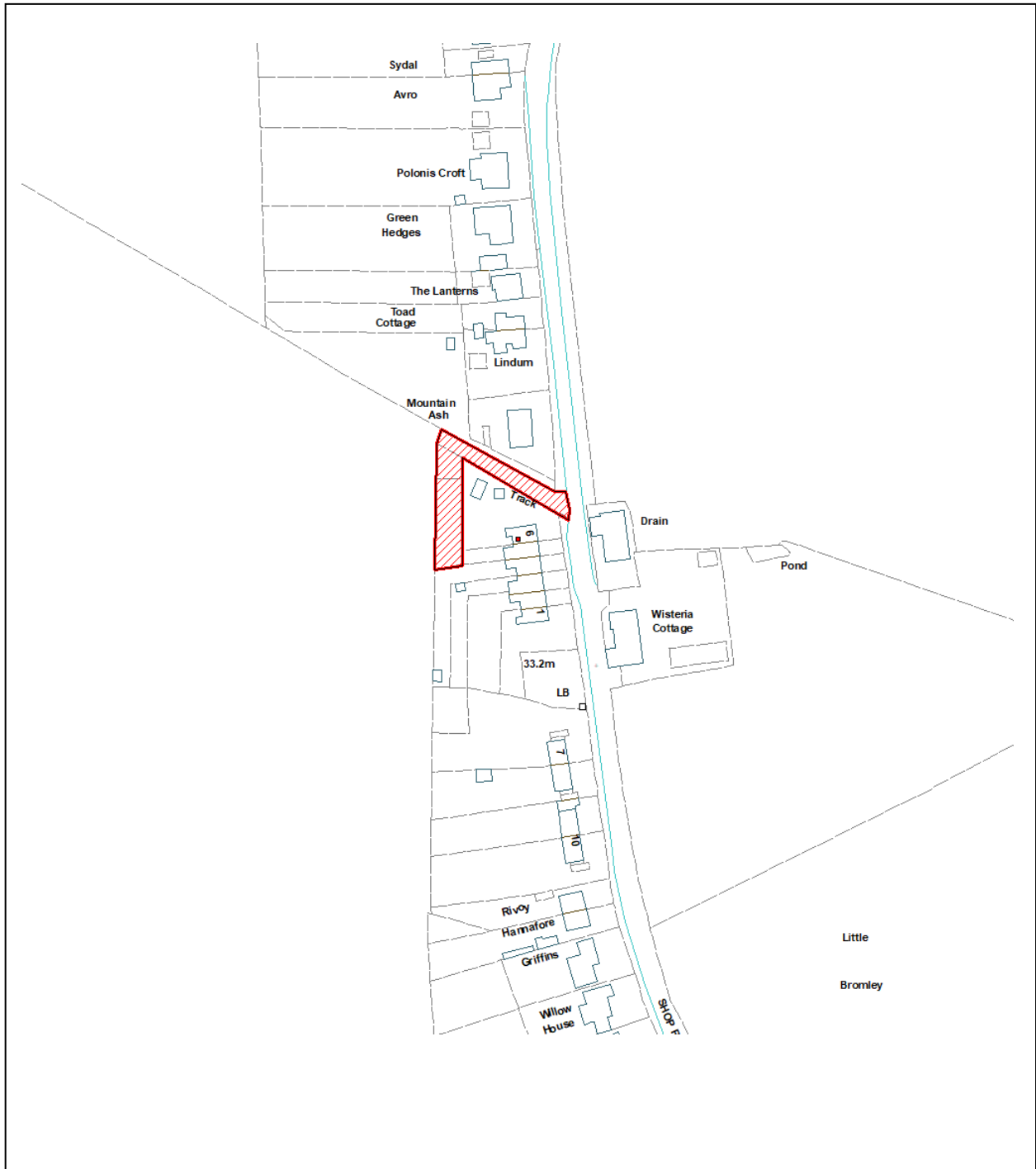


PLANNING COMMITTEE

26th October 2021

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.4 PLANNING APPLICATION – 21/00282/FUL – LAND TO THE REAR OF 5 AND 6 SHOP ROAD LITTLE BROMLEY MANNINGTREE CO11 2PZ



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Application: 21/00282/FUL

Town / Parish: Little Bromley Parish Council

Applicant: Mr A Mugford - Digerie Ltd

Address: Land to The rear of 5 and 6 Shop Road Little Bromley Manningtree CO11 2PZ

Development: Erection of two-bedroom self-contained dwelling house with study / home office / third bedroom, parking for 2 cars and associated landscaping.

1. **Executive Summary**

- 1.1 The application is referred to the Planning Committee at the Ward Members request.
- 1.2 The application involves the erection of a two-bedroom dwelling together with parking and associated landscaping.
- 1.3 The site is located within the defined Settlement Development Boundary of Little Bromley in the emerging Local Plan and the proposed modifications do not change this, very significant weight should therefore be afforded this emerging spatial policy consideration. In addition, the proposal would not result in harm to the existing character of the area or wider streetscene in general with regards to the design, siting, scale and external appearance of the development. The proposal would also have no detrimental impact on residential amenity or highway safety.

Recommendation:

That the Head of Planning be authorised to grant planning permission for the development subject to the conditions stated in section 8.2 and a financial contribution towards RAMS.

2. **Planning Policy**

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

National:

National Planning Policy Framework 2021 (the Framework)
Planning Practice Guidance
Technical Housing Standards – Nationally described space standard

Local:

Saved Tendring District Local Plan 2007 Policies (the 2007 Local Plan)

QL2	Promoting Transport Choice
QL11	Environmental Impacts and Compatibility of Uses (part superseded)
QL12	Planning Obligations
HG3	Residential Development within Defined Settlements
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
HG14	Side Isolation

COM1	Access for All
COM2	Community Safety
COM6	Provision of Recreational Open Space for New Residential Development
COM21	Light Pollution
COM31a	Sewerage and Sewage Disposal
EN1	Landscape Character
EN6	Biodiversity
EN6b	Habitat Creation
EN11a	Protection of International Sites: European Sites and Ramsar Sites
EN13	Sustainable Drainage Systems
TR1a	Development Affecting Highways
TR3	Provision for Walking
TR7	Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond (the 2013-33 Local Plan)

Section 1 (adopted 2021):

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP7	Place Shaping Principles

Section 2 (emerging – adoption expected later in 2021):

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP5	Open Space, Sports and Recreation Facilities
LP1	Housing Supply
LP3	Housing Density Standards
LP4	Housing Layout
PPL1	Development and Flood Risk
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
PPL10	Renewable Energy Generation and Energy Efficiency Measures
CP1	Sustainable Transport and Accessibility
DI1	Infrastructure Delivery and Impact Mitigation

Supplementary Planning Guidance:

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)
Essex County Council Development Management Policies 2011 (Highways SPD)
Essex County Council Parking Standards Design and Good Practice Guide 2009 (Parking SPD)
Tendring Provision of Open Recreational Open Space for New Development SPD 2008 (Open Space and Play SPD)

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 the 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 held a six-week public consultation on the Main Modifications and associated documents which began on 16th July 2021. The consultation closed at 5pm on 31st August 2021 and adoption is expected later this year. Section 2 will then 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

21/00282/FUL	Erection of two-bedroom self-contained dwelling house with study / home office / third bedroom, parking for 2 cars and associated landscaping.	Current
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4. Consultations

TDC UU Open Spaces 25.03.2021	There is currently a deficit of -0.69 hectares of equipped play/open space in Little Bromley.
	Recommendation

It is felt that there will be no significant impact on the current open space and play facilities.

No contribution is required on this occasion.

TDC Environmental Protection
16.03.2021

Contaminated Land: EP have no objection to the proposed development, however they would like to request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken, until such time as the LPA responds to the notification. EP would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

Minimum requirements for dealing with unexpected ground conditions being encountered during construction

1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.
2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.
4. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.
5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.

9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.

10. A photographic record will be made of relevant observations.

11. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be: o re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or o treatment of material on site to meet compliance targets so it can be re-used; or o removal from site to a suitably licensed landfill or permitted treatment facility.

12. A Verification Report will be produced for the work.

Reason - to protect the health of site workers and end users

Noise: In order to minimise potential nuisance caused by construction works, Environmental Protection recommend that the following below is conditioned;

- 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 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

- No materials produced as a result of the site development or clearance shall be burned on site.

Reason - Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

Should you have any queries concerning this, please do not hesitate to contact me.

ECC Highways Dept
14.05.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. A site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. Having regard to the fact that the site will be accessed via an established vehicular access that currently serves

an existing garage and out-buildings to an existing dwelling plus field access; the proposal will not generate excessive additional vehicle movements. As far as can be determined from the submitted plans the proposal provides adequate room and provision for off-street parking and turning, therefore:

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

1. Prior to occupation of the dwelling a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be retained on both sides of the vehicular access at all times. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access. Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.

2. Prior to occupation of the dwelling a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced, and maintained free from obstruction within the site at all times for that sole purpose. Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

3. Prior to occupation of the dwelling the surface treatment at the existing vehicular access with Shop Road shall be resurfaced for at least the first 6 metres from the existing drop kerb, to be approved in writing by the Local Highway Authority with no unbound material to be used. Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

4. Prior to the occupation of the proposed dwelling, the existing private drive shall be constructed to a minimum width of 5.1 metres for at least the first 6 metres from the back of Carriageway / Footway / Highway Boundary. Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

5. Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity. Reason: To ensure adequate space for parking off the

highway is provided in the interest of highway safety in accordance with Policy DM8.

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

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

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

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

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

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

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

Informative: 1: As access to the proposed dwelling is via a private track, the applicant should therefore be requested to demonstrate the rights of pass and repass to the proposed development site exist in perpetuity and that the applicant also has the necessary permissions to access the proposed dwelling via the private track.

2: Prior to occupation of the dwelling consideration should be given to resurface the private track from a point 6 metres from its junction with Shop Road to the entrance to the field access with for example a type 2 material and construction depth of 300 millimetres.

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

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

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

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

5: During the construction phase the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence.

TDC Waste Management
05.10.2021

All waste and recycling to be presented at the kerbside of Shop Road

Essex County Council Ecology
16.09.2021

No objection subject to securing biodiversity mitigation and enhancement measures

Summary

ECC Ecology have reviewed the Ecological Impact Assessment (Glaven Ecology, 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 Ecological Impact Assessment (Glaven Ecology, July 2021) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species particularly amphibians and reptiles.

ECC Ecology also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured as a condition of any consent.

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

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

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

Recommended conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Glaven Ecology, 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. PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

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

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

a) Purpose and conservation objectives for the proposed enhancement measures;

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

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

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

3. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed 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)

TDC Tree & Landscape Officer
06.04.2021

The application site is currently overgrown rough grass and associated vegetation. There are two small trees situated on the land that have little visual amenity value.

There is a small Flowering Cherry close to the garages on adjacent land and a multi-stemmed Hazel in the south-western corner of the plot.

Neither tree merits retention or protection by means of a tree preservation order.

In terms of the impact of the development on the character of the area it is considered the proposed

position of the dwelling is such that it does not accord with the local settlement pattern.

The introduction of a dwelling in the proposed location would diminish the quality of the soft edge to the linear development along Shop Road created by reasonably long back gardens and the vegetation contained therein.

There appears to be little scope for new soft landscaping associated with the development proposal.

TDC Tree & Landscape Officer
21.09.2021

Notwithstanding, and in addition to, previous comments:

The applicant has provided an Amended Landscape Plan that shows new hedgerow planting on the boundary of the application site with the adjacent open countryside that will soften and partially screen the proposed dwelling.

However, the Amended Landscape Plan does not contain details of plant species or specification. These details should be provided prior to the determination of the application or secured by a condition attached to any planning permission that may be granted.

5. Representations

5.1 Little Bromley Parish Council objects to the proposal due to the lack of public access from Shop Road, the access track to be used would cause noise disturbance to the neighbouring property, the proposal would cause a loss of privacy and amenity and the development site is considered to be cramped and constitute backland development, out of character for Little Bromley.

5.2 6 letters of representation have been received outlining the following concerns;

- Loss of a view
- Overlooking/loss of privacy
- Concern over parking and turning in neighbouring gardens
- Proposed size of the dwelling is too tall
- No access to any local amenities
- Biodiversity impact
- Farm track is being used as the access
- Cramped backland development

5.3 These objections to the scheme were predominantly focussed around the proposed design of the dwelling and its resulting impact. Revised drawings have been submitted and an assessment of the design and impact of the proposal on the character of the area is available in the 'Assessment' section below:

6. Assessment

Site Context

- 6.1 The proposed development site is an underused parcel of land located to the rear of 5 and 6 Shop Road in Little Bromley. The parcel of land was formerly part of the extended garden of number 5 Shop Road. There are dwellings to the north, south and southeast, with agricultural fields to the west of the site. The site is accessed off Shop Road. The application site measures approximately 350 square metres.

Proposal

- 6.2 During the course of the application amended plans were submitted, revising the overall design of the proposal including a significant reduction in the overall height and scale of the proposed dwelling. The proposal is for the erection of one detached dwelling with parking to the front.

Principle of Development

- 6.3 Emerging Policy SLP1 of the 2017-33 Local Plan denotes Little Bromley as a 'Smaller Rural Settlement' with Emerging Policy SPL2 of the 2017-33 Local Plan including the site within a defined SDB, and the proposed modifications do not change this. As such, the proposal meets the criteria for being an acceptable location for new residential development and is acceptable in principle.

Design, Scale, Layout

- 6.4 Little Bromley is characterised by mostly detached and semi-detached dwellings situated on modest plots all of which appear set back from the main highway (Shop Road) which runs through the village. The architectural style, materials and finishes of dwellings varies.
- 6.5 Policy SP7 sets out the place shaping principles all new development should follow. The first bullet of this policy states that development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Modified emerging Policy LP4 h) states that new housing development should deliver new dwellings that are designed to high standards of architecture, which together with a well-considered site layout, create a unique sense of place – avoiding the use of ubiquitous standard house types.
- 6.6 Paragraph 126 of the Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities. Paragraph 130 of the Framework requires developments to be sympathetic to local character and history, including the surrounding built environment, and are visually attractive as a result of good architecture.
- 6.7 The proposed dwelling would have a 'barn' like appearance in terms of its overall design but also the materials to be used; low brick plinth, weatherboarding and slate tile roof. Given the proposed location, towards the rear of the existing streetscene and therefore in close proximity to the wider countryside, the proposed design, with its strong barn like features, is considered to be in keeping with the surrounding area. The external finishes are appropriate in context and, overall, the revised scheme would be policy compliant in this regard.

Highway Safety/Parking

- 6.8 The Local Highway Authority raised no highway safety objections in relation to the submitted proposal for one dwelling. The proposed parking provision is in accordance with the Parking SPD. Emerging Policy PPL10 addresses the renewable energy generation and energy efficiency measures for residential development involving the creation of one or more dwellings. Measures including electric car charging points should be considered. Paragraph

112 e) of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. These considerations have been discussed with the agent and the Council agrees that this could reasonably be dealt with by the use of a planning condition to require a scheme for the provision of an electric vehicle charging point for the proposed new dwelling. Subject to the conditions recommended (in relation to access and parking standards) the proposal would not be harmful to highway safety and for the above reasons would be compliant with the highways policies set out in the header above and the Highways and Parking SPDs.

Landscaping/Biodiversity

- 6.9 Subject to the mitigation measures identified in the Ecological Impact Assessment (Glaven Ecology, July 2021) which will be secured by condition, it has been confirmed that the proposal will result in no net loss in biodiversity. In addition, a landscaping condition is recommended (should planning permission be granted) to secure additional soft landscaping. The site is also considered to be approximately 3.3km from the Stour and Orwell Estuaries PSA and Ramsar site and is therefore situated within the 'Zone of Influence' of internationally important sites for biodiversity covered by the Essex Coast RAMS SPD, which requires a financial contribution to fund mitigation measures. The applicant has completed the necessary Unilateral Undertaking, in accordance with saved Policy QL12, adopted Policy SP2, and the RAMS SPD. The Council's Habitats Regulation Assessment has concluded that, with the mitigation, the project would not have an Adverse Effect on the Integrity of the sites included within the Essex Coast RAMS.

Impact on Residential Amenity

- 6.10 Policy SP7 and emerging Policy LP4 g), and Paragraph 130 f) of the Framework, together seek to ensure high standards of amenity for existing and future occupants. Due to the location of the new dwelling being a sufficient distance away from nearby properties, the proposal would not lead to any unacceptable adverse effects on the living conditions of existing residents, in terms of daylight and natural light, overlooking and privacy, nor would the proposal be overbearing. Garden sizes and internal floor space would be sufficient to meet the needs of future occupants and would provide a good level of amenity. The proposal would therefore allow for acceptable living conditions for existing and future occupants in accordance with the relevant adopted and emerging policies.

7. Conclusion

- 7.1 As amended, the proposal is acceptable in principle in accordance with the provisions of the emerging local plan and the NPPF 2021. Considerable weight is afforded to the emerging Local Plan policies, and there are no suggested modifications or amendments to include Little Bromley as a 'Smaller Rural Settlement' with Emerging Policy SPL2', and the site falls within the SDB of that settlement. The proposed design responds appropriately to this semi-rural context, and the residential amenity of surrounding occupiers will be maintained. The proposal raises no highway safety or parking issues, and subject to the mitigation measures identified in the Ecological Impact Assessment (Glaven Ecology, July 2021) which will be secured by condition, the proposal will result in no net loss in biodiversity. As such, planning permission should be granted in accordance with Policy SP2 and the presumption in favour of sustainable development.

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
Financial contribution towards RAMS.	£127.30 per dwelling

8.2 Conditions and Reasons

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

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

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

- Drawing No. 20 1705 LOC Rev A – Location and Block Plan
- Drawing No. 20 1705 01 Rev B – Landscaping Plan
- Drawing No. 20 1705 02 Rev B – Proposed Floor Plans and Elevations
- Planning Statement
- Ecological Impact Assessment

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

3. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Glaven Ecology, 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)

4. Prior to commencement of above ground works, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

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

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

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

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

5. Prior to commencement of above ground works, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed 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 the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme 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 - To enhance the visual impact of the proposed works

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

Reason - To ensure that the landscaping scheme is suitably implemented within an appropriate timescale

8. In order to minimise potential nuisance caused by construction works, Environmental Protection recommend that the following below is conditioned;
-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 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

-No materials produced as a result of the site development or clearance shall be burned on site.

Reason - Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

9. Prior to occupation of the dwelling a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be retained on both sides of the vehicular access at all times. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason - To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.

10. Prior to occupation of the dwelling a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced, and maintained free from obstruction within the site at all times for that sole purpose.

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

11. Prior to occupation of the dwelling the surface treatment at the existing vehicular access with Shop Road shall be resurfaced for at least the first 6 metres from the existing drop kerb, to be approved in writing by the Local Highway Authority with no unbound material to be used.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

12. Prior to the occupation of the proposed dwelling, the existing private drive shall be constructed to a minimum width of 5.1 metres for at least the first 6 metres from the back of Carriageway / Footway / Highway Boundary.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1

13. Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

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

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

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

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

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

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

Reason - To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

17. Prior to above ground works, a scheme for the provision of electric vehicle charging facilities for the new dwelling hereby approved shall have first been submitted to and approved in writing by the local planning authority. Thereafter the charging facilities shall be installed in a working order prior to first occupation of the dwelling.

Reason: In order to promote sustainable transport.

8.3 Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Legal Agreement Informative - Recreational Impact Mitigation

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

Highways Informatives

As access to the proposed dwelling is via a private track, the applicant should therefore be requested to demonstrate the rights of pass and repass to the proposed development site exist in perpetuity and that the applicant also has the necessary permissions to access the proposed dwelling via the private track.

Prior to occupation of the dwelling consideration should be given to resurface the private track from a point 6 metres from its junction with Shop Road to the entrance to the field access with for example a type 2 material and construction depth of 300 millimetres.

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

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

During the construction phase the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence.

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/>.