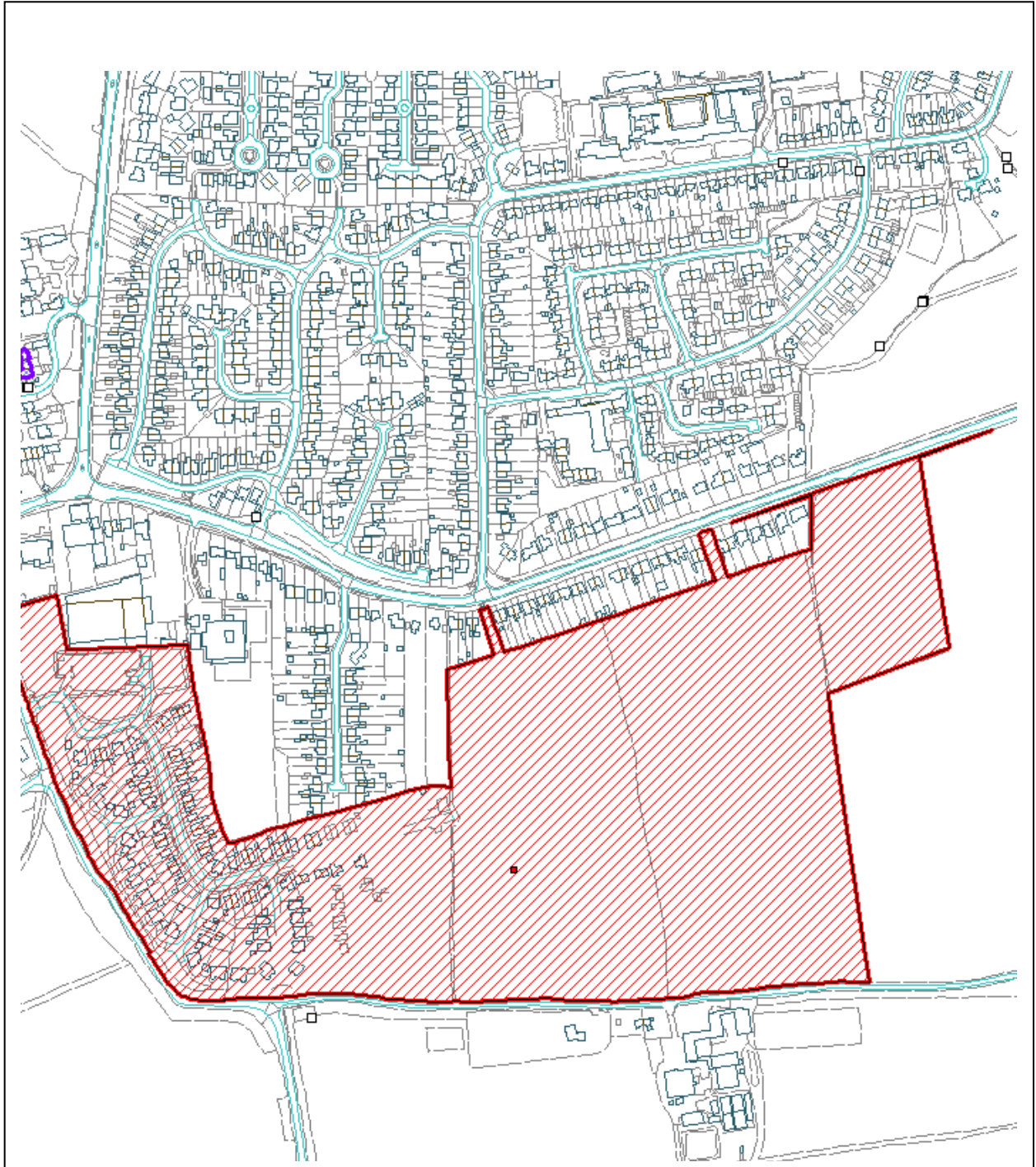


PLANNING COMMITTEE

23rd November 2021

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

**A.1 PLANNING APPLICATION – 21/00650/OUT – LAND EAST OF BROMLEY ROAD
LAWFORD CO11 2HS**



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Application: 21/00650/OUT

Town / Parish: Lawford Parish Council

Applicant: Mr Steven Rose - Rose Builders

Address: Land East of Bromley Road Lawford CO11 2HS

Development: Variation of Condition 9 (Delivery of various highways improvement works) of approved application 15/00876/OUT (corresponding Condition 6 of a recently approved variation application 20/00458/OUT).

1. Executive Summary

- 1.1 Outline planning permission (all matters apart from access - reserved) was granted on 13th April 2017 for a mixed development of 360 houses and community facilities/open space on 22.76ha of land to the south of Lawford, under application ref. 15/00876/OUT. In 2020, there was a Section 73 approval under planning ref. 20/00458/OUT, to vary condition 9 of 15/00876/OUT relating to the delivery requirement of the spine road and access to Long Road before the 201st occupation. The application also includes bringing forward the delivery of a mini roundabout at the junction of Wignall Street and Bromley Road to the 180th occupation, as opposed to the 200th occupation as presently required.
- 1.2 In accordance with Members' request, the current submission has been brought to Planning Committee seeking consent with regard to the delaying the provision of access onto Long Road from the 261st occupation on site (73% of the total dwellings on site) to the 360st occupation on site (99% of the total dwellings on site).
- 1.3 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 established through the granting of outline planning permission, which also established the position of the access.
- 1.4 The detailed plans comply with the outline requirements and are considered acceptable with no significant material harm to visual or residential amenity, or highway safety.
- 1.5 A legal agreement, 'Deed of Variation' is required for this application to ensure the new outline approval links into the original Section 106 Agreement.

Recommendation: Outline Approval

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 deed of variation to the original legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990.**
- b) Subject to the conditions stated in section 8.1
- 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 Deed of Variation of the original s106 planning obligation.

2. Planning Policy

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

NPPF National Planning Policy Framework 2021
National Planning Practice Guidance

Tendring District Local Plan 2007

| | |
|-------|---|
| QL2 | Promoting Transport Choice |
| QL3 | Minimising and Managing Flood Risk |
| QL11 | Environmental Impacts and Compatibility of Uses |
| QL12 | Planning Obligations |
| HG1 | Housing Provision |
| HG3 | Residential Development within Defined Settlements |
| HG4 | Affordable Housing in New Developments |
| COM2 | Community Safety |
| COM4 | New Community Facilities (Including Built Sports and Recreation Facilities) |
| COM21 | Light Pollution |
| COM23 | General Pollution |
| COM26 | Contributions to Education Provision |
| EN1 | Landscape Character |
| EN5 | Areas of Outstanding Natural Beauty (AONB's) |
| EN29 | Archaeology |
| TR1A | Development Affecting Highways |
| TR4 | Safeguarding and Improving Public Rights of Way |
| TR5 | Provision for Cycling |
| TR6 | Provision for Public Transport Use |
| TR7 | Vehicle Parking at New Development |

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

Adopted Policies

| | |
|-----|---|
| 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 |
| SP6 | Infrastructure & Connectivity |
| SP7 | Place Shaping Principles |

Emerging Policies

| | |
|------|--|
| SPL1 | Managing Growth |
| SPL2 | Settlement Development Boundaries |
| SPL3 | Sustainable Design |
| HP1 | Improving Health and Wellbeing |
| HP2 | Community Facilities |
| HP3 | Green Infrastructure |
| HP4 | Safeguarded Local Greenspace |
| HP5 | Open Space, Sports & Recreation Facilities |
| LP1 | Housing Supply |
| LP5 | Affordable and Council Housing |
| PPL4 | Biodiversity and Geodiversity |
| CP1 | Sustainable Transport and Accessibility |
| CP2 | Improving the Transport Network |
| CP3 | Improving the Telecommunications Network |

Other Guidance

Essex Design Guide for Residential and Mixed-Use Areas.
Essex Design Guide (2005)
Urban Place Supplement (2007)

Status of the Local Plan

- 2.2 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).
- 2.3 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.

- 2.4 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.
- 2.5 In relation to housing supply:
- 2.6 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.
- 2.7 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

| | | | |
|-----------------|---|----------|------------|
| 15/30021/PREAPP | Screening Opinion request for mixed use development including community building, school access with drop off and pick up area, village green, parking and residential development (360 dwellings). | | 06.02.2015 |
| 15/00876/OUT | The erection of 360 houses (including Lawford Enterprise Trust Housing), with associated garages on 22.76ha | Approved | 13.04.2017 |

with two vehicular access points, site roads, pedestrian and cycle routes, a new primary school access with off-road pickup and drop-off parking, a community building with public access toilets, a junior camping field, village green, public open space, structural landscaping and playground.

| | | | |
|-----------------|--|----------|------------|
| 17/01527/DETAIL | Reserved matters application with details of appearance, landscaping, layout and scale pursuant to Phase 1 of outline permission (15/00876/OUT) including 120 dwellings, community building with parking, junior camping field, village green, structural landscaping and playground. | Approved | 14.03.2018 |
| 18/00304/DISCON | Discharge of conditions 3 (Masterplan), 7 (Construction Management Plan), 12 (Surface Water Drainage Scheme), 13 (Foul Water Strategy), 14 (Hard and Soft Landscaping), 16 (Ecological and Management Plan), 17 (Tree Protection Measures), 19 (Refuse/Storage points, Dwelling External Materials), 20 (construction Management Statement), 21 (Broadband Connection) and 23 (Water, Energy and Resource Efficiency Measures) of approved planning application 15/00876/OUT | Approved | 30.10.2018 |
| 18/00750/DISCON | Discharge of conditions 18 (Archaeology), 22 (Local Recruitment Strategy), 24 (Contamination) of approved planning application 15/00876/OUT. | Approved | 02.07.2018 |
| 18/01094/DISCON | Discharge of Condition 19 (street lighting) of 15/00876/OUT. | Approved | 17.08.2018 |
| 18/01548/DISCON | Discharge of condition 7) Construction Management Plan - to approved Planning Application 15/00876/OUT. | Approved | 11.02.2019 |
| 19/00211/FUL | Re-location of approved electrical substation (retrospective) and parking spaces. | Approved | 07.06.2019 |

| | | | |
|-----------------|---|----------|------------|
| 19/00274/DISCON | Discharge of Condition 18C (Archaeological Excavation Report) of application 15/00876/OUT. | Approved | 28.03.2019 |
| 19/00900/DISCON | Discharge of Condition 14 (Landscaping) of application 15/00876/OUT. | Approved | 12.07.2019 |
| 19/01475/DETAIL | Reserved matters application with details of appearance, landscaping, layout and scale pursuant to Phase 2 of outline permission (15/00876/OUT) including 140 dwellings, associated hardstanding, boundary treatments, landscaping and drainage. | Approved | 09.07.2020 |
| 19/01498/NMA | Non Material Amendment to approval of 15/00876/OUT for substitution of "Cornelia" house type for "Barbier" house type at plots 86-87, 90-93, 100-101. Proposed substitution of "Cornelia" house type for "Cornelia Variation" housetype at plots 54-57. Change of rear and side elevations, and internal layout to "Alexander" house type at plots 75-79. | | 04.11.2019 |
| 19/01698/DISCON | Discharge of condition 07 (construction Management Plan) 12 (Surface Water Drainage) 13 (Foul Water Strategy) 14 (soft Landscaping) 16 (Ecological mitigation scheme) 18 (Archaeology WSI) 19 (Refuse and external materials) 20 (construction Method Statement) and 24 (Remediation) of planning permission 15/00876/OUT. | Approved | 29.05.2020 |
| 19/01751/DETAIL | Reserved matters application following outline permission 15/00876/OUT - Application to substitute "Cornelia" house type for "Barbier" house type at plots 86-87, 90-93, 100-101 as previously approved by 17/01527/DETAIL. Proposed substitution of "Cornelia" house type for "Cornelia Variation" housetype at plots 54-57. Change of rear and side elevations, and internal layout to "Alexander" house type at plots 75-79. | Approved | 28.08.2020 |
| 20/00178/NMA | Non Material Amendment to approval of 15/00876/OUT for substitution of plots 39, 60 and 81 from | Approved | 25.03.2020 |

| | | | |
|-----------------|--|----------|------------|
| | "Braithewaite Variation" house type to "Braithewaite" house type. Hand plot 63. | | |
| 20/00458/OUT | Variation of condition 9 of 15/00876/OUT amending the delivery requirement of the spine road before the 201st occupation. | Approved | 01.04.2021 |
| 20/00480/DETAIL | Reserved matters application with details of appearance, landscaping, layout and scale pursuant to Phase 3 of outline permission (15/00876/OUT) including 100 dwellings, associated hardstanding, boundary treatments, landscaping and drainage. | Approved | 04.12.2020 |
| 20/00707/DISCON | Discharge of conditions (phase 3) 12 (Surface Water), 13 (Foul Water), 14 (Landscaping), 16 (Ecology Mitigation), 17 (Tree Protection), 19 (Refuse Collections and Materials Only), (phase 3 and 5) 18 (Archaeology) and 24 (Contamination) of planning permission 15/00876/OUT. | Approved | 18.06.2020 |
| 20/00773/DISCON | Discharge of conditions (phase 3) 12 (Surface Water), 13 (Foul Water), 14 (Landscaping), 16 (Ecology Mitigation), 17 (Tree Protection), 19 (Refuse Collections and Materials Only), (phase 3 and 5) 18 (Archaeology) and 24 (Contamination) of planning permission 15/00876/OUT. | | 22.01.2021 |
| 20/01224/FUL | Proposed children's nursery. | Approved | 18.11.2020 |
| 20/01337/DISCON | Discharge of condition 17 (tree protection) for phase 2 of planning permission 15/00876/OUT. | Approved | 07.12.2020 |
| 20/01597/DISCON | Discharge of conditions 7 (Construction Management Plan) and 20 (Construction Method Statement) of the approved planning application 15/00876/OUT, phase 2 only | Approved | 26.02.2021 |
| 20/01681/DISCON | Discharge of condition 14 (Construction Management Plan) of approved planning application 20/01224/FUL. | Approved | 26.01.2021 |

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|-----------------|--|----------|------------|
| 21/00026/DISCON | Discharge of condition 18 (archaeology) of approved planning application 15/00876/OUT. | | 16.02.2021 |
| 21/00141/NMA | Non-Material Amendment to previously approved 20/01224/FUL - revised railing position. | Approved | 25.02.2021 |
| 21/00212/DISCON | Discharge of condition 19 (street lighting) of approved planning application 15/00876/OUT for Phase 2 only. | Approved | 29.03.2021 |
| 21/00741/NMA | Application for a Non-Material Amendment to Planning Permission ref: 15/00876/OUT dated 13/04/2017 for the proposed substitution of the hipped Albertine for the gabled Albertine house type | Approved | 26.05.2021 |
| 21/00859/DISCON | Discharge of condition 10 (Hard and Soft Landscaping) of approved planning application 20/00458/OUT | Approved | 06.07.2021 |
| 21/01871/DISCON | Discharge of condition 13 (School travel plan) of application 20/01224/FUL | Current | |

4. Consultations

ECC Highways
28.10.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. It is noted that the variation is associated with condition 9 of 15/00876/OUT (corresponding Condition 6 of a recently approved variation application 20/00458/OUT) and based on and in principle with the revised wording in the Planning Statement (page 12):

The Highway Authority does not object to the proposals as submitted:

No more than 180 dwellings on the development shall be occupied until the following have been provided or completed:

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

No more than 359 dwellings on the development

shall be occupied until the priority junction with right turn lane (with two pedestrian refuge islands) in Long Road to provide access to the proposal site. Priority junction shall have minimum 10.5 metre kerbed radii with dropped kerbs/tactile paving crossing points, a minimum 6.75 metre access road carriageway with one 3 metre footway/cycleway, one 2 metre footway pedestrian/cycle refuge island and a minimum 109 x 2.4 x 120 metre clear to ground visibility splay, as shown in principle with Ardent Consulting Engineers drawing K297-003A.

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

Informative:

1: 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

2: 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.

5. Representations

5.1 Lawford Parish Council have no objection to this application.

They consider that the provision of a mini roundabout at the junction of Bromley Road and Wignall Street will be better for traffic control in the area.

The Parish has asked for this work to be completed as soon as feasibly possible to minimise delay caused by its construction when the Lawford Green development has more residents causing more traffic.

5.2 Third Party: 14 objections received summarised below:

- Construction of the mini-roundabout and the subsequent increase in volume of, not just domestic vehicles, but of construction traffic in an already congested area.
- Drivers exceed 30mph on Bromley Road
- The Long Road junction would remove this close proximity to the Cox's Hill junction and ease much of the congestion when this does occur. That access was designed to balance out the development.
- There are no public benefits to be gained
- There are concerns for pedestrian safety, especially school children.
- The Bromley Road access will get progressively busier adding to local congestion especially at school movement times
- The length of the queues and delays getting on to the A137 from Bromley Rd which already exist and are already very slow
- This change would mean that all the traffic from 360 houses in Lawford Green and also from the school car park would all come out on to Bromley Road thus joining the other local traffic.
- The present permission mean that traffic flows have the opportunity to self-regulate because drivers will be able to make a choice based on local circumstances at the time - eg at School opening and closing times.
- This variation benefits only the developer and will cause unacceptable congestion to existing residents of Lawford, new residents of Lawford Green and all School users
- The developer's inability to foresee, plan, and manage the expected construction site operational and management implications arising from the new access point is there shortcoming why should residents suffer?
- Dead lane is a single access track unsuitable for construction traffic
- The traffic survey concluded that Bromley Road would be close to or above practical capacity and this is without taking the site compound access into account
- The school has doubled in size to over 400 pupils. Furthermore, having only one access road for traffic to the housing estate and school would result in the junction of

that road with Bromley Road becoming very congested during certain periods of the day.

- The proposals would create a 2-year delay to the Long Road access being built and there are no grounds to support this delay.
- The Long Road access should be used by Construction Traffic
- The statement about mixing residential traffic and construction traffic is a nonsense as having a second access along Long road would minimise the mixing as all site compound traffic would be passing the Bromley Road access
- The Traffic Survey does not take account of post-covid restrictions whereby more people will be working in the office and less from home. Also, the fact the Primary School will be doubled in size.
- No guarantee that the Long Road junction and spine road will ever be constructed.
- This proposed variation should be rejected in favour of the original.

6. **Assessment**

Site Context

- 6.1 The host site, on the southern side of Lawford, is known as “Lawford Green”. It is located on land east of Bromley Road, south of Long Road and north of Dead Lane. The site occupies a broadly rectangular parcel of land 22.6 hectares (55.8 acres) in size. The site was previously used for agricultural purposes, this is currently changing into a housing estate with outline planning permission for 360 houses (Ref: 15/00876/OUT), with associated reserved matters permissions in place.
- 6.2 The construction of the site was spilt into 3 main phases. Phase 1 is to the west, connecting with Bromley Road, Phase 2 centrally positioned and Phase 3 to the east, ultimately connecting with Long Road to the east. A central spine road runs between all three Phases, known as ‘The Avenue’.
- 6.3 Development on Phase 1 of the site is well underway with 129 dwellings constructed, this includes 8 affordable units that have recently been transferred. The housing comprises mostly of detached and semi-detached houses of two-storeys. There is a mixture of material types and colours, including exposed brick, boarding and render. The western side of the wider site resembles a largely finished new housing development. The eastern section remains as undeveloped open countryside.
- 6.4 At present, vehicular access is gained to the site directly from Bromley Road to the west and eventually from Long Road in the north east as the site is developed out. Bromley Road connects Lawford with Little Bromley and the A120 to the south. Long Road is the main road connecting Lawford and Mistley. Dead Lane to the south is a narrow lane,

more rural in its character and provides access to farmers and a small number of dwellings and local businesses.

- 6.5 The site is flat and bounded by perimeter hedgerows and trees marking the field boundaries. The site lies outside the defined settlement boundary of the saved Local Plan but within the settlement boundary of the emerging Local Plan. A public footpath (No. 12) crosses the site, running from Long Road to the north to Dead Lane to the south and forms the western boundary of Phase 2 of the development.
- 6.6 The site is within a Zone of Consideration in relation to a Site of Special Scientific Interest (SSSI) to the north. There is also an Area of Outstanding Natural Beauty (AONB) to the north-west of the site (outside the red line boundary). There are no Listed Buildings or Conservation Areas affected by the proposal and there are no protected trees on site.
- 6.7 Immediately east of the application site is an expanse of open countryside that has planning approval for the erection of up to 485 dwellings, up to 2 hectares of employment land (A2/A3/B1/D1 uses), with associated public open space and infrastructure, via application ref. 17/01181/OUT.

Planning History

- 6.8 Outline planning permission (ref: 15/00876/OUT) was granted in 2017 for *'The erection of 360 houses (including Lawford Enterprise Trust Housing), with associated garages on 22.76ha with two vehicular access points, site roads, pedestrian and cycle routes, a new primary school access with off-road pick-up and drop-off parking, a community building with public access toilets, a junior camping field, village green, public open space, structural landscaping and playground'*. This permission was subject to a raft of planning conditions and S106 agreement. Access was approved as part of the Outline, with appearance, landscaping, layout and scale forming the Reserved Matters.
- 6.9 Reserved Matters applications were approved for Phase 1 (ref: 17/01527/DETAIL) involving 120 dwellings in 2018 and Phase 2 (ref: 19/01475/DETAIL) involving 140 dwellings in 2019 and Phase 3 (ref: 20/00480/DETAIL) that resolved the final 100 dwellings, in 2020. Further to these Reserve Matters applications, there was land left over in the north-eastern corner of the site which has been subject of an additional application for up to 76 dwellings on this remaining land. The application (Ref: 20/00782/OUT) was approved on the 14th May 2021. Therefore, up to 436 dwellings can be built on the site.
- 6.10 The original outline consent issued in 2017 included Condition 9 that required the spine road (and new Long Road junction) to be delivered before the occupation of the 200th dwelling. In 2020, (via application 20/00458/OUT), there was a Section 73 application approved to amend this condition to change the trigger to the 260th dwelling. This application (Ref: 20/00458/OUT) included the delivery of a new mini-roundabout at the Wignall Street/Bromley Road junction at the 200th dwelling.
- 6.11 In the event of this application being positively received, a new Decision Notice shall be issued for the outline site (Ref: 20/00458/OUT for up to 360 dwellings), including where

relevant, the conditions or reserved matters approvals that have been achieved so far on site.

Proposal

6.12 This Section 73 application or 'Variation of Conditions' application seeks to vary Condition 9 (Delivery of various highways improvement works) of approved application 15/00876/OUT (corresponding Condition 6 of a recently approved variation application 20/00458/OUT). This latest proposal seeks to change the trigger for the opening of the access to Long Road before the 359th occupation. Also, the application seeks to delete parts b and c of the existing condition, while bringing forward the mini-roundabout at the Wignall Street/Bromley Road junction at the 180th dwelling.

6.13 The Existing Condition 6 of application 20/00458/OUT reads:

No more than 200 dwellings on the development shall be occupied until the following have been provided or completed:

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

b) Upgrading to current Essex County Council specification of the two bus stops which would best serve the proposal site (either Long Road and/or Wignall Street);

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

d) Upgrade to the Public Right of Way which runs through the proposal site between Long Road and Dead Lane (details shall be agreed with the Local Planning Authority prior to commencement of the development).

No more than 260 dwellings on the development shall be occupied until the priority junction with right turn lane (with two pedestrian refuge islands) in Long Road to provide access to the proposal site. Priority junction shall have minimum 10.5 metre kerbed radii with dropped kerbs/tactile paving crossing points, a minimum 6.75 metre access road carriageway with one 3 metre footway/cycleway, one 2 metre footway pedestrian/cycle refuge island and a minimum 109 x 2.4 x 120 metre clear to ground visibility splay; in accordance with Ardent Consulting Engineers drawing K297-003A.

Reason – To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking

6.14 The Proposed Condition 6 would read:

“No more than 180 dwellings on the development shall be occupied until a mini-roundabout at the junction of Wignall Street and Bromley Road as shown in principle on approved Ardent Consulting Engineers drawings K297-002C has been completed.

No more than 200 dwellings on the development shall be occupied until the upgrade to the Public Right of Way which runs through the proposal site between Long Road and Dead Lane (details shall be agreed with the Local Planning Authority prior to commencement of the development) have been completed.

No more than 359 dwellings on the development shall be occupied until the priority junction with right turn lane (with two pedestrian refuge islands) in Long Road to provide access to the proposal site. Priority junction shall have minimum 10.5 metre kerbed radii with dropped kerbs/tactile paving crossing points, a minimum 6.75 metre access road carriageway with one 3 metre footway/cycleway, one 2 metre footway pedestrian/cycle refuge island and a minimum 109 x 2.4 x 120 metre clear to ground visibility splay; as shown in principle on Ardent Consulting Engineers drawing K297-003A.

Reason – To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.”

Note – The description of development has changed from that first submitted. Originally, the applicant wanted the removal of parts b), c) and d) of the original Condition 6 of application 20/00458/OUT. However, the applicant dropped the requirement to removal part d) during the course of the application. Essentially this aspect is remaining as was approved. This change of description has not been re-consulted on, as the changes are inconsequential to the development. The retention of part d) of the original condition remains. Furthermore, no comments have been received relating to the possible removal of part d) of the Condition.

To reiterate, part d) of condition 6 of application 20/00458/OUT reads as follows:

No more than 200 dwellings on the development shall be occupied until the upgrade to the Public Right of Way which runs through the proposal site between Long Road and Dead Lane (details shall be agreed with the Local Planning Authority prior to commencement of the development) have been completed.

This will remain as written and this is not being removed or altered as part of this application.

Principle of the Development and Justification

- 6.15 As the outline planning permission was approved in 2015, the principle of having up to 360 dwellings in this location is not contested. Neither is the access for these dwellings from Bromley Road and Long Road as this was approved under the original outline permission. Separately the additional ‘uplift’ application for 76 dwellings was approved

in the north east corner of the site in 2020 also with access from Long Road and Bromley Road. Thus, in total 436 dwellings can be built across this site.

6.16 However, it is not envisaged that any more than 359 dwellings will be occupied before the Long Road access is installed. This is chiefly due to the fact that the 'uplift' application (Ref: 20/00782/OUT) included the following condition 6:

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

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

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

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

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

6.17 Part a) of the condition above attached to the 'up lift' application (Ref: 20/00782/OUT) ensures that *no dwellings* can be occupied before the Long Road junction is installed.

6.18 The Transport Statement (TA) submitted with the current application shows the highways analysis of existing traffic movements and factors in both pending and consented schemes in the area (including the uplift on site of 76 dwellings via application 20/00782/OUT and the increase in school public numbers at nearby Lawford Primary School). The TA confirms that the existing junction of The Avenue can accommodate the entire quantum of development on the Lawford Green site. The TA also states that the Wignall Street priority T-junction is predicted to operate 'close to or above practical capacity' in the weekday morning peak. However, the mini-roundabout increases the capacity of the Wignall Street/Bromley Road junction to a sufficient extent to accommodate all the additional traffic movements.

6.19 The applicant states that if the spine road to Long Road were to be installed early, it would require extensive flanking security fencing to keep the construction site safe. It would also require constant wheel-washing as deliveries and plant traversed the spine road. Such an arrangement would not be beneficial for health and safety for residents and construction traffic to mix. The construction of Lawford Green seeks to "back-fill" the development from west to east. This strategy ensures that new residents don't have to endure construction traffic along the streets outside their new house.

6.20 As part of this development, Rose Builders have proposed that the mini-roundabout be delivered 20 homes earlier (prior to the 180th occupation). This equates to about 6 months sooner than currently approved. The mini-roundabout will benefit the whole of Lawford and not just residents on the site.

6.21 Parts (b) and (c) of the existing Condition 6 of application 20/00458/OUT are proposed to be deleted for the following reasons:

- Part (b) has already been delivered and is therefore no longer necessary in the condition.
- Part (c) is covered by the wording in the second paragraph of this condition and this element cannot be delivered before the bellmouth of the new Long Road junction is delivered.

Officers accept these reasons and offer no objection.

The applicant has confirmed that Part d) of Condition 6 relating to the Public right of Way crossing the site shall remain unchanged as part of this application.

6.22 For these reasons set out above the applicant wishes to delay the opening of the new junction with Long Road and alter the wording of the existing Planning Condition. There is no technical objection for this proposal and it will include a benefit for the local road network in terms of the early delivery of the mini roundabout. In terms of construction access, this application does not fetter the Local Authorities discretion to deal with any Construction Method Statement for phase 3, which is covered by a separate planning condition and must be discharged before construction starts on phase 3.

6.23 The justification for the proposed delayed opening of the new junction and removal of parts b) and c) is considered reasonable in planning and housing delivery terms.

Highway safety and junction capacity

6.24 Paragraph 108 of the NPPF states, when assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

6.25 Paragraph 109 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 6.26 Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. Policy TR1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic including the capacity of the road network. Policy CP2 in the emerging Local Plan states proposals which would have any adverse transport impacts will not be granted unless these are resolved, and the development made acceptable by specific mitigation measures.
- 6.27 Of key importance, is whether the existing and proposed highway junctions nearby can deal with the increased traffic flows that the delayed opening of the junction with Long Road would create.
- 6.28 To help in the decision making process, this application has included a Transport Assessment (TA) from Ardent Consulting Engineers. The TA calculated the predicted traffic flows for the weekday morning, school finish and evening peak hours at both the Bromley Road / The Avenue entrance junction and the Wignall Street/Bromley Road nearby main distributor junction. The TA took into consideration the predicted traffic flows of the host development together with other developments in the wider local area including at East Bergholt, Brantham and Mistley. This included the uplift in numbers at the local school as detailed in paragraph 1.18 of the Transport Assessment.
- 6.29 The TA concludes the Bromley Road/The Avenue site access junction without mitigation (in terms of the mini roundabout) would be close to or above practical capacity. However, the proposed mini roundabout at the Wignall Street/Bromley Road junction would increase capacity resulting in the road network being able to accommodate the predicted flows with the development accessed solely from Bromley Road.
- 6.30 Officers are content that there is sufficient justification for the delay in opening the link road to Long Road. Within the original 'reason' for applying Condition 9, the rationale focused on highway efficiency and the delivery of infrastructure to promote sustainable journeys, rather than by private car. The reason is given below:
- Reason - To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.*
- 6.31 Whilst minor delays at the Wignall Street junction will be created, they are deemed to be within acceptable limits. Essex County Council Highways has agreed with the TA findings and have not objected to the current proposal. The earlier provision of a new mini roundabout between Wignall Street/Bromley Road is a significant local benefit that was not previously included in the original 2017 outline permission. The application is considered to protect highway efficiency of movement and safety to an acceptable degree. Given there are no changes to the Public Rights of Way delivery there is no reduction in the promotion of sustainable modes of transport through the build out of the development.
- 6.32 Note - ECC Highways have not commented on the latest revision to the description of development that retains part d) of the original approval, namely:

No more than 200 dwellings on the development shall be occupied until the upgrade to the Public Right of Way which runs through the proposal site between Long Road and Dead Lane (details shall be agreed with the Local Planning Authority prior to commencement of the development) have been completed.

This has not altered from the original and 2020 revised application, therefore the ECC Highways did not need to be consulted again as they have not objected to that trigger point previously.

- 6.33 In view of the above, there are no grounds to object to the application on highways safety grounds since the impact is not “severe” as stated in paragraph 109 of the NPPF. These findings have been accepted by Essex Council Highways.

Residential Amenity

- 6.34 Officers have sympathy with the objectors who raised concerns with regards to additional traffic flows at the Wignall Street/Bromley Road junction and also via the access to the host site via Bromley Road. However, the facts in relation to junction capacity have been demonstrated in the TA and been accepted by Essex County Highways. The impact on residential amenity is considered modest from having traffic using the Bromley Road/The Avenue access and exits points until the 360 dwelling occupation. This is, in effect 160 dwellings more than what was originally intended. Importantly, reaching this decision the earlier provision of the mini roundabout with Wignall Street/Bromley Road (being delivered by the 180th occupation) would allow for a faster easing of congestion at this junction.
- 6.31 Officers would stress that the local area is the beneficiary of a high quality housing development. Such developments shall likely have a positive effect on local jobs and services. Also, it is likely that residents may decide to walk to the nearby Primary School given the site circumstances.
- 6.32 Overall, when taking into account the mini roundabout junction improvements proposed, the wider public benefits outweigh any short / medium term loss of residential amenity from traffic noise and fumes etc. On balance, officers do not consider resisting the proposed variation of condition would be in the wider public interest, especially given the early delivery of the mini roundabout at the Wignall Street/Bromley Road junction.

Other Matters

- 6.33 This application is not considered to have any impact on the appearance, layout, scale or landscape of the site or the wider Reserve Matters approvals on site for each phase.
- 6.34 As a S73 application effectively creates a new planning permission, it is necessary to update all the conditions to reflect where conditions have been discharged, sometimes in whole and sometimes in part.
- 6.35 The original outline application was also approved with a signed Section 106 document to secure:

- On-site Council Housing/Affordable Housing (14 Houses ‘Gifted’ to TDC, these are within Phase 2);
- Education contribution and/or land for school expansion;
- Health contribution;
- Community facilities;
- Completion and transfer of public open space;
- Contribution towards off-site traffic management measures at the A137 railway crossing; and
- Contribution towards monitoring impacts on the Stour Estuary. Access was also considered and approved as part of the outline application

A new Deed of Variation is in the process of being signed that shall ensure the original details in the Section 106 document are honoured.

7. Conclusion

- 7.1 Officers believe the proposal is an acceptable variation of planning condition that will assist in achieving/maintaining a 5-year Housing Land Supply, and the NPPF requirement to significantly boost the provision of housing land within the District.
- 7.2 The application has no impact on the, appearance, layout, landscaping or scale of the approved development. Matters relating to access, namely the delaying of the opening of the access to Long Road, have been adequately been assessed by Officers with regards to amenity impacts and by Essex County Council Highways Department with regards to Highways capacity and safety.
- 7.3 Ultimately, the proposals brings forward much-needed housing in a manner that is considered non-objectionable from a highway safety and capacity perspective. Any impact on residential amenity shall be short lived and temporary in nature.

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 deed of variation to the original legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990.

8.2 Conditions and Reasons

1. All applications for approved reserve matters shall be in accordance with the approved master plan and phasing plan / program agreed under application 18/00304/DISCON unless otherwise previously agreed in writing with the Local Planning Authority.

Reason - The application is in outline and is for a large development likely to be delivered in phases for which the detail will need to accord broadly with the parameters established at outline stage.

2. Approval of the details of the siting, design and external appearance of the dwellings, the means of access thereto and the landscaping of the site (hereinafter called “the

Reserved Matters”) shall be obtained for each agreed phase of the development before any development on such phase is commenced.

The development shall be carried out in accordance with any such approval unless agreed in writing by the Local Planning Authority. To date the development shall be implemented in accordance with the details approved in the following applications:

| | |
|---------|--|
| Phase 1 | Reserve Matters Approval 17/01527/DETAIL |
| Phase 2 | Reserve Matters Approval 19/01475/DETAIL |
| Phase 3 | Reserve Matters Approval 20/00480/DETAIL |

Also, in association with the following alterations to these approved details within the following applications:

- 19/01498/NMA Non Material Amendment to approval of 15/00876/OUT for substitution of "Cornelia" house type for "Barbier" house type at plots 86-87, 90-93, 100-101. Proposed substitution of "Cornelia" house type for "Cornelia Variation" housetype at plots 54-57. Change of rear and side elevations, and internal layout to "Alexander" house type at plots 75-79.
- 19/01751/DETAIL Reserved matters application following outline permission 15/00876/OUT - Application to substitute "Cornelia" house type for "Barbier" house type at plots 86-87, 90-93, 100-101 as previously approved by 17/01527/DETAIL. Proposed substitution of "Cornelia" house type for "Cornelia Variation" housetype at plots 54-57. Change of rear and side elevations, and internal layout to "Alexander" house type at plots 75-79.
- 19/00211/FUL Re-location of approved electrical substation (retrospective) and parking spaces.
- 20/00178/NMA Non Material Amendment to approval of 15/00876/OUT for substitution of plots 39, 60 and 81 from "Braithewaite Variation" house type to "Braithewaite" house type. Hand plot 63.
- 21/00741/NMA Application for a Non-Material Amendment to Planning Permission ref: 15/00876/OUT dated 13/04/2017 for the proposed substitution of the hipped Albertine for the gabled Albertine house type
- K287-002C Proposed Mini Roundabout Details

Approval of the details of the siting, design and external appearance of the dwellings, the means of access thereto and the landscaping of the site (hereinafter called "the Reserved Matters") shall be obtained for each agreed phase of the development before any development on such phase is commenced. The development shall be carried out in accordance with any such approval.

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

3. The development shall be in general conformity with the principles set out on the submitted drawing entitled Land Use Audit, dated 21/01/16 unless otherwise previously agreed in writing with the LPA.

Reason – To establish reasonable limits to the layout of the development in the interests of good design, layout, appearance and residential amenity.

4. The maximum number of dwellings to be contained in the development shall be up to (but no more than) 360 dwellings.

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

5. Unless otherwise agreed in writing with the Local Planning Authority, the Construction Management for Phase 1 and Phase 2 shall be implemented in accordance with the details approved in the following discharge of condition applications:

18/00304/DISCON and 18/01548/DISCON (Phase 1) and 19/01698/DISCON (Phase 2)

Prior to the commencement of development in any other defined phase of the approved development, a construction management plan for that phase, to include but shall not be limited to details of wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The relevant phase of the development shall be constructed in accordance with the agreed plan.

Reason - To protect highway efficiency of movement and safety.

6. No more than 180 dwellings on the development shall be occupied until a mini-roundabout at the junction of Wignall Street and Bromley Road as shown in principle on approved Ardent Consulting Engineers drawings K297-002C has been completed.

No more than 200 dwellings on the development shall be occupied until the upgrade to the Public Right of Way which runs through the proposal site between Long Road and Dead Lane (details shall be agreed with the Local Planning Authority prior to commencement of the development) have been completed.

No more than 359 dwellings on the development shall be occupied until the priority junction with right turn lane (with two pedestrian refuge islands) in Long Road to provide access to the proposal site. Priority junction shall have minimum 10.5 metre kerbed radii with dropped kerbs/tactile paving crossing points, a minimum 6.75 metre access road carriageway with one 3 metre footway/cycleway, one 2 metre footway pedestrian/cycle refuge island and a minimum 109 x 2.4 x 120 metre clear to ground visibility splay; as shown in principle on Ardent Consulting Engineers drawing K297-003A.

Reason – To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking

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

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

8. Unless otherwise agreed in writing with the Local Planning Authority, the surface water drainage scheme for Phase 1, Phase 2 and Phase 3 shall be implemented in accordance with the details approved in the following discharge of conditions application:

18/00304/DISCON (Phase 1) and 19/01698/DISCON (Phase 2) and 20/00773/DISCON (Phase 3)

No other defined phase of the approved development shall take place until a surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. All phases of the development shall subsequently be implemented in accordance with the approved details.

In particular the drainage scheme shall include:

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

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

9. Unless otherwise agreed in writing with the Local Planning Authority, the foul water drainage scheme for Phase 1, Phase 2 and Phase 3 shall be implemented in accordance with the details approved in the following discharge of condition applications:

18/00304/DISCON (Phase 1) and 19/01698/DISCON (Phase 2) and 20/00773/DISCON (Phase 3)

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

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

10. Unless otherwise agreed in writing with the Local Planning Authority, the hard and soft landscaping scheme for Phase 1, Phase 2 and Phase 3 shall be implemented in accordance with the details approved in the following discharge of conditions application:

18/00304/DISCON & 19/00900/DISCON (Phase 1), 19/01698/DISCON (Phase 2) and 21/00859/DISCON and 20/00773/DISCON (Phase 3)

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

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

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

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

12. Unless otherwise agreed in writing with the Local Planning Authority, the ecological mitigation, management and enhancement for Phase 1, Phase 2 and Phase 3 shall be implemented in accordance with the details approved in the following discharge of condition applications:

18/00304/DISCON (Phase 1) and 19/01698/DISCON (Phase 2) and 20/00773/DISCON (Phase 3)

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

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

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

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

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

13. Unless otherwise agreed in writing with the Local Planning Authority, the tree protection measures for Phase 1, Phase 2 and Phase 3 shall be implemented in accordance with the details approved in the following discharge of conditions applications:

18/00304/DISCON (Phase 1) and 20/01337/DISCON (Phase 2) and 20/00773/DISCON (Phase 3)

No other defined phase of the development shall commence until details of tree protection measures, including during the construction phase, for that phase, have been submitted to and approved in writing by the Local Planning Authority and such measures as approved shall be implemented fully in accordance with such requirements.

Reason – In order to ensure the protection of trees, in the interests of local and residential amenity.

14. A. The Written Scheme of Investigation for Phase 1, Phase 2 and Phase 3 shall be implemented in accordance with the approved details within the following discharge of condition applications:

18/00750/DISCON (Phase 1) and 19/01698/DISCON (Phase 2) and 20/00773/DISCON and 21/00026/DISCON (Phase 3)

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

B. The archaeological fieldwork for Phase 1, Phase 2 and Phase 3 has been approved by the Local Planning Authority within application 18/00750/DISCON, 19/01698/DISCON and 20/00773/DISCON. These works have been fully implemented. No development or preliminary groundwork can commence on those other phases of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the Local Planning Authority.

C. The post-excavation assessment for Phase 1 has been approved by the Local Planning Authority within application 19/00274/DISCON. Following completion of the archaeological fieldwork on other phases, the applicant will submit to the Local Planning Authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the Local Planning Authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

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

15. Unless otherwise agreed in writing with the Local Planning Authority, the lighting, refuse storage/collection point and the manufacturer and types and colours of the external facing and roofing materials for the dwellings in Phase 1, Phase 2 and Phase 3 shall be implemented in accordance with the details approved in the following discharge of condition applications:

18/00304/DISCON & 18/01094/DISCON (Phase 1) and 19/01698/DISCON (Phase 2) and 20/00773/DISCON (Phase 3)

Within any other defined phase of the scheme, no development shall commence until precise details of lighting, refuse storage/collection points and the manufacturer and types and colours of the external facing and roofing materials for the dwellings to be used in the construction of that phase have been submitted to and approved, in writing, by the Local Planning Authority. Such lighting, refuse points and materials so approved shall be those used in the development.

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

16. Unless otherwise agreed in writing with the Local Planning Authority, the Construction Management Plans of Phase 1 and 2 shall be implemented in accordance with the approved details within the following discharge of condition applications:

18/00304/DISCON (Phase 1), 19/01698/DISCON (Phase 2) and 20/01597/DISCON

Within any other defined phase of the development, none of the development shall take place before a method statement for the construction of the development within that phase has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works for the relevant phase of the scheme shall be carried out in accordance with the approved method statement.

Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel cleaning facilities during the excavation, site preparation and construction stages of the development. The method statement shall also include details of the loading and unloading of plant and materials, details of the piling method, hours of construction, dust suppression strategy, means of recycling materials, noise and vibration mitigation techniques, lighting to be used during construction showing light spill to neighbouring properties (with methods to be employed to prevent nuisance if required), the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

Reason - To ensure that development is carried out in a controlled manner while minimising impacts on the surrounding residential properties and also in the interests of highway safety.

17. Within the hereby permitted development, no dwelling shall be occupied until a high-speed broadband connection is installed utilising resistant tubing to that dwelling. Unless otherwise agreed in writing with the Local Planning Authority, all connections shall be in accordance with the details set out in the GTC letter dated 4 July 2017. If the applicant is unable to achieve this standard of connection, and can evidence through consultation that this would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 24mbps) wireless service will be considered acceptable.

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

18. Unless otherwise agreed in writing with the Local Planning Authority, the development shall be built in accordance with the Local Recruitment Strategy documented within approved application 18/00750/DISCON.

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

19. Unless otherwise agreed in writing with the Local Planning Authority, the development shall be built in accordance with the Resource Efficiency Measures Specification Statement documented within approved application 18/00304/DISCON.

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

20. Unless otherwise agreed in writing with the Local Planning Authority, the land contamination and remediation strategy of Phases 1, 2 and 3 shall be implemented in accordance with the approved details within the following discharge of conditions applications:

18/00750/DISCON (Phase 1) and 19/01698/DISCON (Phase 2) and 20/00773/DISCON (Phase 3)

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

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

8.1 **Informatives**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informatives

1: 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 |

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

3. This new permission sits alongside the original permission, 15/00876/OUT and Section 73 application 20/00458/OUT, both of which remain intact and unamended. It is open to the applicant to decide whether to implement the new permission or the other two cases.