of the scheme. There are more detailed elements that still require some further review in order to create a development that is suitable from an urban design perspective. These points will be outlined in further detail below.

Layout & Masterplanning

Firstly, it is clear through the amended plans as to how previous comments have been taken on board in regard to the layout and connectivity aspects of this development. There is a much clearer hierarchy of roads, with alternative widths and material treatments to signify key routes, secondary routes and mews courts, as well as the reduction of the entrance road into a single avenue which creates a more suitable 'parkland edge' character.

It is understood that there are now pedestrian routes linking people through the woodland edges of the site leading towards the attenuation and open areas at the Northern boundary, as well as two new access points to the south-eastern commercial zone for greater inclusivity within the development. Furthermore, it is understood that links have been proposed towards the Rose Builders development located to the West of this site, and it will be important to ensure these connections can be delivered to encourage no physical boundaries exist along this edge.

It is clear that previous comments raised surrounding the alternative road and density treatments to the development edge have been applied to this masterplan, with a series of private drives now serving a smaller number dwellings, as opposed to the singular loop road layout that was restricting the scheme in previous design iterations. It was stated during the meeting over the possibility of maximising the number of units to the North-eastern private drive (Plots 88, 89 and 90) could address, and it is recommended to explore this opportunity in order to minimise the impact of

the number of dwellings located to ensure reliance of access for the east was to a minimal.

There are still concerns regarding the density of parking located to the rears of the terraced units developed along the main street leading towards the Village Green. As stated within previous comments, whilst the notion of concealing parking to the rear of the properties is accepted, it is still considered that greater thought should be given towards creating a more user-friendly space to act as the primary entrance to dwellings, given the acceptance that travel will be largely car reliant and residents will be using this space frequently. It will be important to consider the walking experience for residents between where they park their cars in this courtyard space, and the journey they will go on to their front doors. It is recommended to a more detailed plan focusing in on one of the areas to demonstrate the requirements that will be offered. We would expect to see a path leading from the rear garden access point to the rear of the dwelling, a more permanent gated access opposed to a simple rear gate detail, information on how EV will be connected to the parking courts, suitable lighting and how surveillance will be approached. The approach to hard landscaping will also be important to demonstrate a more of a home zone character. Use of paving or block work, brick wall boundaries and enhanced landscaping is encouraged.

Boundary Treatments

Points have been raised in regard to the proposed boundary treatments for this scheme, where there are concerns over the use of close board fencing, due to the perceived lack of longevity and lower quality. It is recommended to review the following identified plots in terms of their boundary treatments, where it is considered that an alteration of the material choice to brick walls, as opposed to fencing, would increase the quality and long-term feel of the development fronting public areas:

- West of Plot 88
- South and West Plot 143
- South Plot 161
- West Plot 147
- South Plots 100 and 101
- West Plot 105
- West Plot 149
- North Plot 151
- North Plot 160

- South Plot 168
- North Plot 169
- East Plot 346
- East Plot 355
- East Plot 358
- West Plot 333
- West Plot 326 + 325
- East Plot 379
- East Plots 357 and 320
- West Plot 319
- East Plot 94
- West Plot 155

Additionally, these concerns are also relevant for the boundary treatments towards the rear parking courts, where parking bays are meeting boundaries with no soft landscaping to separate the two.

It is recommended to review this matter in addition to the above, any areas where fence lines meet with the parking bays, the boundary should be amended to either a brick wall detail or where space allows, at least a 1m depth planting bed. This will ensure that any conflicts between boundaries and vehicles will not damage or compromise the quality of space. Areas for consideration include:

- West of plots 54/55/56
- East of plots 45/44/43/42/41/40/39/38 etc
- Parking bays to the south of Block D and Block B

Lastly, it will also be important to consider the boundary treatment given to any front gardens that exist within this development, to ensure that the materials and design integrate into the overall architectural approach of the dwellings.

Landscape & Open Spaces

It is considered that the landscape and open space strategy has developed positively since previous consultations of this design, with greater linkages that captures the qualities of the green spaces that exist in the local area. Initial concerns surrounding the marginalised feel to the woodland edges appear to have been mitigated, with a better response to the built form and increase activity through the pedestrian/cycle links and trim trail play zones located along the Western boundary. Secondly, it is appreciated that the green space located West of the main Village Green now has a better relationship with the apartment block directly

to the North, providing more value to local residents by restricting vehicular movement along that particular frontage.

In order to enhance the landscape and open spaces even further, it is recommended to consider further social and play elements that can be integrated into the masterplan, in particular around the Northern attenuation area to encourage residents to use this space as part of their everyday lives. Additionally, as the central Village Green was identified as the key focal point for this development, it is recommended to explore opportunities for the inclusion of street furniture and other nodal spaces where people will be able to socialise. This point is made towards all public squares and open spaces that are located within this scheme.

Built Form/Typologies

As stated within the previous consultation response, it is considered that the proposed built forms and house typologies on site are seen as positive additions to this scheme, with a good range of alternative forms and scales to provide continuous architectural interest across the site. Upon review of the submitted drawings and materials detailed within the Design and Access Statement, it is clear how the proposed forms and materials palettes have been derived from the local area, such as the use of red brick and timber weatherboarding on key buildings.

The proposed scale strategy of the buildings are largely supported, and the notion of larger 2.5 storey buildings surrounding the main public squares is welcomed in order to signify these key areas on site. The presentation of the street scene section and visual along Dead Lane (Southern boundary) was very useful in terms of illustrating the relation between the built form and agricultural fields located directly to the South. It is understood that there is a variation in heights, material choices, and orientation of dwellings along this boundary which all help to break up what would be a dominated built-up environment on the natural setting. The proposed mix of 1.5 to 2 storey buildings along this lane would be supported, and it is considered that the inclusion of increased tree planting to further screen these dwellings would be beneficial.

It has been noted that Flat Block A shows access fronting on to the open space to the south, with parking focused to the north. The elevations do not show access between the building and carpark where we question the journey residents will take. Could this be reviewed further. We would promote that access to both the front and rear of the properties is undertaken, where should there be individual access to ground floor apartments, again this is encouraged to promote activity onto the open space to the south.

Lastly, as the success of this scheme lies greatly within the quality of the built form, we would suggest that all building materials are conditioned, with material specifications and samples provided to the LPA for approval before construction takes place on site.

By implementing the points raised within these comments, it is considered that the quality of this scheme will be enhanced greatly.

TDC UU Open Spaces
16.09.2021

Current Position

There is currently a deficit of 3.00 hectares of equipped play/formal open space in Mistley.

Recommendation

Public Realm are happy with the design and layout of the open space and play areas. The only concerns relate to trim trail around the perimeter, this currently stops at the proposed commercial unit. We would like some formal reassurance that this will eventually form a complete loop.

Arch. Liaison Off, Essex
Police
27/07/2021

Following the submission of amended plans for this development, Essex Police have had a positive planning application consultation with the applicant, that the original matters of concern have been resolved with the amended designs and layout.

It is apparent that the amended designs and layout are compliant with Secured By Design (SBD) accreditation should the applicant wish to pursue that route or should the planners stipulate SBD as a planning condition to ensure the aspiration of a location that is safe and accessible as outlined in the NPPF and the Tendring Local Plan policy LP4, which requires developments are safe, secure

places to live. Essex Police would like to view the lighting plan once it has been created and request that this as a planning condition.

Essex Police is able to support the applicant to achieve appropriate consideration of the Secure By Design requirements and invites them to contact Essex Police via designingoutcrime@essex.police.uk.

ECC Ecology
17.09.2021

No objection subject to securing biodiversity mitigation and enhancement measures

Summary

ECC Ecology have reviewed the On Site Recreational Disturbance Avoidance And Mitigation Strategy (City and Country, August 2021) and the Preliminary Ecological Appraisal (DF Clark, July 2021) 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.

The mitigation measures identified in the On Site Recreational Disturbance Avoidance And Mitigation Strategy (City and Country, August 2021) and the Preliminary Ecological Appraisal (DF Clark, July 2021) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species.

ECC Ecology note Natural England's consultation response ref 366902, dated 9 September 2021. ECC Ecology support the details included within the On Site Recreational Disturbance Avoidance And Mitigation Strategy (City and Country, August 2021) as the development is within the Zone of Influence for the Essex Coast RAMS, approximately 800m south of the Stour and Orwell Estuaries SPA and Ramsar. Delivery of mitigation measures in perpetuity will therefore be necessary to ensure that this proposal will not have an adverse effect on the integrity of the above

Habitats sites from recreational disturbance, when considered 'in combination' with other plans and projects. A proportionate financial contribution to the Essex Coast RAMS will need to be secured from the applicant under a legal agreement.

ECC Ecology note that the Preliminary Ecological Appraisal (DF Clark, July 2021) identifies that the onsite hedgerows and field margins represent suitable foraging habitat for a range of bird species and that Skylark and Corn Bunting (both Priority species) were identified onsite. ECC Ecology are satisfied that Corn Bunting can be accommodated within the development by securing appropriate management of boundary hedgerows and associated margins and understand that offsite provision will be delivered for Skylarks. We therefore recommend that a Skylark Mitigation Strategy is secured as a condition of any consent and details included in the s106 agreement with the developer.

Additionally, the Preliminary Ecological Appraisal (DF Clark, July 2021) identifies that a licence will be required for the closure of a badger sett within the Zone of Influence of the development. We recommend that a copy of this licence should be provided to the LPA and secured as a condition of any consent. ECC Ecology support the PEA recommend that Appendix 6 Lighting for bats of the PEA informs the lighting strategy for the development and suggest that this is also secured by a condition of any consent.

ECC Ecology also support the proposed reasonable biodiversity enhancements of integrated bird and bat boxes which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2021. We note that no Biodiversity Enhancement Strategy was secured at Outline stage of this development so therefore recommend that these biodiversity enhancement measures are detailed within a Biodiversity Enhancement Layout to 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 On Site Recreational Disturbance Avoidance And Mitigation Strategy (City and Country, August 2021) and the Preliminary Ecological Appraisal (DF Clark, July 2021) 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. ACTION REQUIRED: SUBMISSION OF A COPY OF THE MITIGATION LICENCE FOR BADGERS

The following sett closure shall not in in any circumstances commence unless the local planning authority has been provided with either:
a) a licence issued by Natural England pursuant Badger Protection Act 1992 authorizing the specified activity/development to go ahead; or
b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence."

Reason: To conserve protected species and allow the LPA to discharge its duties under and Badger

Protection Act 1992 and s17 Crime & Disorder Act 1998.

3. PRIOR TO OCCUPATION OF ANY DWELLING: SKYLARK MITIGATION STRATEGY

A Skylark Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss or displacement of any Farmland Bird territories identified as lost or displaced. This shall include provision of off-site compensation measures to be secured by legal agreement or a condition of any consent, in nearby agricultural land, prior to commencement.

The content of the Skylark Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation measures;
Detailed methodology for the compensation measures e.g. Skylark plots must follow Agri-Environment Scheme option: 'AB4 Skylark Plots';
- b) Locations of the compensation measures by appropriate maps and/or plans;
- c) Mechanism for implementing & monitoring of delivering the compensation measures.

The Skylark Mitigation Strategy shall be implemented in the first nesting season following occupation of any dwelling accordance with the approved details and all features shall be retained for a minimum period of 10 years.

Reason: To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species)

4. PRIOR TO OCCUPATION OF ANY DWELLING : BIODIVERSITY ENHANCEMENT LAYOUT

A Biodiversity Enhancement Layout providing the finalised details and locations of the integrated bat and bird boxes, shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter."

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its

duties under the s40 of the NERC Act 2006 (Priority habitats & species).

5. PRIOR TO OCCUPATION OF ANY DWELLING: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

A lighting design scheme based on Appendix 6 of the the Preliminary Ecological Appraisal (DF Clark, July 2021), 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 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)

6. PRIOR TO OCCUPATION OF ANY DWELLING: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

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

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.

- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

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

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

ECC SuDS Consultee
01.09.2021

Having reviewed the Surface Water Drainage Strategy and associated documents which accompanied the planning application, ECC SuDS do not object to the granting of planning permission 21/00197/DETAIL. It is in line with the approved outline drainage strategy and as such should be subject to the same conditions applied to the outline application (17/01181/OUT).

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the Drainage strategies and the documents submitted with this application are implemented as approved.

INFORMATIVES:

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

TDC Waste Management
02.08.2021

Bin storage areas associated with flats to be of sufficient size to accommodate wheeled bins for both refuse and dry recycling in relation to the number of units.

Natural England
09.09.2021

SUMMARY OF NATURAL ENGLAND'S ADVICE -
European designated sites¹

It has been identified that this development site falls within the 'Zone of Influence' (Zoi) of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

As you will be aware, the Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Tendring District Council working together to mitigate the recreational impacts that may occur on the interest features of the coastal European designated sites in Essex as a result of new residential development within reach of them; the European designated sites scoped into the RAMS are notified for features which are considered sensitive to increased levels of recreation (e.g. walking, dog walking, water sports etc.) which can negatively impact on their condition (e.g. through disturbance birds, trampling of vegetation, erosion of habitats from boat wash etc.). For further information on these sites, please see the Conservation Objectives and Information Sheets on Ramsar Wetlands which explain how each site should be restored and/or maintained

In the context of your duty as competent authority under the provisions of the Habitats Regulations²,

it is therefore anticipated that, without mitigation, new residential development in this location is 'likely to have a significant effect' on one or more European designated sites, through increased recreational pressure, either when considered 'alone' or 'in combination' with other plans and projects.

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

Natural England understand that you have screened this proposed development and consider that it falls within scope of the Essex Coast RAMS, and that you have undertaken a Habitats Regulations Assessment (HRA) (Stage 2: Appropriate Assessment) in order to secure any necessary recreational disturbance mitigation, and note that you have recorded this decision within your planning documentation.

Natural England consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of European designated sites within scope of the Essex Coast RAMS

Natural England are satisfied that the mitigation described in the Council's Appropriate Assessment is in line with our strategic-level advice (our ref: 244199, dated 16th August 2018 and summarised at Annex 1). The mitigation should rule out an 'adverse effect on the integrity' (AEOI) of the European designated sites that are included within the Essex Coast RAMS from increased recreational disturbance.

Natural England advise that an appropriate planning condition or obligation is attached to any planning permission to secure the on-site mitigation measures, including links to footpaths in the surrounding area. The financial contribution should be secured through an appropriate and legally binding agreement, in order to ensure no adverse effect on integrity.

ECC Highways Dept
30.09.2021

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

1. Prior to the occupation of any unit, the associated internal road, footway layout and

parking shall be provided in principle and accord with revised drawing numbers:

- 20-3074-002 Rev. L Amended Site Layout Plan.

- 20-3074-008 Rev. L Amended parking strategy plan.

- 20-3074-006 Rev. M Amended refuse and cycle strategy.

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.

Note: It has been agreed with the developer that the proposed internal road layout, footway layout, surface water drainage or any form of street lighting will not be adopted by the Highway Authority.

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

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM1 and DM6.

3. The development of any phase shall not be occupied until such time as a car parking and turning area has been provided in accord with amended parking plan 20-3074-008 Rev. L. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8.

4. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

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

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

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

6. The powered two-wheeler/cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.

Reason: To ensure appropriate powered two-wheeler and bicycle parking is provided in accordance with Policy DM8.

7. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

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

Informative

1: Prior to occupation, the development shall be served by a system of operational street lighting of design approved from the Highway Authority, which shall thereafter be maintained in good repair.

2: Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme.

3: The areas directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in

situations where the footway is located adjacent to the carriageway.

In paved areas, whether the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

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

5: Any gates provided at the entrance to the parking courts shall be inward opening only and shall be set back a maximum of 0.5 metres from the back edge of the footway/cycleway or where no provision is present, the carriageway.

Note: The 0.5 metre or less set back should only be used within internal estate roads where dwell time on the carriageway is acceptable.

6: Cycling surface Width Guidelines: to ensure effective width is secured - table below provide guidance on widths. There are a number of variables to achieve an "EFFECTIVE" width.....- e.g., a 3m wide strip of tarmac with a 6ft fence on one side and a 50mph road on the other has an effective width of 2m...as you should be adding extra width for things that are alongside the path

7: 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

8: 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 Housing Services
14/07/2021

Confirm they are happy with the affordable housing mix as proposed.

In terms of the tenure split, they are happy to discuss this further following discussions with RP's. Housing would normally look at a 70/30 split in favour of affordable rent/shared ownership but could allow a little flexibility on this if required.

TDC Tree & Landscape
Officer
30.09.2021

In terms of the soft landscaping proposals the applicant has provided comprehensive detailed planting proposals for the land designated as public open space that includes a good mix of tree, shrub and hedgerow species along with ferns and herbaceous species to provide interest and colour.

In this respect the level of detail provided is sufficient for the reserved matter relating to soft landscaping to be discharged.

However, in terms of the level of detail provided in relation to much of the 'built' element of the development, whilst the Amended Landscape Strategy Plan shows indicative planting that is, in principle, acceptable, the level of detail is not sufficient to enable the reserved matter relating to soft landscaping, for this element of the development, to be discharged.

The applicant will need to provide detailed landscaping proposals for the whole site to enable the reserved matter relating to soft landscaping to be fully discharged.

This information should be provided either prior to the determination of the application or secured by way of a further planning condition attached to any planning permission that may be granted.

TDC Waste Management 05.10.2021 All access roads to be suitable for 26 tonne collection vehicles with width of 2.5 metre.

TDC Building Control 29.07.2021 No adverse comments at this time.

5. Representations

- 5.1 There have been 5 objections from members of the public and from Mistley Parish Council who have written in against the development.
- 5.2 Mistley Parish Council recommend that there is a reduced density and numbers of flats on the site given the EDME site in a few years time, and other sites coming through. Also, more attention to landscaping and screening to both Long Road and Clacton Road is required which will need to be more mature given this sensitive area near to Mistley Manor. The Committee would wish to see more renewable and electric charging points.
- 5.3 The members of the public have cited the following objections to the project:
- The commercial land is completely un-necessary, there is currently no requirement for additional office space within the local area
 - The tree planting is too close to the existing residents boundary at 10 Long Road
 - There is a lack of infrastructure locally in place. There is a limited police presence, only 2 small doctors surgeries, a very overloaded hospital, the roads are potholed and overcrowded
 - There are no benefits to the community and the local area cannot support the increase in population, traffic and the infrastructure is already struggling to cope

6. Assessment

The Application Site

- 6.1 The site comprises an agricultural enclosure, covering an area of approximately 23 hectares, lying immediately to the south of Long Road, to the west of Clacton Road and to the north of Dead Lane. The site rises gently from its northern boundary towards the south but then falls to a relatively flat plateau over the southern part of the site. With limited boundary hedging and vegetation, the site is very exposed to public view from vantage points within Long Road and Clacton Road. To the west, the parkland landscape, which is within the Manningtree and Mistley Conservation Area, is also home to a Listed Building, Mistley Hall Cottage and Mistley Hall Manor, some 200 metres from the boundary of the host site.
- 6.2 To the west of the site, planning permission has been granted; and is being developed in phases for, a major mixed-use development including up to 360 dwellings in accordance with 15/00876/OUT. The northern part of the site adjoining Long Road together with land to the north of Long Road is designated in the emerging Local Plan as a 'Strategic Green Gap' which passes between the built-up areas of Lawford and Mistley. To the north of Long Road, long distance views can be had over the built-up area towards the Stour Estuary. A small number of dwellings and an assisted living complex lie in proximity to the junction of Long Road

with Clacton Road, to the north-east of the site. To the south, and beyond Dead Lane, open countryside predominates.

Planning History and Background

- 6.3 Outline planning permission (Rev: 17/01181/OUT) on the host site, was granted on the 23 December 2019 at appeal via decision, APP/P1506/W/19/3220201. The approved outline permission was for all matters reserved, other than strategic access points onto the public highway, for the erection of up to 485 dwellings, up to 2 hectares of employment land (A2/A3/B1/B2; B8; D1 uses), with associated public open space and infrastructure.
- 6.4 As part on the original outline approval there were 18 planning conditions attached. These were often pre commencement conditions involving matters such as; a Phasing Schedule, Construction Management details, Drainage and various highway related on-site and off-site improvements. These conditions are outlined below and are mostly associated with each 'phase' of the development. There is an approved application agreeing the 'Phasing Plan' (Condition 6 of the Outline Approval) of the entire development (Ref: 21/00494/DISCON). There are 8 separate 'phases' proposed for the development. The first being Phase 0, this is for all the strategic Public Open Space (Northern, eastern, southern and western boundaries) associated with the development, excluding the two centrally located Green squares within the Residential phases proposed.

OUTLINE APPLICATION CONDITIONS 15/00876/OUT		Timing
1	Time Frame	Two years from the date of approval of the last of the reserved matters to be approved
2	Time Frame For Reserved Matters	By 23/12/2022
3	Access and Highway Details	Reserved Matter
4	Reserved Matters- appearance, landscaping, layout and scale	Reserved Matter
5	Parameter Plan 'general conformity'	No discharge required
6	Phasing Plan	Prior to Commencement
7	Construction Method Statement	Prior to Commencement – each phase
8	Archaeology	Prior to Commencement – each phase
9	Sustainable Drainage	Prior to Commencement – each phase
10	Foul water	Prior to Commencement – each phase
11	Surface Water Runoff	Prior to Commencement – each phase
12	Highway Improvements	Prior to Commencement
13	Travel Packs	Prior to Commencement – each phase
14	Planting Implementation	First planting Season
15	Replace failed Trees within 5 years	First planting season

16	Broadband	Prior to occupation of any dwelling
17	Recreation Disturbance Avoidance and Mitigation	Reserve Matters
18	Vehicle Charging Points	Each Dwelling

6.5 The original outline application was also approved with a signed Section 106 document to secure:

- On-site Affordable Housing (15% of the overall development);
- Health contribution;
- Education contribution (early years learning, childcare, primary and secondary education);
- Contribution towards off-site traffic improvement measures;
- Provision of open space and the need to secure its future management;
- RAMS payments £122.30 per net additional dwelling, index linked. Therefore, any uplift in required payments over time has been factored into the payment.

The Proposal

6.6 This is the first Reserve Matters application on the host site, pursuant to the residential element of outline permission only. The elements up for consideration are appearance, layout, landscape and the scale. Access was approved at outline stage. The provision of the employment land in the south east corner of the site, plus associated roads, driveways, parking, footpaths, landscaping and ancillary works is expected at a later date.

6.7 The residential element represents approximately 70% of the site. The proposed dwellings vary in size from 1-bedroom flats to 5-bedroom homes. The vast majority are 2-storey houses, with limited 2.5 storey housing. Separately, there are 6 dwellings at 1.5 storeys and there are 4 flats over garages, or 'FOGS'. Also, there 5 flat blocks of 2.5 storeys in height. The 'housing mix' is explained in the next section.

6.8 With regards to Landscaping, the area to the north of the site adjacent to Long Road that is within the emerging 'Green Gap' measuring some 308 metres wide and 88 metres in depth remains free from and residential development. This is to be a parkland area that includes a dog off the lead area and LEAP (Locally Equipped Area of Play). There is also a drainage feature proposed in this location that is not considered usable Open Space. The other drainage basins are located on the eastern side of the development. Officers have measured the site and calculate that there is approximately 20% of Public open Space. This is backed up via the 'POS Calculation Plan'. This is including if one deducts the attenuation basins, totalling some 2%. With the residential element taking up 88%. Therefore, the proposal excluding the residential element and the Public open Space provides 20% Public Open Space. The ownership and upkeep of this space shall be entirely run by the Local Authority. This was agreed at Outline stage.

6.9 The proposal provides for a 'Green' trail circling the entire site known as a 'trim trail'. This shall enhance green buffer circling the site adding native trees and hedges to the perimeter and a pedestrian walkway. With regards to landscape features, within the site itself there are two 'Garden Squares', the height of the buildings is increased

to 2.5 storeys in these locations. Two retail outlets are proposed in this central location. Both the 'Garden Squares' have separate LAP (Local Areas for Play).

- 6.10 There are two main access points (approved at outline stage) from both Long Road to the north and Clacton Road to the east.

Housing Mix and Affordable Housing Provision

- 6.11 In total there are 483 separate units of accommodation across the site. This is 2 less than the maximum the applicant is permitted to build of 485. In terms of total housing mix across the site, the majority of the units (some 69% are either 2 or 3 bed properties).

	Total	Percentage
1 bed	16	3.3
2 bed	156	32.3
3 bed	223	46.2
4 bed	77	15.9
5 bed	11	2.3

- 6.12 The proposed mix is broadly consistent with the requirements of the Strategic Housing Market Assessment Update 2015 that requires 42.2% of new owner-occupied dwellings to be three bedroom properties, with 32.4% containing two bedrooms. As such, having regard to the scale of the development proposal Officers have no objection to this housing mix.
- 6.13 There are 21 different housing types, most are 2 storeys, there are 25 no. that at 2.5 storey dwellings and 6 dwellings are 1.5 storeys in height. In total, there are 431 dwellinghouses on site varying between 2 and 5 bedrooms in size. There are 5 Flat blocks, these are all 2.5 storeys in height. There are 21 different flat layouts; in total there are 48 flats separate flats provided on site between 1 and 3 beds. There are four FOGS (Flats above Garages) on site these are also 1.5 storeys in height. These details are shown on the submitted Massing Plan.

The total proposed mix of housing (both market and affordable) is as follows:

	Private	Percentage	Affordable	Percentage	Total	Percentage
1 bed	16	3.9	0	0.0	16	3.3
2 bed	109	26.6	47	64.4	156	32.3
3 bed	197	48.0	26	35.6	223	46.2
4 bed	77	18.8	0	0.0	77	15.9
5 bed	11	2.7	0	0.0	11	2.3
Subtotal	410	100.0	73	100.0	483	100.0

Affordable Units

- 6.14 There are 73 affordable units proposed, these are clearly shown on the Affordable Housing Location plan. This results in there being 15% of the total. The appeal decision associated with the outline decision concluded:

Paragraph 74 Appeal Reference – (APP/P1506/W/19/3220201)

'As eLP Policy LP 5 has not been tested at examination it is afforded modest weight. However, the Framework and NPPG allow for viability testing. Based on my assessment of the viability evidence I conclude that the scheme would not be able to viably support any more than 15% affordable housing overall, and therefore that sufficient provision for affordable housing would be made'.

6.15 Therefore, Officers have no objection to the provision of 15% affordable housing on the site in this case. There are 10 affordable units in Flat block B, the remaining 63 units are residential dwellings spread across the site. To address Policy LP5 of the Emerging Plan which states that *'...to avoid an over-concentration of council housing in one location, no single group of council houses will exceed ten dwellings'* the applicant has provided a 'Affordable Housing Location Plan' that demonstrates no more than 10 Affordable units are clustered together. The Housing Manager has confirmed they accept the affordable housing mix. In terms of the tenure split, the Housing Manager is willing to discuss this further later in the process. They would normally look at a 70/30 split in favour of affordable rent/shared ownership but can allow for flexibility if required by the Registered Providers. The affordable 'mix' is provided below.

House Type	Sqm	No. Of Beds	No. Units	Total	Percentage
Ha-910	84.50	2	37	37 (2 Beds)	59
Ha – 1016	94.40	3	7		
Ha – 1110	107.00	3	14		
Ha - 1286	119.50	3	5	26 (3 Beds)	41
Total				63	

Flat Type*	Sqm	No. Of Beds	No. Units	Total	Percentage
Flat Block B – T1	75.80	2	4		
Flat Block B - T2	70.40	2	4		
Flat Block B - T3	69.30	2	2	10 (2 beds)	100
Total				10	

- Garden Size for Flat Blocks has been raised as a question by the member call in. Adopted policy HG9 says For flats, either:

- i. a minimum of 25 square metres per flat provided communally; or*
- ii. a minimum of 50 square metres private garden area for a ground floor flat or maisonette and a minimum balcony area of 5 square metres for units above.*

Flat Block B involves two identical blocks opposite each other, 5 flats in each. Therefore, 125 sqm garden space is required. One of the flats has 125 sqm and the other 132 sqm of garden space. This therefore complies with HG9 i) of the adopted policy on such matters.

Market Housing

6.16 There are 410 market houses on the site a schedule of the house types and flat types is shown below.

House Type	Sqm	No. Of Beds	No. Units	Total	Percentage
910	84.54	2	85	85 (2 Beds)	23
1016	94.38	3	45		
1110	103.12	3	41		
1285	119.37	3	22		
1286	119.47	3	62		
1331	123.65	3	25	195 (3 Beds)	53
1465	136.10	4	4		
1596 (1.5 stories)	148.27	4	2		
1596	148.27	4	20		
1683 (1.5 stories)	156.35	4	2		
1683	156.35	4	11		
1747	162.30	4	7		
1750	162.57	4	16		
2014 (1.5 stories)	187.10	4	2		
2014	187.10	4	7		
2089	194.07	4	6	77 (4 Beds)	21
2200	204.08	5	11	11 (5 Beds)	3
Total				368	

Flat Type	Sqm	No. Of Beds	No. Units	Total	Percentage
Flat Block A - T3	56.00	1	4		
Flat Block C - T3	41.10	1	3		
Flat Block C - T1	47.70	1	3		
Flat Block D - T3	56.00	1	2		
FOGS		1	4	16 (1 Beds)	38
Flat Block A - T1	61.00	2	4		
Flat Block A - T2	61.00	2	4		
Flat Block C - T2	71.44	2	1		
Flat Block C - T4	67.01	2	1		
Flat Block D - T1	61.00	2	4		
Flat Block D - T2	61.00	2	2		
Flat Block D - T6	74.45	2	1		
Flat Block D - T7	75.66	2	1		
Flat Block E - T1	75.80	2	2		
Flat Block E - T2	70.30	2	2		
Flat Block E - T3	69.30	2	1		
Flat Block E - T4	61.47	2	1	24 (2 Beds)	57
Flat Block D - T4	78.00	3	1		
Flat Block D - T5	78.02	3	1	2 (3 Beds)	5

Total	42	
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- Garden Sizes for Flat blocks has been raised as a question by the member call in.

Adopted policy HG9 says For flats, either:

- i. a minimum of 25 square metres per flat provided communally; or*
- ii. a minimum of 50 square metres private garden area for a ground floor flat or maisonette and a minimum balcony area of 5 square metres for units above.*

Type	Unit No.	Required Garden Size	Provided Garden Size
Flat Block A	12	12 x 25 = 300 sqm	300 sqm
Flat Block C	8	8 x 25 = 200 sqm	333 sqm
Flat Block D	12	12 x 25 = 300 sqm	300 sqm
Flat Block E	6	6 x 25 = 150 sqm	213 sqm

These sizes therefore comply with policy HG9 i) of the adopted policy on such matters.

Principle of Development

6.17 The principle of development has been established by the granting of outline planning permission for up to 485 dwellings on this site at appeal. Condition No. 5 of the appeal decision states that the reserved matters shall be in general conformity with the following parameter plans:

- a) OPA/17006-04b – Landscape Parameter Plan
- b) OPA/17006-06a – Density Parameter Plan
- c) OPA/17006-07b – Storey Heights Parameter Plan

6.18 The Landscape Parameter Plan shows no development within the Green Gap to the north of the site, a landscape buffer circling the site with the drainage details to the east of the site and also a central green square within the main section of the residential area. The Storey Heights Plan shows the majority of the site is expected as 1 to 2 storeys, with three areas where up to 2.5 storeys would be expected. The Density Parameter Plan expects there to be greater density in the central area with lowest density around the periphery of the site. The submitted layout needs to be in 'general conformity' to these three Parameter plans.

6.19 Ultimately, Officers view the proposed plans are indeed in 'general conformity' with the three aforementioned Parameter Plans. Therefore, there can be no 'in principle' objection to the proposed development. This conclusion is discussed in more detail in the sections below.

Assessment

6.20 The principal issues are:

- Appearance;
- Landscaping;
- Layout;
- Scale
- Biodiversity
- Drainage/Flood Risk

- Accessibility and Adaptability
- Renewable Energy Provision
- Section 106 of the Town and Country Planning Act 1990

Appearance

- 6.21 All of the houses are of an attractive design based on neo-Georgian and Victorian Styles. They are all between 2 - 5 bedroom proportions, being terraced, semi-detached and detached houses. There are also 6 no. detached 1.5 storey dwellings. The houses collectively benefit from features such as overhanging eaves detailing, some with external chimney stacks, half hipped roofs, bay windows, porches, soldier courses above the windows and string course brickwork. There is also the very positive use of full weatherboarding on predominately the dwellings located on the outskirts of the site.
- 6.22 The flats blocks follow a similar theme. The use of pitched front gables provides an interesting alternative to dormers in the roof space. Also, the flats feature staggered ridge heights in several instances, Flat Block A for example. The flat blocks appear as a solid 'finished product', this is important as alterations to flats (unlike residential dwellings) post construction is unrealistic to be achieved. There are 4 flats above garages, these have been redesigned during the process and have weatherboarding at first floor only.
- 6.23 External finishes for the residential element of the scheme will include a mix of two different types of red brick and weatherboarding finishes. These materials are found in the surrounding areas and will help the development assimilate into the area and help create a 'sense of place'. The finished appearance is a strong cohesive with the Georgian and Victorian style. Weatherboarding, an Essex tradition, has been used on the rural edges of the site, on key dwellings. The 'Materials Plan' shows clearly the spread of brick types and weatherboarding. The weatherboarding is witnessed on approximately 12% of the dwellings mostly around the edges of the site. The roof tiles shall be either a pantile or a plain red roof tile.
- 6.24 Officers recommend a condition is attached to the decision to see samples of all the materials on each phase, before development can commence. The outline appeal decision concluded the development would '*not have a harmful effect on the adjacent Conservation Area*' (Paragraph 39 Appeal Decision APP/P1560/W/19/3220201). The outline parameter plans for landscaping, scale and density has been closely adhered to and there is no reason to conclude the proposed appearance of the buildings, traditional in nature, would create any harm on the neighbouring Conservation Area. Furthermore, due to the near 200 metre separation distance to the boundary of the host site, the proposed development and associated appearance would have no material impact on the setting of the nearby Listed Buildings to the east. This conclusion is strengthened via the positive landscape buffer along the eastern boundary, discussed further in the Landscaping section below.
- 6.25 Subject to planning condition, the appearance of the buildings will be reflective of the vernacular and styles found locally and ultimately officers do not object to their appearance.

Access

- 6.26 In accordance with the outline approval, the principal means of access to the residential development was approved to be gained from its Long Road frontage but with a secondary access from Clacton Road to the east. The original outline included access as a reserved matter, however there has recently been a variation of condition application to approve the amended access from Clacton Road, namely (Ref: 21/00213/OUT). Therefore, the amended access in this application is acceptable to review. The key change to the Clacton Road access involves a longer 22 metre straight road section into the site. This has been introduced to enhance highway safety. No further accesses are proposed onto Clacton Road and there will be no vehicular access onto Dead Lane immediately to the south of the site.
- 6.27 In terms of internal access provision, this is proposed to be determined by three route types: primary, secondary and tertiary. The primary route connects the two entrances into the development from Long Road and Clacton Road and will be the main corridor of movement for residential traffic. Secondary and tertiary routes allow perforation into the balance of the site. There is not a continuous loop road around the perimeter of the site. The roads are 'closed' in various sections to ensure only those who live on the secondary and tertiary routes shall use these roads. Not included in this application is the separate access to the employment land that was approved in part at the outline level. The access to the employment land shall go via Peddlers Corner and there is no vehicular access from the residential element to the employment section and visa versa.
- 6.28 The Highway Authority has confirmed that they have no objection to the application as submitted from an access and highway layout perspective. The internal road widths and pavement widths have been checked and are considered acceptable; as is the quantum of parking. Overall, there are no objections to the development in relation to Access matters.

Landscaping

- 6.29 The outline approval included a Landscape Parameter Plan, which was introduced by the applicant, during the Appeal Hearing. The Reserved Matters are to be in 'general conformity' with this plan. Overall, the landscape provided is in 'general conformity' with the outline plan, the only difference is that there is a proposed an attenuation basin in the northern section of the site, whereas in the Landscape Parameter Plan all the attenuation basins were on the eastern side of the site. However, the applicant has confirmed the additional drainage basin is required to ensure the full site can be drained via infiltration. Without the additional attention basin this would not be achievable. There is not space on the eastern edge to accommodate the additional drainage basin required. There remains 20% Public Open Space across the site that excludes all the attenuation basins on site (3 on the eastern boundary and 1 in the northern section). Therefore, Officers consider the level of Public Open Space provided on site as acceptable. Along with the explanation for the attenuation to the north of the site, all the Public Open Space is to be given to the Local Authority to maintain and manage post development. This was agreed at the outline stage.
- 6.30 The application included a landscape masterplan which is based on the following landscape strategy principles:
- Formal avenue street sequence to the entrance

The northern section of the development is located within the emerging Green Gap. This area of land will be brought into active use for residents and is considered a positive social gain for the development. The tree lined entrance is particularly suitable entrance for the development setting. A dog off the lead area is included in this space together with an oversized LEAP (Locally Equipped Area of Play) measuring 600m². Also, within this area is a drainage feature, that shall be enclosed with a fence to be controlled via planning condition. This is required to ensure the full site can be drained via infiltration. Without the additional attention basin this would not be achievable. There is not space on the eastern edge to accommodate the additional drainage basin required.

- Central open squares, within the residential context

There are two open squares within the development, one with a shop and café (two retail units) on the ground floor in the most central of the two open squares. These create a pleasant area of public open space to mark the centre of the site and to the west, a suitable green space to break up the mass of the development. They also act as a focus for the public realm, accommodating footpath routes through the site, including a pedestrian link between the employment uses in the south eastern corner and the bus stops on Long Road.

- Public Open Space

As established there is 20% Open Space provision including, 1 oversized LEAP (Locally Equipped Area of Play) and 2 LAP's (Local Areas for Play), two public green spaces, and a 'trim trail' or pedestrian path leading all the way round the site with associated outdoor seating areas. The applicant is prepared to sign up to a legal agreement to ensure this footpath extends around the commercial area. This is a positive idea as conditions cannot control this due to the limitations of the red line boundary of the application site.

Recreational walking routes are incorporated within the areas of public open space, offering a sequence of circuits for jogging, dog walking, etc. as well as connecting to the network of rights of way beyond the site boundary through the grounds of Mistle Hall (to the east), towards Chequers Farm (to the south) and via Dead Lane to the paths around Grange Farm (to the south west). These recreational benefits will also act as the on-site element of mitigation against the recreational impacts of an increased population on nearby nationally protected coastal habitats.

- Attenuation basin to the north and east

There are two storm flow attenuation basins to the north and east of the site. These have been designed into the landscaping of the perimeter of the site and shall be fenced off with low level fencing. As the developer has over supplied in terms of Open Space it is not considered objectional to have a drainage feature to the north of the site. The reality of available space to the east has resulted in the requirement to use some land in the northern section. Furthermore, the applicant is willing to sign a legal agreement to ensure the 'trim trail' circles to the entire border of the site, including the commercial sector. This is an added public benefit to the development.

- The establishment of a native woodland and hedging boundary

To the south, east and west. There is scattered woodland to the southern and eastern boundary to ensure sufficient screening while providing views to the agricultural land beyond. While to the north, there is a gentle mounding on the northern boundary to mitigate noise and enhance the parkland setting.

- 6.31 The Council's Landscape Officer has supported the '*comprehensive detailed planting proposals for the land designated as public open space*', that includes a good mix of tree, shrub and hedgerow species along with ferns and herbaceous species to provide interest and colour. Essentially the strategic boundaries to the site and the northern green gap area have been fully catered for. However, in terms of the level of detail provided in relation to the 'residential' element of the development, the level of detail is not sufficient to enable the reserved matter relating to soft landscaping to be discharged.
- 6.32 The applicant has requested that the detailed planting to the residential elements be deferred at this stage and are agreeable to the imposition of a planning condition to agree the specification of planting. Officers accept this suggestion as it is in accordance with Planning Policy Guidance. Conditions requiring such details can be imposed at Reserved Matters stage as they relate directly to a specific reserved matter. It is consequently recommended that conditions be imposed to secure an acceptable soft landscaping scheme for 'residential' element of the development and to ensure its implementation and where necessary, replacement within 5 years should planting not survive.
- 6.33 In terms of hard landscaping, it is proposed that all roads and footways will be built to the County Council's standards, but they will not be adopted and will be maintained privately and in perpetuity. Through routes shared by all residents will be surfaced in asphalt, whilst private drives will be finished in block paving so that the boundary between the street and the curtilage of the property is clearly defined.
- 6.34 It is considered that the strategic landscape approach to the public open space areas is acceptable and will facilitate the delivery of well thought out and usable open spaces. This will establish a positive landscaping setting for the development whilst also aiding the transition from new built development to rural edge. The retention of the landscaping is controlled via the outline permission.
- 6.35 The residential element of the soft landscaping will be forthcoming via the discharge of Planning Conditions associated with this application. This accounts for the absence of plan 2446-LLA-ZZ-00-DR-L-0210, the detailed planting plan in the centre of the site. The applicant has amended the planting arrangements next to 10 Long Road, to account for the neighbours wishes not to have trees planted next to his property.

Layout

- 6.36 The original outline planning permission was for up to 485 dwellings. This application seeks to achieve 483 dwellings on site. The entire site covers an area of 23.46 hectares, however, up to 2 hectares of the site is allocated for employment uses, while 2.48 hectares to the north of the site is not for residential development as it forms part of the emerging Green Gap allocation. Therefore, across the 'Residential' element of the site (some 18.89 hectares) a net density of around 26 dwellings per hectare is achieved. It is considered that this is a relatively low housing density in keeping with the semi-rural nature of the site and lower than the minimum

density that is generally required under Policy HG7 of the adopted Local Plan and Policy LP3 of the emerging Local Plan.

- 6.37 The relatively low density of development allows for a generous standard of road and footway width, ensuring that the internal road layout can safely and comfortably accommodate emergency services and waste collection services. All of the houses would benefit from a combination of garaging and surface parking, which in all instances would be compliant with parking standards. Residential amenity for future residents would be acceptable having regard to privacy, avoidance of overshadowing or overbearance, while garden sizes, including Flat blocks (shown on the Garden Areas Plan) would be compliant with standards as would back to back distances (shown on the Back to Back plan). All the plots including the flats are provided with bin and cycle provision and meet the National Minimum Floor size allowances.
- 6.38 As established, the vast majority of the site is 2 storey dwellings, with some 2.5 and houses and 2.5 storey flat blocks (5 no.) within 4 key locations; particularly around the Garden Squares. There are 4 flats above garages where parking is to the rear of properties to help with surveillance, this is supported by Essex Police who have no objections to the development. While on the southern boundary there are 6 no. 1.5 storey buildings.

The layout is arranged around four character areas.

1. Parkland Edge
2. Main Approach
3. Garden Square
4. Mews Square

- 6.39 These focal points within the scheme, help to give a differing sense of place and wayfinding through design. Given the immediate surrounding built environment, many traditional design features have been included within the designs themselves.
- 6.40 The site is surrounded by open farmland, so the parkland edge provides a landscape transition space between the fields, road and new development. This is boosted via the boundary landscape buffer and also the use of 1.5 storey housing especially on the southern boundary.
- 6.41 The Main Approach is influenced by the development of housing within Manningtree and Mistley. As a result, terraced housing is used to create a strong frontage. Front to back pitched roofs and the use of chimneys and gables at either end breaks up the form and creates interest. The entrance road has retained a formal sense of arrival, with the use of a tree-lined boulevard, connecting to the formal landscaped garden square.
- 6.42 The Garden Square character area provides two focal points, both at the heart of the scheme. The height of the buildings is increased to 2.5 storeys in these locations, the central square has two retail units, associated visitor parking and apartments above. The south facing terraces off the café and shop allows residents and visitors views across the square and provides the social heart to the development.
- 6.43 The Mews Squares are influenced by the Chelsea mews courts. As a result, these will comprise of a hard standing shared surface, with small verges dividing public

from private. The dwellings within this character area will park in front of their plot and parking will be interspersed with trees grown in guards, in a considered balance between hard and soft landscaping. The houses within this area generally have a wider frontage and are terraced.

- 6.44 These varied but traditional designed streetscapes demonstrates a positive design response which assists in breaking up the built form on this more sensitive rural edge location. The application is fully policy compliant in terms of garden sizes, back to back distances and internal room sizes and no objection on layout is raised.

Scale

- 6.45 The outline permission included a 'Storey Heights Parameter Plan' and a 'Density Parameter Plan'. This shows the highest density in the centre of the site and lowest density around the perimeter. Furthermore, three areas of up to 2.5 storey buildings, albeit one of the circles (central area) is larger than the other two.
- 6.46 The application includes five flat blocks on the site which will be 2.5 storey buildings, Additionally, within the central and western locations there are also 2.5 storey houses.
- 6.47 Officers are content that the higher density buildings development is centrally located. With regards the three areas of 2.5 storey development, ultimately presented are four sites, not three put forward in the parameters plan. However, flat block B in the south-eastern corner is smaller in scale than what could have been accepted in this location. This is well demonstrated in the 'Massing Plan Rev N'. Therefore, the additional area of 2.5 storey development in the central southern section of the site (where the parameter plan circle was larger) is not considered objectional.
- 6.48 The scheme predominantly proposes two storey buildings, although there will be interest created through variation in the streetscape, roofscape and the relationship with the new trees.
- 6.49 With respect to the more sensitive eastern and southern edges to the site which form the new urban/rural edge to the site, the application has introduce a lower density more fragmented building line and additional space between plots. The dwellings facing east towards Clacton Road are partially concealed behind a green buffer zone with new trees and hedges planted. Likewise, the southern boundary provides for a more organic and varied streetscape with the use of 1.5 storey developments along the southern boundary with Dead Lane.
- 6.50 The scale is considered to be in general conformity with the parameters plan. Therefore, no objection is raised to the scale of the proposed development in this regard.

Biodiversity

- 6.51 Under Regulations 61 and 62 of the Habitats Regulations, local planning authorities as the 'competent authority' must have regard for any potential impact that a plan or project might have on European designated sites. The application site is not, itself, designated as a site of international, national or local importance to nature conservation but the urban area of Manningtree, Lawford and Mistleay does fall within

the 'Zone of Influence' (Zol) of the Stour and Orwell Estuaries Special Protection Area (SPA), a Ramsar Site and a Site of Special Scientific Interest (SSSI). In the context of the Council's duty as 'competent authority' under the provisions of the Habitats Regulations, it is therefore anticipated that, without mitigation, new residential development in this location is *'likely to have a significant effect on one or more European designated sites through increased recreation pressure, either when considered 'alone' or 'in combination' with other plans or projects.'*

- 6.52 The Council has screened the proposed development and consider that it falls within the scope of the Essex Coast RAMS and as a result the Council has gone on to carry out a Habitats Regulations Assessment (HRA)(Stage 2 – Appropriate Assessment) in order to secure any necessary recreational disturbance mitigation. The applicant has also submitted a document titled 'On Site Recreational Disturbance Avoidance And Mitigation Strategy Rev 2' outlining the measures they have taken. This is in line with the outline condition 17 that requires as part of the Reserved Matters to be submitted in accordance with Condition 4, an on-site Recreational disturbance Avoidance and Mitigation Strategy with details on the delivery of this on site mitigation.
- 6.53 The mitigation described in the Appropriate Assessment, being a combination of on-site measures (circular dog walking routes and/or links to the surrounding public rights of way (PRoW); and dedicated 'dogs-off-lead' areas; in addition to signage/leaflets to householders to promote these areas for recreation; dog waste bins etc). There are also connections to the Off Site public rights of way, these will be sign posted from within the site. There is a network of approximately 4km of footpaths to the north east of the site allowing for moderate length recreational walks with potential for a circular walk/loop and these do not lead to the statutory designated site of the Stour Estuary. There is one regional/ recreation footpath - The Essex Way - approximately 500m to the north of the site, this route does travel for 1km close to the southern shore of the Stour Estuary, however this is on a B road and therefore not considered to add any additional significant pressure along this part of the Stour Estuary. In terms of management of the Open Space on site, the original outline permission gave ownership and management duties of the Public Open Space to the Local Authority.
- 6.54 The development, which contains the on-site measures, referred to above will be delivered in phases. The principle areas of open space (space for walking/jogging, play spaces and dog off lead area) will be delivered in the first phase (phase 0) and then in line with subsequent phases so that the key elements of on-site mitigation will be in place early and useable, this shall be controlled via Planning Condition. Having considered the proposed avoidance and mitigation measures above, Tendring District Council conclude that with mitigation the project will not have an Adverse Effect on the Integrity of the European sites included within the Essex Coast RAMS.
- 6.55 There have been a number of suggested planning conditions from ECC Ecology, relating to ecological enhancements, lighting and details of the nearby badger sett being appropriately closed. These have been included in the decision notice and agreed in advance by the agent. However, the requirement of the Skylark planning condition involves land outside the red line boundary of the site and should have been assessed at the outline stage. Therefore is not included in the conditions list.

Drainage/Flood Risk

6.56 At the appeal stage a surface water scheme had been proposed which demonstrates that surface water management is achievable in principle and conditions have been imposed requiring further details, namely 9a (Surface Water Drainage), 9b (Drainage Maintenance Arrangements), 10 (Foul Water Strategy) and 11 (Off-Site Flooding Scheme) of application 17/01181/OUT (approved on appeal APP/P1506/W/19/3220201). These details have been submitted as part of this current application and is subject of a separate discharge of condition application (21/00451/DISCON). This is a live application that has not to date been discharged. The identical details are submitted with this application.

6.57 Essex County Council Flood and Water Management Team have been consulted on the application and raise no objection to the drainage details submitted with this application. It is noteworthy that there is a comment from Anglian Water saying there is no foul water details submitted this application, they have been consulted twice since this time but no response has been received. This is partially due to the fact that the exact details are provided within the discharge of conditions application 21/00451/DISCON that applies to the whole site. On this tandem discharge of conditions application 21/00451/DISCON, Anglian Water has said:

‘Foul water strategy plan. Development may lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. We therefore request a condition requiring phasing plan and an on-site drainage strategy’

6.58 However, such a condition is already in place from the outline approval (Appeal Ref: APP/P1506/W/19/322020), condition 10 says:

10. *No development shall commence on any phase of the development until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.*

6.59 Therefore, given the outline permission gave approval for up to 485 dwellings, (during which time Anglian Water were consulted twice and failed to respond on both occasions), officers consider it unreasonable to object to the application on these grounds. Furthermore, due to the fact that the identical details are required to be submitted for each phase via the outline condition, Officers consider it unnecessary to assess drainage or foul water matters as part of this Reserved Matters application. To do so could compromise the detailed work being undertaken via the Discharge of Condition process within application 21/00451/DISCON.

6.60 Given the above, it is considered that the proposed surface water drainage system and foul water details are noted as part of this application but are not to be assessed under this application.

Accessibility and Adaptability

6.61 Modified Policy LP3 of the Emerging Plan which is currently out to public consultation states that ‘on housing developments of 10 or more dwellings, 10% of market housing should be to Building Regulations Part M4(2) ‘adaptable and

accessible' standard. For affordable homes, 10% should be to Building Regulations Part M4(2) and 5% should be to Part M4(3) 'wheelchair-user' standards'.

6.62 The affordable properties are tenure blind and cluttered in groups of less than 11 dwellings, in line with policy. All properties meet Nationally Described Space Standards, and M4(2) and M4(3) properties are provided, in line with the policy expectation. A number of drawings have been provided which demonstrate compliance including:

- Accessibility & Adaptability Plan
- Flat Block B M4(3) compliance plan
- Housetype 1016 M4(2) compliance plan
- Space Standards Compliance Schedule
- Letter to TDC – Confirmation Design Criteria to NDSS Standard.

6.63 The details within these documents demonstrates the application meets the requirements of Modified Policy LP3.

Renewable Energy Provision

6.64 As part of the outline approval Condition 16 required each dwelling to be fitted with super-fast broadband, while condition 18 required an electric charging point for each dwelling. The emerging policies on such matters, include SPL3 Sustainable Design, PPL5 Water conservation, drainage and sewage and most critically, PPL10 Renewable Energy Generation. These policies will make it local policy to provide energy saving measures that could include renewables energy provision on all new residential developments.

6.65 Consequently, when assessing PPL10 Renewable Energy Generation in particular, the applicant has provided a 'Energy and Sustainability Statement'. This attempts to fulfil the emerging policy PPL10. This emerging Policy is given considerable weight due to the advance nature of the adoption process of the emerging plan and lack of objections to the policy. Ultimately, the Local Planning Department although welcoming the report from the applicant, do not consider that the renewable measures suggested have gone far enough. Therefore, a condition has been put forward to the applicant (who has accepted this in principle). The condition reads:

Notwithstanding the details contained within the submitted Energy Statement, prior to the occupation of any dwelling a scheme detailing how a minimum of 20% of the energy needs generated by the development can be achieved through renewable energy sources shall be submitted to and approved in writing by the local planning authority. The scheme shall detail the anticipated energy needs of the scheme, the specific renewable technologies to be incorporated, details of noise levels emitted (compared to background noise level) and how much of the overall energy needs these will meet and plans indicating the location of any external installations within the development. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate.

- 6.66 With such a condition in place, Officers believe the development can adequately comply with the requirements of emerging Policy PPL10, therefore, no objections on these grounds are raised.

Section 106 of the Town and Country Planning Act 1990

- 6.67 A legal agreement was secured at outline stage requiring:
- On-site Affordable Housing (15% of the overall development)
 - Health contribution
 - Education contribution (early years learning, childcare, primary and secondary education)
 - Contribution towards off-site traffic improvement measures
 - Provision of open space and the need to secure its future management
 - RAMS payments £122.30 per net additional dwelling
- 6.68 These details are 'index linked' and remain in place. The proposed Deed of Variation will 'add' to this legal agreement. Thus providing a legal guarantee of that perimeter landscaping 'trim trail' will encircle the whole site. This can only be achieved at this stage via legal agreement as the Red line area for the host application does not include the Employment Section in the south eastern corner of the site. Therefore, such a landscaping measure cannot be controlled or obtained via planning condition. Also, to be included in the Deed of Variation will a commitment to provide and maintain signage on site, directing pedestrians towards off site public rights of way, including within the Employment sector.

Other Matters

- 6.69 No construction management plan is recommended as they were conditioned as part of the outline approval for each phase, furthermore this shall include construction lighting. Equally, a contaminated land survey was resolved at outline stage and this shall not be included in the list of conditions. No removal of permitted development rights is considered necessary, due to the policy compliant nature of the development.

7. Conclusion

- 7.1 As established through the granting of outline application 17/01181/OUT, at appeal, the principle of residential development for up to 485 dwellings on this site is acceptable.
- 7.2 This scheme provides a range of housing within landscaped surroundings to create safe, attractive and characterful streets. The appearance does not feel cramped or overdeveloped. The detailed design, appearance, layout, landscaping and scale are considered acceptable. The proposal would result in no material harm to residential amenity or highway safety.
- 7.3 The new homes have policy compliant private gardens, sufficient off-street parking provision and include capacity for the storage of cycles and refuse. Sustainable drainage has been utilised to manage surface water runoff and the highways are

designed to meet the necessary safety standards and compliment the different character areas of the site.

- 7.4 The landscaped perimeter of the site will provide benefits for local biodiversity, as well as retaining the character of Long Road, Clacton and Dead Lane.
- 7.5 Ultimately, the proposals bring forward much-needed housing in a manner that is considered a sympathetic and high-quality addition to Lawford and Mistley. The proposal is considered compliant with the parameter plans as set out and approved at Outline stage.
- 7.6 The application is, therefore recommended for approval subject to a legal agreement to secure the extension of the 'trim trail' around the entire perimeter of the site and signage to the public footpaths beyond.

8. **Recommendation**

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives and the prior completion of a section106 legal agreement with the agreed Heads of Terms, as set out in the table below:

CATEGORY	TERMS
Extension of Trim Trail	
Signage to the public footpaths beyond	

8.2 **Conditions and Reasons**

- | | | |
|----|--|--|
| 1. | 20-3074-050 rev b plans | Amended house type 1750 - proposed floor |
| | 20-3074-054 rev b elevations | Amended house type 2014 - proposed |
| | 20-3074-053 rev b plans | Amended house type 2014 - proposed floor |
| | 20-3074-056 rev b plans | Amended house type 2089 - proposed floor |
| | 20-3074-057 rev b and side elevations (weatherboard) | Amended house type 2089 - proposed front |
| | 20-3074-026 a plans | Amended house type 1110 - proposed floor |
| | 20-3074-027 a elevations | Amended house type 1110 - proposed |
| | 20-3074-024 a elevations | Amended house type 1016 - proposed |
| | 20-3074-029 a plans | Amended house type 1285 - proposed floor |
| | 20-3074-034 a (detached) | House type 1286 - proposed elevations |
| | 20-3074-032 a plans | Amended house type 1286 - proposed floor |
| | 20-3074-033 a elevations | Amended house type 1286 - proposed |

20-3074-036 a elevations	Amended house type 1331 - proposed
20-3074-035 a plans	Amended house type 1331 - proposed floor
20-3074-038 a plans	Amended house type 1465 - proposed floor
20-3074-039 a elevations	Amended house type 1465 - proposed
20-3074-043 a (brick)	House type 1596 - proposed elevations
20-3074-045 a elevations (weatherboard)	Amended house type 1683 - proposed
20-3074-047 a plans	Amended house type 1747 - proposed floor
20-3074-048 a elevations	Amended house type 1747 - proposed
20-3074-049 a elevations (brick)	Amended house type 1747 - proposed
20-3074-060 a plans	Amended house type 2200 - proposed floor
20-3074-062 c proposed side and rear elevations	Amended house type 2200 (brick) -
20-3074-063 c (weatherboarding) - proposed side and front elevations	Amended house type 2200
20-3074-063.1 c (weatherboarding) - proposed side and rear elevations	Amended house type 2200
20-3074-505 a floor plans	House type 1016 - part m4(2) compliance
20-3074-058 rev b and side elevations (weatherboard)	Amended house type 2089 - proposed rear
20-3074-044 rev b plans	Amended house type 1683 - proposed floor
20-3074-051 rev c elevations	Amended house type 1750 - proposed
20-3074-023 a plans	Amended house type 1016 - proposed floor
20-3074-042 a elevations	Amended house type 1596 - proposed
20-3074-041 a plans	Amended house type 1596 - proposed floor
20-3074-058.1 rev a and side elevations (weatherboard)	Amended house type 2089 - proposed front
20-3074-058.2 rev a and rear elevations (weatherboard)	Amended house type 2089 - proposed side
20-3074-046 rev b (brick)	House type 1683 - proposed elevations
20-3074-021 a elevations	Amended house type 910 - proposed
20-3074-020 a plans	Amended house type 910 - proposed floor
20-3074-061 rev b	Amended house type 2200 (brick) - proposed front and side elevations
20-3074-031	House type 1285 - v1 - proposed elevations

20-3074-030 a elevations	Amended house type 1285 - proposed
20-3074-071 a	Terrace block 4 - proposed floor plans
20-3074-069 a	Terrace block 3 - proposed floor plans
20-3074-067 a	Terrace block 2 - proposed floor plans
20-3074-065 a	Terrace block 1 - proposed floor plans
20-3074-064 a elevation	Amended terrace block 1 - proposed front
20-3074-066 a elevation	Amended terrace block 2 - proposed front
20-3074-068 a elevation	Amended terrace block 3 - proposed front
20-3074-070 a elevation	Amended terrace block 4 - proposed front
20 - 3074 - 073	Terrace block 5 - floor plans
20 - 3074 - 072	Terrace block 5 – elevations
20-3074-054.1 rev a	1.5 storey - proposed floor plans
20-3074-054.2 rev a	1.5 storey - proposed elevations
20-3074-046.1 rev a	Amended 1.5 storey - floor plans
20-3074-046.2 rev a	Amended 1.5 storey – elevations
20-3074-110 rev a	Amended 1b-fog floor plans
20-3074-111 rev b	Amended 1b-fog elevations
20-3074-043.2	1.5 storey - elevations
20-3074-043.1	1.5 storey - floor plans
20-3074-108 a	Amended flat block d - proposed floor plans
20-3074-109 a	Amended flat block d - proposed elevations
20-3074-105	Amended flat block b - proposed floor plans
20-3074-105.1	Amended flat block b - proposed elevations
20-3074-100 rev e	Amended flat block a - proposed floor plans
20-3074-101 rev e	Amended flat block a - proposed elevations
20-3074-106 rev c	Amended flat block c - proposed floor plans
20-3074-107 rev c	Amended flat block c - proposed elevations
20-3074-104 rev c	Flat block e - proposed elevations
20-3074-103 rev c	Flat block e - proposed floor plans
20-3074-500 a compliance plan (flat type 1 & 2)	Flat block b - ground floor part m4(3)
Eds 07-3102.gp b	Small power and lighting arrangement for single transformer substation
2446-lla-gf-00-dr-l-0003-p01 plan	Tram trail link - dog bin and signage strategy
Eds 07-3102.01 b Eds 07-3102.ge a	Unit or padmount substation in grp enclosure Earthing arrangements for freestanding substations with grp enclosures
2446-LLA-GF-00-DR-L-0004	POS Calculation
2446-LLA-ZZ-XX-DR-L-0301 P08	Landscape Specifications and details Rev
2446-lla-zz-00-dr-l-0201-p04	Amended detailed planting proposals 1

2446-lla-zz-00-dr-l-0202-p07	Amended detailed planting proposals 2
2446-lla-zz-00-dr-l-0203-p06	Amended detailed planting proposals 3
2446-lla-zz-00-dr-l-0204-p06	Amended detailed planting proposals 4
2446-lla-zz-00-dr-l-0205-p04	Amended detailed planting proposals 5
2446-lla-zz-00-dr-l-0206-p02	Amended detailed planting proposals 6
2446-lla-zz-00-dr-l-0207-p03	Amended detailed planting proposals 7
2446-lla-zz-00-dr-l-0208-p05	Amended detailed planting proposals 08
2446-lla-zz-00-dr-l-0209-p05	Amended detailed planting proposals 09
2446-lla-zz-00-dr-l-0211-p04	Amended detailed planting proposals 11
2446-lla-zz-00-dr-l-0212- p02	Amended detailed planting proposals 12
2446-lla-zz-00-dr-l-0108-p02	Detailed hard landscape proposals 8
2446-lla-zz-00-dr-l-0101-p02	Detailed hard landscape proposals 1
2446-lla-zz-00-dr-l-0102-p02	Detailed hard landscape proposals 2
2446-lla-zz-00-dr-l-0105-p02	Detailed hard landscape proposals 5
2446-lla-zz-00-dr-l-0103-p03	Amended detailed hard landscape proposals
03	
2446-lla-zz-00-dr-l-0104-p04	Amended detailed hard landscape proposals
04	
2446-lla-zz-00-dr-l-0106-p02	Amended detailed hard landscape proposals
06	
2446-lla-zz-00-dr-l-0107-p02	Amended detailed hard landscape proposals
07	
19403-hyd-00-zz-dr-c-7005 06 of 4	Amended proposed external levels - sheet 1
19403-hyd-00-zz-dr-c-7006 06 of 4	Amended proposed external levels - sheet 2
19403-hyd-00-zz-dr-c-7007 06 of 4	Amended proposed external levels - sheet 3
19403-hyd-00-zz-dr-c-7008 06 of 4	Amended proposed external levels - sheet 4
20-3074-010 rev l	Amended boundary treatments plan
20-3074-005 rev n	Amended massing plan
20 - 3074 - 126	Cycle store
20-3074-128	Car port - version 2
20-3074-127	Car port - version 1
20-3074-120 a	Amended double garage 01 - proposed floor plan and elevations
20-3074-121 a	Amended double garage 02 - proposed floor plan and elevations
20-3074-122 b	Amended single garage - proposed floor plan and elevations
20-3074-123 a	Bin and cycle store - proposed floor plan and elevations
Cc-y321-lp2500	Site plan
2446-lla-gf-00-dr-l-0001-p12	Amended landscape strategy plan
2446-lla-gf-00-dr-l-0002-p10	Amended landscape strategy
20-3074-002 rev l	Amended site layout
20-3074-011 rev g	Amended affordable housing location plan
20-3074-016 rev b	Amended accessibility and adaptability plan

20-3074-006 rev m	Amended refuse and cycle strategy
20-3074-007 rev m	Amended garden areas
20-3074-008 rev l	Amended parking strategy plan
20-3074-009 rev m	Amended materials plan
Preliminary Ecological Appraisal (DF Clark, July 2021)	

2. Prior to the occupation of any unit, the associated internal road, footway layout, turning and parking areas shall be provided in principle and accord with revised drawing numbers:

- 20-3074-002 Rev. L Amended Site Layout Plan.
- 20-3074-008 Rev. L Amended parking strategy plan.
- 20-3074-006 Rev. M Amended refuse and cycle strategy

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

Note: It has been agreed with the developer that the proposed internal road layout, footway layout, turning area surface water drainage or any form of street lighting will not be adopted by the Highway Authority.

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

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

4. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

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

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

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

6. Prior to the occupation of each unit, the associated powered two-wheeler/cycle parking facilities as shown on the approved plans ref. 20-3074-006 Refuse & Cycle Strategy Rev M and 20-3074-123 Bin and Cycle Store Rev A are to be provided and retained at all times.

Reason: To ensure appropriate powered two-wheeler and bicycle parking is provided

7. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

8. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the On Site Recreational Disturbance Avoidance And Mitigation Strategy (City and Country, August 2021) and the Preliminary Ecological Appraisal (DF Clark, July 2021) 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).

9. The Preliminary Ecological Appraisal (DF Clark, July 2021) identifies that a licence will be required for the closure of a badger sett within the Zone of Influence of the development. The following sett closure shall not in in any circumstances commence unless the local planning authority has been provided with either:
 - a) a licence issued by Natural England pursuant Badger Protection Act 1992 authorizing the specified activity/development to go ahead; or
 - b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

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

10. Prior to the occupation of any dwelling, a Biodiversity Enhancement Layout providing the finalised details and locations of the integrated bat and bird boxes, shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features 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).

11. Prior to the occupation of any dwelling a lighting design scheme based on Appendix 6 of the the Preliminary Ecological Appraisal (DF Clark, July 2021), 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 and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

The scheme shall be devised by a competent person and fully comply with the Code of Practice for the Reduction of Light Pollution issued by the Institution of Lighting Engineers, the DETR document 'Lighting in the Countryside: Towards Good Practice' and all current official guidance. Such light pollution control measures as shall have been approved shall be installed prior to coming into beneficial use and thereafter be retained and maintained to the agreed specification and working order.

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). To protect the amenity of and to minimise potential nuisance to nearby existing residents.

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

The content of the LEMP shall include the following:

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

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details."

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

13. Prior to development above slab level, on each phase, precise details of the manufacturer and types and colours of the external facing and roofing materials for the dwellings and associated boundary treatments to be used in the construction shall be submitted to and approved, in writing, by the Local Planning Authority. Such materials so approved shall be those used in the development.

Reason: To ensure a satisfactory development in relation to external appearance and in the interests of residential amenity.

14. Prior to the occupation of any dwelling the details of the equipment used in the LEAP are submitted to and approved in writing by the Local Planning Authority. The approved details shall be those used in the development and installed prior to the first occupation of any dwelling on site.

Reason: To ensure a satisfactory development in relation to public open space and in the interests of residential amenity.

15. Prior to the occupation of any dwelling within a phase that contains a LAP, details of the equipment used in the LAP are submitted to and approved in writing by the Local Planning Authority. The approved details shall be those used in the development.

Reason: To ensure a satisfactory development in relation to public open space and in the interests of residential amenity.

16. Notwithstanding the details contained within the submitted Energy Statement, prior to the occupation of any dwelling a scheme detailing how a minimum of 20% of the energy needs generated by the development can be achieved through renewable energy sources shall be submitted to and approved in writing by the local planning authority. The scheme shall detail the anticipated energy needs of the scheme, the specific renewable technologies to be incorporated, details of noise levels emitted (compared to background noise level) and how much of the overall energy needs these will meet and plans indicating the location of any external installations within the development. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate.

17. Notwithstanding the details on the approved plans, only the detailed hard and soft landscaping plans relating to the strategic Public Open Space (Phase 0 as approved via 21/00494/DISCON) has been approved. The details for the residential hard and soft landscaping remain outstanding. Prior to the occupation of any residential dwelling on each phase, the details of the hard and soft landscaping shall be submitted to and approved in writing, by the Local Planning Authority. The scheme of hard and soft landscaping works for that phase, shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction."

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

18. Notwithstanding the details on the approved plans, prior to the occupation of any dwelling on site, a statement shall be submitted to the Local Planning Authority outlining the exact dimension including gradients of the attenuation basins and this could involve additional fencing to protect the public from these features during times of flood.

Reason: To ensure a satisfactory development in relation to public open space and in the interests of residential safety.

8.3 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.

Highways:

1: Prior to occupation, the development shall be served by a system of operational street lighting of design approved from the Highway Authority, which shall thereafter be maintained in good repair.

2: Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme.

3: The areas directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway.

In paved areas, whether the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

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

5: Any gates provided at the entrance to the parking courts shall be inward opening only and shall be set back a maximum of 0.5 metres from the back edge of the footway/cycleway or where no provision is present, the carriageway.

Note: The 0.5 metre or less set back should only be used within internal estate roads where dwell time on the carriageway is acceptable.

6: Cycling surface Width Guidelines: to ensure effective width is secured - table below provide guidance on widths. There are a number of variables to achieve an "EFFECTIVE" width.....- e.g., a 3m wide strip of tarmac with a 6ft fence on one side and a 50mph road on the other has an effective width of 2m...as you should be adding extra width for things that are alongside the path

7: 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

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

9 Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and

- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

10 Background Papers

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with

any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.