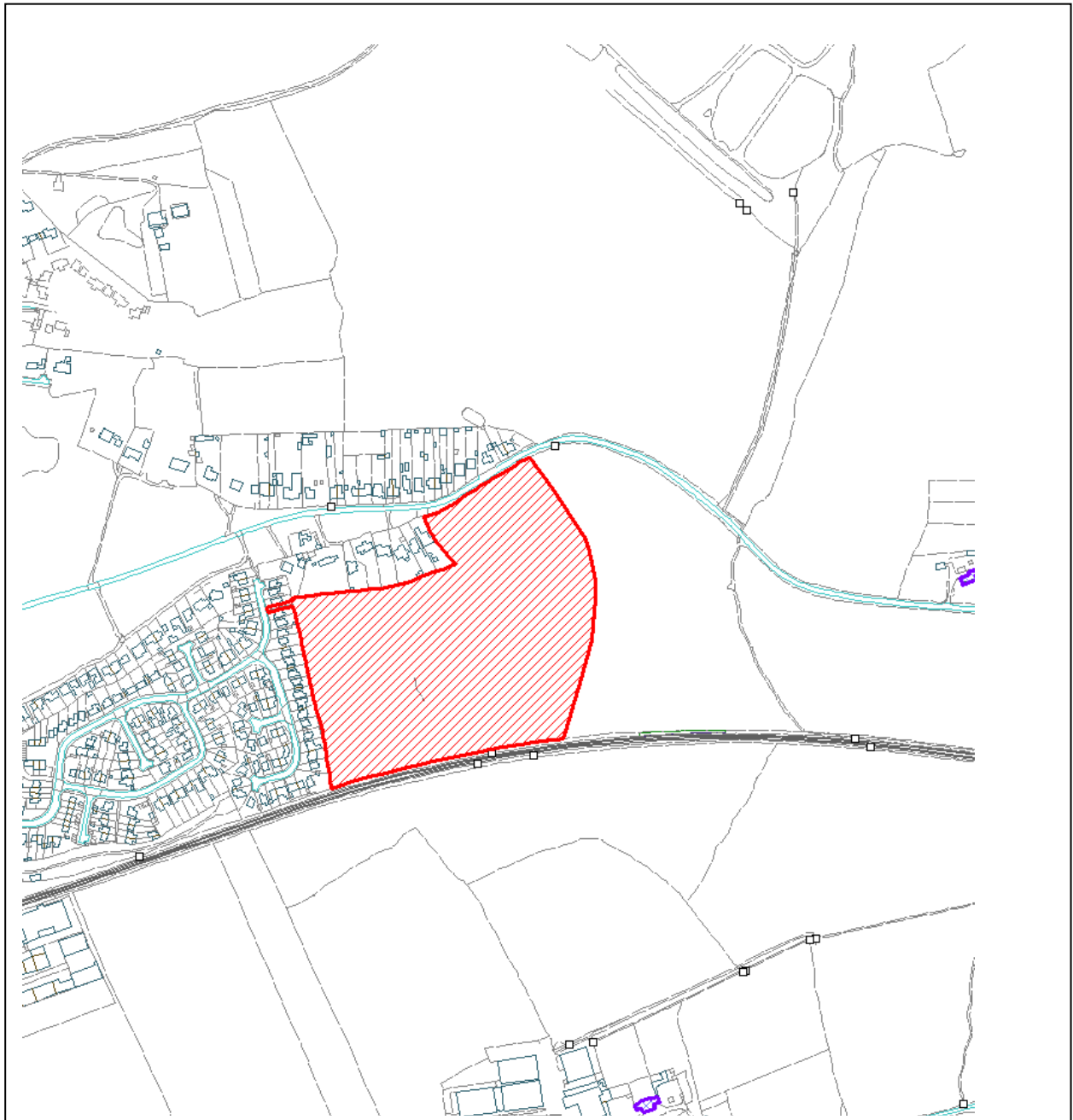


**PLANNING COMMITTEE**

**12<sup>th</sup> April 2022**

**REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING**

**A.1 PLANNING APPLICATION – 21/00977/DETAIL – LAND TO THE SOUTH OF WEELEY ROAD AND TO THE EAST OF BIRCH AVENUE AND PINE CLOSE GREAT BENTLEY**



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**Application:** 21/00977/DETAIL

**Town / Parish:** Great Bentley Parish Council

**Applicant:** Taylor Wimpey London

**Address:** Land to The South of Weeley Road and to The East of Birch Avenue and Pine Close Great Bentley

**Development:** Proposed application for approval of all reserved matters including access, layout, scale, appearance and landscaping in relation to outline planning application for up to 136 dwellings, allowed on appeal (ref APP/P1560/W/19/3231554) dated 15/05/2020.

## 1. Executive Summary

1.1 This application was originally brought before Planning Committee on the 21st December 2021. Updates to the report are shown in bold text throughout.

1.2. The application was deferred for the following reasons:

- The footpath link to Birch Avenue as proposed was too narrow to be considered acceptable in principle
- Retention of Oak trees in the field
- Visibility splays to access
- Archaeological exploration
- Clustering of affordable housing to be reconsidered and better 'pepper potted' across the development
- Consideration to be given to extending 30mph speed limit to the east along Weeley Road

In response to these points, the following updates can be made:

### 1.3 Footpath Link

The applicant has agreed to purchase the dwelling 76 Birch Avenue. Therefore, the constrained width of the footpath and cycle connection has been resolved. The applicant is now able to comply with the condition applied to the outline consent as demonstrated in the amended plans submitted with this application.

### 1.4 Retention of two Oak trees in the site

The two large mature Oaks situated in the western portion of the site were included in the submitted tree report. They have both been classified as B-category trees due to the presence of decay at the base of each tree. In addition, the Council's Tree and Landscape Officer has visually inspected these trees on three separate occasions to assess their condition. He has concluded that whilst the trees are clearly visible from the adjacent highway and are prominent features in their setting, they have a limited, safe, useful life expectancy, resulting from decay in the main stems of both trees. For this reason, the trees do not meet the

criteria under which they merit formal legal protection by means of a Tree Preservation Order. Consequently they are not a physical constraint on the development potential of the site.

The landscaping proposals for the site include provision for over 100 new trees to be planted, Officers therefore conclude no objection to the loss of the two Oaks.

#### **1.5 Visibility splays to access**

The Highway Authority have requested visibility splays of 2.4 metre setback with 90 metres in each direction from the proposed access with Weeley Road. These visibility splays would accord with the requirements in the Design Manual for Roads and Bridges (DMRB). Given the location of the proposed site access, and proximity to a change in speed limit from 60mph to 30 mph, the Highway Authority have required the more onerous 90m visibility splay contained in DMRB to be provided, rather than the 57 metre visibility splay for traffic speeds of up to 37 mph in Manual for Streets (2007).

The Highway Authority have no objection subject to additional conditions, which include moving the existing 30 mph sign, 50 metres to the east.

#### **1.6 Archaeological exploration**

A Desk Based Assessment and a geophysics survey have been carried out. These reports have not identified any features of archaeological origin, the results of the geophysics will need to be assessed through a programme of targeted trial trench evaluation. ECC Archaeology have recommended additional conditions which are included within the recommendation.

#### **1.7 Clustering of affordable housing to be reconsidered**

Officers consider the placement of affordable homes complies with Policy LP5, whereby no more than 10 affordable homes are clustered together. The affordable units are currently spread across the western part of the site and interspersed by market homes. This has not been amended.

#### **1.8 Consideration to be given to extending 30mph speed limit to the east along Weeley Road**

ECC Highways have recommended moving the existing 30mph sign 50 metres to the east of the proposed access. However, this is covered by a 'Speed Limit Order' process or 'Traffic Regulation Order' which is a separate statutory process that can attract comment/objections and that outcome cannot therefore be pre judged. Nevertheless, the ECC Highways Network Assurance Manager has agreed the use of the planning condition in this case, subject to the 'Speed Limit Order' process being followed.

In any event, the current visibility splays with the existing road signage remaining in place is well in excess of what is expected in a 30mph zone, as outlined in the Manual For Streets. ECC Highways have no objection to the visibility splays proposed with the current road signage remaining in place.

## Other Updates

- 1.9 **The applicant has made some minor amendments to the scheme including the repositioning of some car parking to allow the required electric vehicle charging infrastructure. In addition, Plots 3 and 4 facing Weeley Road have been enhanced to improve the street scene. The roof now incorporates a gable and render has been added to the front elevation.**
- 1.10 This application was referred to Planning Committee at the request of the Assistant Director of Planning as the original outline application was refused by the Local Planning Authority and the decision was overturned by the Planning Inspectorate.
- 1.11 The current application seeks approval of the reserved matters relating to outline planning permission 17/0881/OUT, which granted planning permission for the erection of up to 136 dwellings with access from Weeley Road, informal recreation space, a local area of play and associated development. This application includes details of appearance, landscaping, access, layout and scale which were not included as part of the outline.
- 1.12 As established through the granting of outline application 17/0881/OUT the principle of residential development for up to 136 dwellings on this site is acceptable. The detailed design, layout, landscaping, access and scale are considered acceptable. The proposal would result in no material harm to residential amenity or highway safety.
- 1.13 The application is therefore recommended for approval subject to a legal agreement to secure the management of the open space, drainage features, landscaping and non-adopted highway network.

### **Recommendation:**

That the Assistant Director for Planning be authorised to grant planning permission for the development subject to:-

- a) Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):**

#### Drainage

- ensuring the drainage feature outside the red line boundary (subject of application 21/00978/FUL) are linked to this application and have to be constructed and fully operational before any dwelling on the host site is occupied.
- the long-term maintenance of the drainage features outside of the red line boundary (subject of application 21/00978/FUL)

Landscape Management Company to include maintenance of:

- Link Path to Birch Avenue including fencing
- Non adoptable Highway (roads, paths and pavements)
- Landscaping Buffers and wider landscaping including pedestrian link to the North East)
- Public Open space

b) Subject to the conditions stated in section 8.2

c) That the Assistant Director for Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

## 2. **Planning Policy**

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

*National Planning Policy Framework July 2021 (NPPF)*

*National Planning Practice Guidance (NPPG)*

*Tendring District Local Plan 2013-2033 and Beyond (Section 1 adopted January 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

SP6 Infrastructure and Connectivity

SP7 Place Shaping Principles

*Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)*

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

- HP1 Improving Health and Wellbeing
- HP2 Community Facilities
- HP5 Open Space, Sports & Recreation Facilities
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP5 Affordable Housing**
- PPL1 Development and Flood Risk
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, drainage and sewage
- PPL10 Renewable Energy Generation
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network

Local Planning Guidance

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

*Essex Design Guide*

### **Status of the Local Plan**

- 2.2 Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.
- 2.3 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 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, Paragraph 11 d) of the Framework requires granting 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 (what is often termed the 'tilted balance').

- 2.4 The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

### 3. Relevant Planning History

17/01881/OUT	Outline planning permission for up to 136 dwellings, informal recreation space, a local area of play and associated development.	Refused Appeal Allowed	21.12.2018 15.05.2020
20/01176/OUT	Removal of condition 4d for planning application 17/01881/OUT (allowed at appeal APP/P1560/W/19/3231554) as off-site works no longer required.	Approved	30.11.2020
21/30012/PREAPP	Pre-application for Reserved Matters further to Outline Planning Permission reference APP/P1560/W/19/3231554 in relation to 17/01881/OUT for the residential development for up to 136 dwellings, informal recreation space, a local area of play and associated development.		10.03.2021
21/00978/FUL	Proposed engineering operations required in support of application for Reserved Matters submitted on adjacent land (136 dwellings) including attenuation basin, public footpath, access visibility and construction access.	Current	

21/01947/DISCON	Discharge of Conditions 11 (Noise survey) and 13 (Bat survey) of application APP/P1560/W/19/3231554 (17/01881/OUT)	Approved 24/02/2022
21/01949/DISCON	Discharge of Condition 10 (Contamination assessment) of application APP/P1560/W/19/3231554 (17/01881/OUT)	Current
21/02025/DISCON	Discharge of conditions 6 (foul water strategy) and 7 (detailed surface water drainage scheme) of application 17/01881/OUT, allowed on appeal APP/P1560/W/19/3231554.	Condition 6 approved 20/01/2022
22/00329/DISCON	Discharge of conditions 5 (Construction phasing plans) and 8 (Construction method statement) of application 17/01881/OUT, allowed on appeal APP/P1560/W/19/3231554.	Current
22/00333/DISCON	Discharge of conditions 9 (SuDS management plan and drainage strategy plan) of application 17/01881/OUT, allowed on appeal APP/P1560/W/19/3231554.	Current
21/01257/OUT	Variation of condition 12 of application 17/01881/OUT (allowed on appeal APP/P1560/W/19/3231554) to remove the reference within condition 12 which requires the pedestrian/cycle link between the site and Birch Avenue to be 3 metres in width. Also allowing for this link between the site and Birch Avenue to be a pedestrian link only.	Refused 22.12.2021



#### 4. Consultations

TDC  
Environmental  
Protection  
12.10.2021

TDC EP can see from the most recent submission, that their request on the previous planning phase has not been addressed.

Most recently in July of this year the EP team responded to the consultation request advising that information had not been submitted, as outlined in their PREAPP response, and without this information they were unable to confirm the appropriateness of the development in respect to Environmental Impact.

EP note information requested has still not been submitted by the applicant or their agent, and would once again request the below information is submitted for assessment, of which is the same response as that given within the PREAPP phase:

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

##### - Noise Control

1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents. 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

##### - Emission Control

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

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

Reason: In the interest of protecting residential amenity

Noise:

A noise survey shall be undertaken by a competent person for proposed residential properties that are adjacent to the railway. The survey will meet the requirements of BS 8233:2014 and include periods for daytime 0700-2300 hours and night-time 2300-0700 hours.

Reason: In the interest of protecting residential amenity

Contaminated Land:

A minimum of a desktop contaminated land report to be submitted with the full/detailed application. Investigations should be carried out to establish whether the site is contaminated in any way. Such investigations shall be carried out in accordance with a scheme which shall first be agreed in writing with the Local Planning Authority. If the investigations reveal contamination of the site, a further scheme shall be agreed in writing by the Local Planning Authority, setting out measures to ensure that the entire area of the site, in relation to soil conditions resulting from such contamination, will not be harmful or detrimental to human health, animal health, normal plant health or growth, to buildings, building surfaces or amenities. Such agreed measures shall be implemented and completed to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site.

Reason: to protect workers and end users of the site

EP can confirm that our previous comments in relation to documentation needed for this proposal have not changed.

**Natural  
England  
11.02.2022**

**Thank you for your consultation on the above which was received by Natural England on 08 December 2021**

**Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.**

### **SUMMARY OF NATURAL ENGLAND'S ADVICE - European designated sites<sup>1</sup>**

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

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

**In the context of your duty as competent authority under the provisions of the Habitats Regulations<sup>2</sup>, it is therefore anticipated that, without mitigation, new residential development in this location is 'likely to have a significant effect' on one or more European designated sites, through increased recreational pressure, either when considered 'alone' or 'in combination' with other plans and projects.**

### **NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

**We understand that you have screened this proposed development and consider that it falls within scope of the**

**Essex Coast RAMS, and that you have undertaken a Habitats Regulations Assessment (HRA) (Stage 2: Appropriate Assessment) in order to secure any necessary recreational disturbance mitigation, and note that you have recorded this decision within your planning documentation.**

**We consider that without appropriate mitigation the application would:**

- have an adverse effect on the integrity of European designated sites within scope of the Essex Coast RAMS**
- damage or destroy the interest features for which Sites of Special Scientific Interest have been notified.**

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

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

**Other advice**

#### **Sites of Special Scientific Interest Impact Risk Zones**

**The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](https://data.gov.uk) website**

**Further general advice on the consideration of protected species and other natural environment issues is provided in APPENDIX 2 of this letter.**

**ECC Highways  
29.03.2022**

**All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be**

subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.

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

1. As indicated on drawing no. 48737/C/003 E and prior to occupation of the development, the road junction / access at its centre line shall be provided with a minimum clear to ground visibility splay dimensions of 2.4 metres by 90 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

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

2. Prior to the occupation of any of the proposed development the internal road site access and footway layout shall be provided in principle and accord with drawing numbers:

- 20.1464.100 AA Amended proposed site layout.
- 20.1464.300 N Amended Parking layout plan.
- 20.1464.550 Garages - proposed floor plans and elevations.
- 48737/c/003 E Amended highway limits of adoption.
- 48737/c/006 N Amended footpath to Birch Avenue.

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

3. Prior to occupation of the development a 1.5 metre x 1.5 metre clear visibility above a height of 600mm, as measured from and along the boundary, shall be provided on both sides of each vehicular access. 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.**

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

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

**5. The development of any phase shall not be occupied until such time as a car parking and turning areas has been provided in accord with current Parking Standards. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.**

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

**6. The Cycle parking shall be provided for those dwellings without a garage in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.**

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

**7. Residential Travel Plan: Prior to first occupation of the proposed development, the Developer shall submit a residential travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall then be actively implemented for a minimum period from first occupation of the development until 1 year after final occupation. It shall be accompanied by an annual monitoring fee of £1,533 per annum, index linked, (80-449 dwellings = £1,533 per annum) - dependant on size of development to be paid to Essex County Council. All fees are index-linked with the Government's Consumer Price Index (CPI).**

**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. Prior to the first occupation of the development, the existing speed limit terminal signs to the east of the site shall**

be replaced and moved eastwards no more than 50 metres and provided with 30-mph carriageway roundel at the applicant's expense.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible, in accordance with policy DM1 and DM17.

Note: The developer will need to pay for the necessary Traffic Regulation Order in addition to the provision of the associated signing and lining.

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: 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](mailto:development.management@essexhighways.org)

2: Note: the proposed vehicular access for plots 133 and 134 shall be constructed at right angles to the proposed carriageway.

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

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

In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

**5: Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.**

**6: 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.**

**ECC Highways  
Additional  
Comment  
29/03/2022**

**The sight line specification of 2.4 metres by 90 metres**

**1. With regard to forming the access the developer is able to utilise land which is either in their control or forms part of the public highway.**

**The reserved matters approval allows matters such as access for example which were 'reserved' at the time of the outline application to be agreed in principle. As indicated previously prior to the developer carrying out any works within the highway they will be required to enter into an agreement with the Highway Authority under Section 278 of the Highway Act. At this time the developer will submit detailed design drawings to the Highway Authority for further review and road safety audit. Matters such as drainage and statutory undertakers equipment will be addressed at this detailed design stage.**

**2. The sightlines are marked on the Highway Limits of Adoption drawing numbered 48737/C/003 Revision D. As indicated previously visibility measurements are taken at 2.4m back from the carriageway edge, this is deemed to be the position of a driver without the car bonnet encroaching into the carriageway. From this point 90 metre visibility splays are required in either direction along Weeley Road and these can be provided within public highway or land within the control of the developer. Sightlines are required not only for emerging vehicles from the site to see traffic on Weeley Road but also that vehicles on Weeley Road may have sufficient advance warning of any emerging vehicles and that they may come to a stop within the specified site stopping distance (SSD), in this case 90 metres.**



The standards require that visibility splays are measured to the nearside carriageway edge on either side of the access/junction. The visibility splay effectively an envelope of visibility along the road and whilst 90 metres is shown to the west of the site access a tangential visibility splay of 2.4 metres by 41 metres is also shown. If this is provided in association with the 2.4 metre by 90 metre visibility splay this will provide a 'field' of vision to the west over the area between the two aforementioned visibility splays together with additional unencumbered visibility over the existing carriageway of Weeley Road.

Similarly to the west visibility will be available over all of the pink area forming part of the 2.4m by 90 metre visibility splay and the carriageway of Weeley Road.

**ECC Highways  
Additional  
Comment  
30/03/2022**

As indicated previously recent speed survey data captured to the east of the proposed site access and bend supports this approach. The results of that survey indicated that a 2.4m x 93m visibility splay would be acceptable. (This survey was undertaken further east of the bend).

The planning condition sought by the Highway Authority for the proposed site access required visibility splays of 90 metres in each direction along Weeley measured from a 2.4 metre set back distance the position a typical car driver would be located at without encroaching onto Weeley Road). These visibility splays would accord with the requirements contained in the Design Manual for Roads and Bridges (DMRB) for a 30 mph speed limit. The DMRB provides design guidance for trunk roads and motorways. In more recent years additional design guidance on visibility splays has emerged within two documents known as the Manual for Streets 1 and 2. This covers lower speed areas including 30 mph speed limits but where speeds are below 37 mph. The Manual for Streets allows significant reductions for the length of visibility splays but in this particular case mindful of the location of the proposed site access and proximity to a change in speed limit from the National Speed limit of 60mph to 30 mph the Highway Authority have require the more onerous visibility standards contained in DMRB to be provided. Recent speed survey data captured to the west of the site access supports this approach. (the speed survey data that was carried out within the de-restricted section further east of the proposed development that was undertaken in May 2021, westbound average 85%ile speeds heading towards the proposed access were recorded at 43.7-mph)

Finally prior to the developer carrying out any works within the highway they will be required to enter into an agreement with the Highway Authority under Section 278 of the Highway

**Act. At this time the developer will submit detailed design drawings to the Highway Authority for further review and Road Safety Audit which would ensure amongst other things that appropriate visibility splays are provided.**

**ECC Highways  
Additional  
Comment  
31/03/2022**

**Regarding the parking arrangements for the two properties in Birch Avenue, the option of one parking space per property although not ideal should be acceptable as there is no existing kerb side parking stress within the cul-de-sac plus the village has good public transport links (railway station nearby) and we have to be mindful of the appeal decision that went before in association with this aspect of the application.**

**ECC SuDS  
21.02.2022**

**Thank you for your email received on 4 February 2022 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.**

**As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15<sup>th</sup> April 2015.**

**In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:**

- **Non-statutory technical standards for sustainable drainage systems**
- **Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design**

#### **Guide**

- **The CIRIA SuDS Manual (C753)**
- **BS8582 Code of practice for surface water management for development sites.**

#### **Lead Local Flood Authority position**

**Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission 21/00977/DETAIL.**

**We also have the following advisory comments:**

- **We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features**

effectively. The link can be found below.  
<https://www.essex.gov.uk/protecting-environment>

- Please note that the NPPF now states that the aim of sequential testing is to steer new development areas with the lowest risk of flooding from any source

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

### **Summary of Flood Risk Responsibilities for your Council**

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan,

temporary refuge and rescue or evacuation arrangements);

- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

### **INFORMATIVES:**

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on

the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).

- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

• We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15<sup>th</sup> of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

TDC Building Control  
16.07.2021

No adverse comments at this time.

Anglian Water Services Ltd  
18.08.2021

Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

#### Foul Water

AW have reviewed the applicant's submitted foul drainage strategy and flood risk documentation and consider that the impacts on the public foul sewerage network are acceptable to AW at this stage. AW request that they are consulted on any forthcoming application to discharge Condition 6 of the outline planning application 17/01881/OUT , to which this Reserved Matters application relates, that require the submission and approval of detailed foul drainage information.

#### Surface Water

AW have reviewed the applicant's submitted surface water drainage information (Drainage Strategy) and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and AW are unable to provide comments on the suitability of the surface water discharge. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. A connection to the public surface water sewer may only be permitted once the requirements of the surface water hierarchy as detailed in Building Regulations Part H have been satisfied. This will include evidence of the percolation test logs and investigations in to discharging the flows to a watercourse proven to be unfeasible.

TDC Waste  
Management  
01.12.2021

Access roads used for the local authority refuse truck route to be constructed to suitable standard to allow full vehicle access to 26 tonne, 2.5 metre wide collection vehicles and including unhindered movement of wheeled refuse bins to the collection vehicle.

Properties located in private drives to present their waste and recycling at kerbside of connecting highway road.

Private drives to be constructed to suitable standard to allow free and easy movement of wheeled bins by householders and waste collection operatives.

**Waste  
Management  
08.02.2022**

**Access roads to be constructed to suitable standard to allow full access to 26 tonne, 2.5 metre wide collection vehicles.**

TDC Housing  
03/12/2021

Happy with the mix and tenure split for the affordable dwellings.

**TDC Tree  
Landscape  
Officer  
03.12.2021**

**& In terms of soft landscaping the information provided by the applicant is comprehensive and shows a good level of new planting that is sufficient to soften, screen and enhance the appearance of the development.**

**The scheme includes the planting of approximately 100 new trees and makes provision for the planting and maintenance of boundary landscaping as a buffer zone between the new development and existing adjacent properties.**

**With regard to public concerns regard the two large mature oaks situated in the main body of the land; these trees were included in the tree report submitted by the applicant in support of the application. In addition to this I have visually inspected them on three separate occasions to assess their health and condition and to see if they could be retained.**

**Whilst the trees are clearly visible from the adjacent highway and are prominent features in their setting they have a limited safe useful life expectancy resulting from decay in the main stems of both trees. For this reason the trees do not meet the criteria under which they merit formal legal protection by means of a Tending District Council and consequently they are not a physical constraint on the development potential of the application site.**

Essex Police  
07/12/2021

Essex Police wish to make an observation with regard planning application 21/00977/Detail, land to The South of Weeley Road and to The East of Birch Avenue and Pine Close Great Bentley in respect of the potential for Designing Out Crime in pursuance of the guidance offered within National Planning Policy Framework (NPPF).

The applicant and the Essex Police have been involved in constructive consultation; Essex Police is content the ethos of

ECC Ecology  
09/12/2021

Crime Prevention Through Environmental Design (CPTED) is being addressed adequately within this development.

No objection subject to securing biodiversity mitigation and enhancement measures

#### Summary

ECC Ecology have reviewed the Preliminary Ecological Appraisal (EECOS, June 2021), Bat Surveys (EECOS, September 2021), Reptile Survey (EECOS, September 2021) and Biodiversity Net Gain Assessment (EECOS, December 2021) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats. A letter from EECOS, dated 25th November 2021, was also considered. This letter assured us that the area impacted by the drainage proposals has been covered by an ecological survey.

A previous holding objection was placed on the residential development application 21/00977/DETAIL due to missing ecological information associated with Otter, Water Vole, farmland birds and Priority habitats (River) (Place Services, 2nd December 2021). However, these potential impacts have been covered in an application for the adjacent land setting out details of the required drainage for the residential development (21/00978/FUL)

A hydrobrake will be installed in the culvert to limit the amount of water entering Weeley Brook from the proposed SuDS which will negate any potential impacts on Otter and Water Vole. Although additional land for nesting Skylark cannot be secured through these applications, provision of undisturbed and open wildflower areas will increase the foraging capacity of the arable field for farmland birds including Skylark.

The legal agreement secured at outline stage is being updated to secure Public Open Space (POS) within the development and will also include the link from the residential site to existing recreational areas in the vicinity of the site.

ECC Ecology are now 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 Preliminary Ecological Appraisal (EECOS, June 2021), Bat Surveys (EECOS, September 2021) and Reptile Survey (EECOS, September 2021) should be secured and implemented in full. This is necessary to conserve and

enhance protected and Priority species particularly bats, Badger, reptiles and nesting birds.

All ecological conditions of the Appeal for the outline application (ref APP/P1560/W/19/3231554) have been met; updated bat surveys have been undertaken, integrated bat boxes have been included in the design and precautionary measures for vegetation clearance on site have been set out.

The biodiversity enhancement measures for the residential development and drainage area including the recommendations in the Biodiversity Net Gain Assessment (EECOS, December 2021), have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). These reasonable biodiversity enhancement measures should be laid out in a Biodiversity Enhancement Layout and secured by a condition of any consent. This document should also include a map showing which areas will be sown/planted with the wildflower mixes and native shrubs.

We agree that the areas of wildflower grassland should not be accessible to members of the public and should be retained and managed for wildlife in perpetuity. A Landscape and Ecological Management Plan (LEMP) should be produced to outline how this will be achieved. This LEMP should be secured by a condition of any consent.

Although recently updated, the Biodiversity Net Gain calculation does not seem to include the baseline condition of the additional arable field needed for the drainage works but does include the proposed habitat creation within and around the SuDS. The proposed gardens could also be included in this assessment. An updated Biodiversity Net Gain report, including these details, should be secured by 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 as updated by the Environment Act 2021.

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

ECC Ecology recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

## 1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS



"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (EECOS, June 2021), Bat Surveys (EECOS, September 2021) and Reptile Survey (EECOS, September 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) as updated by the Environment Act 2021.

3. PRIOR TO COMMENCEMENT: UPDATED BIODIVERSITY NET GAIN DESIGN STAGE REPORT

1.

An Updated Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), shall be submitted to and approved in writing by the local planning authority which provides a minimum of not net loss using the DEFRA Biodiversity Metric 3.0 or any successor. The content of the Biodiversity Net Gain report should include the following:

- Baseline data collection and assessment of current conditions on site for both the residential development and drainage area;
- A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity;
- Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
- Details of the implementation measures and management of proposals;
- Details of the monitoring and auditing measures.

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

Reasons: In order to demonstrate measurable net gains and allow the LPA to discharge its duties under the NPPF (2021) as updated by the Environment Act 2021

### 3. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (EECOS, June 2021), Bat Surveys (EECOS, September 2021), Reptile Survey (EECOS, September 2021) and Biodiversity Net Gain Assessment (EECOS, December 2021), shall be submitted to and approved in writing by the local planning authority.

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

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

### 4. PRIOR TO OCCUPATION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

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

The content of the LEMP shall include the following:

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

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

objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021

#### 5. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

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

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

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021

**ECC**  
**Archaeology**  
**29/03/2022**

**The application is for approval of all reserved matters including access, layout, scale, appearance and landscaping in relation to outline planning application for up to 136 dwellings, allowed on appeal (ref APP/P1560/W/19/3231554) dated 15/05/2020.**

**A number of cropmark complexes in the surrounding area attest to the archaeological potential of the area of the proposed development. These include ring-ditches of probable Bronze Age date, settlement enclosures and trackways of later prehistoric or Roman date and probable medieval field boundaries.**

**Archaeological investigation to the north has demonstrated the survival of medieval archaeological remains and residual prehistoric archaeological remains. Recent excavation less**

than 500m to the north has revealed significant Late Iron Age/Roman activity, including weaving and metalworking, indicating a nearby settlement. Historic maps reveal a number of former field boundaries which are no longer extant and a historic pond, still visible through aerial photography.

Since the original application was submitted there has been a number of archaeological investigations carried out in the vicinity of the application site which has provided greater detail on the nature and survival of archaeological remains within the area. A Desk Based Assessment has been completed and a geophysics survey has been carried out within the site which has not identified any features of archaeological origin, the results of the geophysics will need to be assessed through a programme of targeted trial trench evaluation.

The following recommendations are made in line with the National Planning Policy Framework (Para 205):

**RECOMMENDATION: Archaeological trial trench evaluation**

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.

3. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This 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.

Public Open  
Space  
29/03/2022

We can confirm that we are happy with the proposed design and layout of the LAP and this will serve not only the proposed development but also cater for toddlers of the surrounding area. There is a LEAP on located at Heckfords Road in Great Bentley village which available for older children.

**5. Representations**

5.1 Great Bentley Parish Council object to the application for the following reasons:

- Disappointed with the examples of the illustrative drawings that are being proposed;
- The vernacular is plain, poorly conceived and our view overly simplistic and therefore inappropriate in this location;
- The Parish would like to see better quality design with a much better palate of materials and textures, including quality brickwork with white cement jointing;
- Rendered and timber materials and detailing would also be appropriate;
- It is particularly important that the place setting is enhanced at the frontage of the site and we would be pleased to see greater architectural quality and emphasis spent in terms of both hard and soft landscaping;
- It is important to us that the visual impact is improved across the long views from both the South and the East.

5.2 42 letters of objection have been received which raise the following concerns regarding the proposal:

- It does not respect the local context and street pattern and increases the density of building within what is currently an open countryside;
- building behind the established property lines of Weeley Road, Birch Avenue and Pine Close, there would be an unsympathetic change to the established character of the area;
- significant overshadowing and loss of privacy to the established properties;
- significant increase of traffic through the village green and Weeley Road to the highway network;
- Shair Lane junction to the A133 is not suited to the increase in traffic volume;
- additional traffic through the village, which already has significant traffic and parking issues;
- trees previously proposed for planting along the northern boundary have been removed from the plan;
- The link to Birch Avenue should be wide enough to provide a safe and convenient route for all users, pedestrians, cyclists, prams, mobility scooters;
- Visibility splays is a major safety issue for this access;
- A Restrictive Covenant is in place for 74 and 76 preventing any fencing beyond the front elevation of the houses;
- The access should conform to Highways guidance;
- There is a concentration of affordable housing on the north western area of the plot. Shouldn't these be equally distributed throughout the whole site?
- Residents of Pine Close who will be overlooked by properties built at the bottom of their short rear gardens;
- There is no proposed buffer zone and the laurels will be within the gardens of the new houses with nothing to stop the new residents pulling them up if they are so inclined. The buffer zone should be reinstated;
- There is no assurance that this planting will remain;
- The Inspector made his decision having had sight of a copy of option agreements to purchase 74 Birch Avenue and not based on an agreement to buy only the garage of 74 Birch Avenue;
- The property designs could be improved and a better palette of materials, textures and brickwork should be used;

- The surroundings roads are not suitable to cope with the extra traffic and dangers this brings, this will bring. The amenities are not sufficient;
- Noise will also be an issue with these plots gardens close to our boundary and our neighbours;
- All the small affordable housing squashed into one area backing the existing properties in Birch and Pine Close and all the larger aesthetically pleasing houses at the start of the main entrance;
- Great Bentley and the local area's infrastructure is already struggling;
- No benefit for the village of Great Bentley;
- Overlooking to neighbouring residential properties;
- Overdevelopment of the site;
- The application fails to adhere to condition 4 of the original outline approval;
- The access would face on the frontage of existing properties;
- Loss of trees and wildlife;
- There are road safety issues with the access and lack of visibility;
- Light Pollution of cars leaving the access;
- The sewage infrastructure cannot cope;
- Is there compensation for the residents effected?
- The properties living opposite the access to the site will not be able to safely leave their driveways;
- Most motorists go well over 30mph in this location;
- The development should be tree lined;
- There is not a biodiversity net gain;
- The houses are too large, not in line with the Strategic Housing Market Assessment;
- There are not clear visibility sight lines at the point of access;
- Condition 4d) of the original approval relating to Road improvements at the Heckford road and A133 junction has not taken place.
- There is no speed survey undertaken at the entrance to the site.
- There have been two serious accidents on the bend to the east of the site over the last 12 years.
- The visibility splays do not take into account the end in the road thus reducing thinking distances.
- There is a lack of planting
- Lack of consideration given to archaeological remains on site.
- There are no single storey buildings.
- Sewage concerns have not been taken into account.
- The proposed Children's Play Area often gets flooded
- **The access to Birch Avenue will leave two dwellings without any off road parking.**
- **Destruction of trees and vegetation within and around the site, loss of biodiversity, flora and fauna including the daffodils to the front of the site.**
- **Lack of one and two bed properties**
- **Insufficient planting on the northern (lack of trees in particular) and western boundaries**
- **Lack of integration of affordable housing through the scheme**
- **The link is not being included within the curtilage of 74 Birch Avenue**
- **There have been 2 serious crashes in the area in the last 12 years.**

- **Horse riders use this area and the additional traffic shall make it difficult for them.**
- **There is no speed survey taken at the access to Weeley Road**
- **Insufficient activities for recreation**
- **Lack of covered bike storage areas.**
- **Impact on parking within Birch Avenue with both 74 and 76 Birch Avenue losing parking spaces.**
- **How will the visibility splays be maintained.**
- **The dwellings opposite the entrance shall have to deal with 4 lanes of traffic rather than 2 they have at present.**
- **Due to the blockages in the drainage a condition for the pumping station to be upgraded should be introduced before works commence.**
- **The developers have also failed to explain how they will provide a two-metre wide footway along the Weeley Road frontage of the site**
- **How will this development will contribute to an enhanced quality of life for the residents of Great Bentley?**
- **The “local areas of play” and “informal recreation” seem to have been dropped by the developers from the headline of their latest Reserved Matters application**
- **The Local Area of Play is substandard in size and quality.**
- **The land to the east was indicated as Public open Space and is now only farm / agricultural land.**

## **6. Assessment**

### **6.1 Site Context**

6.2 The host site is located on the eastern side of Great Bentley and found within the emerging settlement boundary of Great Bentley. The area consists of a rectangular open field, presently used for arable farming, measuring approximately 7.7 hectares. The site is bounded on the northern side, in part, by the Weeley Road with the remainder of this boundary being formed by the rear boundaries of the residential curtilages of the dwellings that front the Weeley Road on its southern side. The western boundary is formed by residential properties in Pine Close and Birch Avenue; whilst to the south, the site is bounded by a railway line, beyond which is agricultural land and the open countryside. Agricultural land and open countryside also bound the site to the east.

6.3 The prevailing pattern of the properties that front the Weeley Road is one of a linear form of development that is rural in nature. The dwellings to the west along Pine Close and Birch Avenue have a more urban and built up feel although, the nature and the predominant character of the area is rural in its nature. Given this land was subject of an approved outline application in 2019 via application 17/01881/OUT, the land has been allocated as being within the settlement development boundary of the emerging Local Plan. The host site is not neighbouring or near to any Listed Buildings. The far north-western corner of the site is adjacent to the boundary with the Great Bentley Conservation Area. There are no protected trees within the vicinity of the site. The site slopes steadily downwards from the north-west to the south-east. There is an approximate fall of 4.5m over a distance of 355m and no public rights of way across the site.

### **6.4 Planning History**

- 6.5 Originally, the Local Planning Authority objected to the principle of the development and refused the application under delegated powers. However, outline planning permission (Ref: 17/01881/OUT) was granted with all matters reserved (layout, access, scale, appearance and landscaping) for up to 136 dwellings, informal recreation space, a local area of play and associated development following an appeal on 15th May 2020 (APP/P1560/W/19/3231554).
- 6.6 As part on the original outline approval there were 18 planning conditions attached. These are summarised below:

<b>OUTLINE APPLICATION CONDITIONS 15/00876/OUT</b>		<b>Timing</b>
1	Reserved Matters- appearance, landscaping, layout, access and scale	Reserved Matter
2	Time Frame For Reserved Matters	Three Years post Decision – Must commence 2 Years after the last Reserve Matter application
3	Approved Plans	Reserve Matters
4	Access, Layout and Ecological Requirements	Reserve Matters
5	Construction Method Statement	Prior to Commencement
6	Foul Water Strategy	Prior to Commencement
7	Surface Water Drainage	Prior to Commencement
8	Surface Water Runoff	Prior to Commencement
9	Surface Water Drainage Management	Prior to Commencement
10	Land Contamination Assessment	Prior to Commencement
11	Railway Noise Survey	Prior to Commencement
12	Footpath Link to Birch Avenue and Public Footpath 11 to the North East	Prior to Commencement
13	Bat Survey	Prior to Commencement
14	Travel Information Packs	Prior to Commencement
15	Driveways to be porous material	Compliance
16	Unbound material near highways	Compliance
17	Parking Sizes	Compliance
18	Site clearance	Bird survey Dependant

- 6.7 Also relevant is the variation in conditions Application 20/01176/OUT for the 'Removal of condition 4d for planning application 17/01881/OUT (allowed at appeal APP/P1560/W/19/3231554) as off-site works no longer required'. This was approved on 30.11.2020.
- 6.8 The original outline application was also approved with a signed Section 106 document to secure:



- On-site Affordable Housing (30% of the overall development);
- Health contribution;
- Education contribution;
- Provision of open space including a locally equipped area of play and the need to secure its future management; and
- RAMS payments, index linked. Therefore, any uplift in required payments over time has been factored into the payment.

## 6.9 Proposal

6.10 This is the first Reserve Matters application on the host site. The elements up for consideration are the five reserved matters, namely: Appearance, Layout, Landscape, Access and Scale.

6.11 The outline approval Ref: 17/01887/OUT included the following Condition (no. 3):

*'The proposed development shall be carried out in accordance with the following approved plans: 9000 Rev A (Site Location Plan) and 9600 Rev A (Parameter Plan - Land Use) but only in respect of those matters not reserved for later approval'.*

6.12 The Parameter Plan indicated a Landscape buffer on the northern, western and southern boundaries, together with a single road access into the site from Weeley Road and a separate pedestrian / cycle access from Birch Avenue to the west. **It also showed a main loop road indicated with a Local Area of Play** and Public Open Space located to the north of this. Finally, the Parameter plan showed a footpath link to the east of the site connecting with the wider Public Right of Way No. 11, in the fields to the north-east.

6.13 The residential area of the site takes up 78% of the site, 10% is taken up with the Public Open Space and Locally Equipped Area of Play and 12% is taken up with Landscaping. All the dwellings on site are two storey dwellings varying in size from 2-bedroom to 5-bedroom homes with an overall density of 17.8 dwellings per hectare. The materials to be used consist of red and buff brick, with render and boarding on specific plots. The roof tiles to be used are brown and grey plain tile.

6.14 **Separate to the host application, there is another application (21/00978/FUL) being considered on the neighbouring field to the east. This is for engineering operations required in support of the application for Reserved Matters including an attenuation basin, public footpath, access visibility and construction access. Only 21/00977/DETAIL is assessed in this report.**

## 6.15 Principle of Development

6.16 The principle of development has been established by the granting of outline planning permission for up to 136 dwellings on this site at appeal. Condition No. 3 of the appeal decision states that the reserved matters shall be in carried out in accordance with the following approved plans:

*9600 Rev A (Parameter Plan - Land Use)*  
*9000 Rev A (Site Location Plan)*

*'but only in respect of those matters not reserved for later approval'.*

6.17 The original outline permission included two specific conditions what shall need to be complied with and assessed under the Reserved Matters application, namely Conditions 4 and 12.

6.18 Condition 4 states:

*'4) Details of the reserved matters, submitted pursuant to Condition 1 above, shall include:*

*Full details of access including the following measures:*

- a) The provision of a right turn in Weeley Road;*
- b) The provision of a 2 metre wide footway along the Weeley Road frontage of the site between the proposed access road and the western boundary of the site;*
- c) The provision of a 2 metre wide walkable grass verge to be dedicated as highway land along the Weeley Road frontage of the site between the proposed access road and the eastern boundary of the site;*
- d) Improvements to the junction of Heckfords Road and the A133, to include appropriate lining and signage, two number traffic islands and high level beacons;*
- e) The provision of a 0.5 metre wide overhang strip adjacent to the carriageway.*

*Full details of appearance, including the following measures:*

- i) The bat roost features to be incorporated into the fabric of the dwellings, hereby permitted, in accordance with the recommendation made at Paragraph 6.8 of the applicant's Preliminary Ecological Assessment (October 2017).'*

6.19 In relation to this condition part 4d) was removed via application 20/01176/OUT. This was approved on 30.11.2020.

6.20 Also relevant for this Reserved Matters application is condition 12 of the appeal decision relating to the outline permission on this site. Condition 12, that states:

*'12) No development shall commence until details of the:*

*a) Proposed pedestrian/cycle link between the site and Birch Avenue; and*

*b) A suitable pedestrian/cycle connection between the site and the existing Public Footpath Number 11 to the north east have be submitted to and agreed in writing by the Local Planning Authority. The proposed pedestrian/cycle link between the site and Birch Avenue shall be within the curtilage of 74 Birch Avenue and shall be 3 metres in width. The approved details of a) and b), as set out above, shall be completed in accordance with the approved details prior to occupation of any dwelling hereby permitted. Thereafter the pedestrian/cycle link between the site and Birch Avenue and the*

*pedestrian/cycle connection between the site and the existing Public Footpath Number 11 to the north east shall be retained as such in perpetuity.'*

6.21 The applicant, Taylor Wimpey, has agreed terms to purchase the residential property to the north of the proposed link to Birch Avenue. Therefore, the constraint of third-party land that was previously restricting the width of the footpath and cycle connection has been resolved. The applicant is now able to comply with the condition applied to the outline consent. This is demonstrated in the amended plans submitted with this application.

6.22 Nonetheless, the principle of development for up to 136 dwellings has been agreed via the original outline approval of application 17/01881/OUT.

6.23 The Reserved Matters subject of this application are discussed in more detail in the sections below.

6.24 Assessment

6.25 The principal issues are:

- Scale (including Housing Mix and Affordable Housing Provision)
- Appearance
- Layout
- Landscaping
- Access
- Biodiversity
- Drainage/Flood Risk
- Accessibility and Adaptability
- Renewable Energy Provision
- Section 106 of the Town and Country Planning Act 1990

6.26 Scale including Housing Mix and Affordable Housing Provision

6.27 In total, there are 136 separate units of accommodation across the site, with 13 different styles presented. In terms of total housing mix across the site the schedule is given below.

	Total	Percentage
2 bed	16	12%
3 bed	62	46%
4 bed	44	32%
5 bed	14	10%

6.28 Having regard to the scale of the development in this rural edge location, and character and scale of the neighbouring existing developments, the proposed mix is broadly consistent with the requirements of the Strategic Housing Market Assessment Update 2015 that requires 42.2% of new owner-occupied dwellings to be three bedroom properties and 32.4% to be 2 bedrooms. There are 41 affordable units proposed, these are clearly shown on the Affordable Housing Location plan. This results in there being

30% of the total, this was confirmed in the appeal decision. Of this number, 12 or 30% are shared ownership and 29 or 70% are affordable rents.

- 6.29 All the affordable dwellings (41) are either 2 bed (34%) or 3 bed (66%) units. There are 95 market houses on the site, a schedule of the house types has been given by the applicant. Overall, both private and market housing have floor sizes equal to or in excess of, the national minimum floor size requirements. All of the proposed dwellings are two storeys in height, approximately half have single storey garages. Given the character of the surrounding area it is considered that the scale of development proposed is acceptable. Officers have no objection to the proposed housing mix on offer in this rural edge location.
- 6.30 The application was deferred from the December 2021 Planning Committee to address Policy LP5 which states ‘...to avoid an over-concentration of council housing in one location, no single group of council houses will exceed ten dwellings’. The applicant is reluctant to change the affordable housing provision which currently demonstrates that no more than 10 Affordable units are clustered together. The appearance of these dwellings is not dissimilar to the market dwellings on site. Officers accept the positioning and form of these units and do not consider the arrangement to be contrary to Policy LP5. TDC Housing have also confirmed they accept the affordable housing mix and the tenure split.**
- 6.31 Appearance
- 6.32 All of the houses are of an attractive functional modern design. They are all between 2 - 5 bedroom proportions, mostly semi-detached and detached houses with 5 dwelling plots forming short 3 dwelling terraces. The different houses types benefit from features such as, porches, soldier courses above and below the windows, front gable projections, some with external chimney stacks and occasional bay windows. There is also the very positive use of render and Hardiplank Cladding Weatherboarding, an Essex tradition, in both Black and White on approximately 8% of the properties and in some cases on the garages themselves.
- 6.33 These materials are found in the surrounding areas and will help the development assimilate into the area and help create a ‘sense of place’. The roof tiles shall be either a plain red roof tile, dark brown plain tile or a reconstituted Slate. The proposed mix will ensure variety and visual interest across the development.
- 6.34 Officers recommend a condition is attached to the decision to see samples of all the materials, before development can commence. The outline parameter plan for landscaping and layout has been closely adhered to and there is no reason to conclude the proposed appearance of the buildings, would create any harm to the setting of any of the neighbouring residential units. This conclusion is strengthened via the positive landscape buffers, discussed further in the Landscaping section below.
- 6.35 Within the appeal decision the Inspector noted that whilst the Conservation Area adjoins the north-western corner of the site, ‘any impact is localised and negligible’. Officers do not consider the development would cause any harm to the Conservation Area, especially given the landscaping offset that has been factored into the layout. The conclusion of the Inspector remain relevant here, in that the development before

members would have a neutral impact on the setting of the nearby Heritage assets and no objection is raised on harm to the nearby heritage assets.

- 6.36 All of the proposed dwellings address the street, to create an active street frontage. There are some dwellings which also have side elevations that face onto the street or footpaths. These elevations are either set back from the street or in less prominent locations within the development and are therefore considered to be acceptable and not result in any adverse impact. **The applicant has made some minor amendments to the scheme including the repositioning of some car parking to allow the required electric vehicle charging infrastructure. In addition, Plots 3 and 4 facing Weeley Road have been enhanced to improve the street scene. The roof now incorporates a gable and render has been added to the front elevation.**
- 6.37 The proposed dwellings are all two storey in height and are of a functional modern design with appropriate detailing; it is considered that they would not be out of character with the surrounding area. Subject to planning conditions, the appearance of the buildings will be reflective of the vernacular and styles found locally and ultimately officers do not object to their appearance. It is, therefore considered that the detailed design and appearance of the proposed dwellings is acceptable.
- 6.38 Layout
- 6.39 The original outline planning permission was for up to 136 dwellings. This application seeks to achieve 136 dwellings on site. The entire site covers an area of 7.7 hectares, therefore, across the site a net density of 17.8 dwellings per hectare is achieved. It is considered that this low housing density in keeping with the semi-rural nature of the site and lower than the minimum density that is generally required under Policy LP3 of the Local Plan. Part of the reason this figure is achieved is due to the drainage features being located on the neighbouring field to the east.
- 6.40 The road and footway widths are all accepted by ECC Highways, ensuring that the internal road layout can safely and comfortably accommodate emergency services, waste collection services etc. All of the houses would benefit from a combination of either garaging and or surface parking, which in all instances would be compliant with parking standards. The application is fully policy compliant in terms of garden sizes and internal room sizes, no objection on layout is raised. All the plots are provided with areas for bin and cycle provision (this shall be secured via planning condition) and meet the National Minimum Floor size allowances. **The plots without garages have sheds to the rear, controlled by Planning condition.**
- 6.41 To the west of the site on the opposite side of Birch Avenue and Pine Close, there will be some overlooking towards the rear of these properties, however, given the distance of separation and intervening vegetation it is not considered that any overlooking would be significant. Equally, this conclusion would be true in terms of impact on the existing properties to the south of Weeley Road that back onto the site. **However, the two dwellings closest to the western boundary, namely Plots 33 and 47, that are side on the boundary. Are recommended to have the Permitted Development Rights for additional west facing windows both at first floor and within the roof space removed, to achieve satisfactory residential amenity levels.**

- 6.42 It is accepted that there will be some noise and disturbance to neighbouring residents during the construction phase, however, there is a condition on the outline consent that requires a Construction Method Statement to be submitted and adhered to. Overall, residential amenity for future residents would be acceptable having regard to overlooking, overshadowing or over dominance. There has been a suggestion to remove permitted development rights for roof extensions in the properties that back on to Birch Avenue and Pine Close, however, the offset from the boundary and in time the 5m wide tree belt (landscape buffer) shall minimise any potential concerns in this regard. As such, it has not been recommended that Permitted Development Rights for loft conversions be removed.
- 6.43 As established, all the dwellings are two-storey dwellings and intelligently laid out. This is positive for on street surveillance, that is achieved in all aspects of the site. In particular overlooking the Local Area of Play and the footpath link to Birch Avenue. With regard to the footpath to Birch Avenue, the applicant shall include maintenance of the footpath into the management scheme for the public open space. Officers also recommend, notwithstanding the details on the plans, a further lighting condition be attached to ensure suitable illumination of this area and the site as a whole. The revisions to the plans have been fully supported by Essex Police.
- 6.44 The wider site layout is arranged around five character areas.
1. Public Frontage
  2. Central Green
  3. Rural Frontage
  4. Central Streets
  5. Private Mews
- 6.45 There is a higher density within the Central Streets and Private Mews areas to the west of the development. The central, southern and eastern areas, including the Public Frontage (opposite Weeley Road), known as the Central Green and Rural Frontage are less densely grouped together, with more space between the dwellings. These varied but simple modern designed streetscapes demonstrate a positive design response, which assists in breaking up the built form on this more sensitive rural edge location. The differing areas provide focal points within the scheme, help to give a differing sense of place and wayfinding. As well as the landscape buffers, additional trees are being planted at the entrance by Weeley Road, by the central open space and along the southern boundary. This all helps soften a pleasant semi-rural spacious organic layout. As highlighted above, the drainage features on the east field help with this arrangement.
- 6.46 Importantly, the layout follows closely the Parameter Plan agreed via the outline appeal decision. Condition No. 3 of the outline consent requires:
- 'The proposed development shall be carried out in accordance with the following approved plans: 9000 Rev A (Site Location Plan) and 9600 Rev A (Parameter Plan - Land Use) but only in respect of those matters not reserved for later approval'*
- 6.47 The proposed development is in accordance with the Parameter Plan and therefore meets this condition. Parking is provided either to the front or sides of the dwellings, they are situated in small clusters, in appropriate locations throughout the site and therefore

do not dominate the proposed development. In conclusion, there is no objection to the layout of the proposed development.

**6.48 There has been some comments received about the size of the Local Area for Play (LAP). These features are classified as a small area of open space specifically designated and primarily laid out for very young children (4 to 6 years of age) to play close to where they live. The area should be appropriate for low-key games; flat and level with grass surfacing. The recommended minimum size is 100m<sup>2</sup> (in the Open Space Supplementary Planning Document 2008). The host LAP is 113m<sup>2</sup> being circular in nature. There was no planning condition requiring a certain size. Also, there is a generous area of grass land around this feature that could be used for the young children and their guardians. Overall, Officers are content with what is proposed. The area is not designed for older children who may wish to use The Green, that includes a LEAP (behind the Doctors Surgery), to the west of the site within Great Bentley itself. This Open Space is some 12 hectares in size in total. As a point of reference, a Local Equipped Area for Play (LEAP) is an area of open space specifically designated and laid out with features including equipment for children who are beginning to go out and play independently close to where they live. This was not intended for the host site. ECC Suds have been made aware of the drainage issues in this area where the LAP will be positioned and are assessing the appropriate measures accordingly via a separate discharge of condition application. The host development provides for the 10% Public Open Space requirement that can be used for 'informal recreation'. The Public Open Space Officer has not objected to the proposals including the content of the LAP proposed.**

6.49 Landscaping

6.50 The outline approval included a Landscape Parameter Plan '9600 Rev A (*Parameter Plan - Land Use*)'. The Reserved Matters are in accordance with this plan.

6.51 Overall, the landscape provided is in conformity with the outline plan, the only difference is that there is a proposed attenuation basin in the eastern section of the neighbouring site, whereas in the Landscape Parameter Plan all the attenuation basins were on the southern side of the site. The revised plans have included a landscape buffer to the west of the site where tree planting shall take place and a landscape buffer to the north of the site adjacent to the existing properties on the southern side of Weeley Road. On the Parameter Plan, the northern landscape buffer adjacent to the existing properties on Weeley Road is narrower than that of the western landscape buffer. The amended plans have a fenced off private landscape buffer to the north and west of the site.

6.52 The dedicated northern landscape buffer is 3m wide and shall allow for a hedge line to be established. Officers recommend a condition that this hedge once developed should be maintained at a height of at least 2.5 metres. The trees have been taken out of this section due to concerns over long term maintenance, they were also previously in the garden areas of the proposed plots. The western landscape buffer is also now fenced off and within private ownership. This buffer is wider on the Parameter Plan and 5m wide on the plans. This allows for tree planting to take place as there is room for maintenance.

6.53 There remains 10% Public Open Space (including a Local Area for Play, three public green spaces, and a pedestrian path to the Public Footpath 11 in the northwest of the site) and 12% Landscaping (including the landscaping buffers). Officers consider the level of Public Open Space and landscaping provided on site to be acceptable. Furthermore, there is no objection to the provision of an attenuation basin to the east of the site, although that is assessed more fully via application 21/00978/FUL. All the Public Open Space, communal Landscaping (including the buffers to the north and west), along with the Footpath Link to Birch Avenue are to be managed by a private Management Company. The legal agreement, subject to an approval to this recommendation, shall be updated to include the landscaping buffers to the north and west and well as maintenance of the footpath link to Birch Avenue.

6.54 The Council's Landscape Officer has fully supported the comprehensive detailed planting proposals, that includes a good mix of tree, shrub and hedgerow species along with ferns and herbaceous species to provide interest and colour. Officers recommend that conditions be imposed to secure landscaping replacement within 5 years should planting not survive. There is a comment on the landscaping plans for the northern section next to the existing properties on Weeley Road that says:

'Area this side of new fence line to have all land and vegetation conveyed to existing land owners to north of site boundary'.

Ultimately if neighbouring landowners do not wish to take part in this exercise they can simply decline the offer.

**6.55 With regard to the possible retention of the two large mature Oaks situated in the western portion of the site. The trees were included in the tree report submitted by the applicant in support of the application. They have both been classified as B-category trees due to the presence of decay at the base of each tree. In addition, the Council's Tree and Landscape Officer has visually inspected these trees on three separate occasions to assess their health and condition and to see if they could be retained.**

**The Tree and Landscape Officer has concluded that whilst the trees are clearly visible from the adjacent highway and are prominent features in their setting, they have a limited, safe, useful life expectancy, resulting from decay in the main stems of both trees. For this reason, the trees do not meet the criteria under which they merit formal legal protection by means of a Tree Preservation Order. Consequently the Tree and Landscape Officer has concluded, they are not a physical constraint on the development potential of the application site.**

**The landscaping proposals for the site include provision for over 100 new trees to be planted, comprising a range of species and including a number of Oak trees. Furthermore, there is 10% Public Open Space and 12% Landscaping across the site. Given these factors, Officers conclude the proposed loss of the two Oaks in the main field are not considered objectional in this case.**

**Natural England have confirmed no objections to the application on the 20<sup>th</sup> December 2021. They advise: '*...that an appropriate planning condition or obligation is attached to any planning permission to secure the on-site mitigation measures, including links to footpaths in the surrounding area. The financial***



***contribution (as index linked) should be secured through an appropriate and legally binding agreement, in order to ensure no adverse effect on integrity.'***

All these measures have been included in the recommendation. As an aside, the land to the east of the site was not included as Public Open Space on the approved Parameters Plan at appeal stage. Nor was this land conditioned to be Public Open Space. Therefore, Officers have no objections to its use as agricultural land.

6.56 In terms of hard landscaping, it is proposed the roads and footways within the site will be built to the County Council's standards, most other than the shared surfaces in cul de sac locations will be adopted by ECC and maintained in perpetuity. The areas that are not up for adoption are built to adoptable standards, these shall be maintained by a management company dealing with the rest of the host site. A planning condition is recommended to see the exact hard landscaping details of the roads and pavements etc used in the development. Overall, subject to planning conditions no objection to the landscaping on site is raised.

6.57 Access

6.58 In accordance with the outline approval, the only means of access for road traffic shall be from Weeley Road with a secondary pedestrian / cycle access to Birch Avenue, also a footpath link to Public Road of Way 11 to the north east. These aspects agreed in principle at the outline stage.

6.59 In terms of the main access to Weeley Road, the outline approval required the arrangement of the access, but not the precise location as this would need to be addressed in future Reserved Matters applications. Ultimately, 'Access' as a reserved matter was not assessed at outline stage. Therefore, the location of the physical access to Weeley Road is slightly different to that indicated on the Parameter Plan at outline stage. This variation can be allowed as condition 3 of the outline approval included the line *'but only in respect of those matters not reserved for later approval'*.

6.60 Furthermore, the outline approval included a further condition regarding access arrangements from Weeley Road, namely condition 4. The elements of this condition pertaining to Highways were as follows:

*'4) Details of the reserved matters, submitted pursuant to Condition 1 above, shall include:*

*Full details of access including the following measures:*

- a) The provision of a right turn in Weeley Road;*
- b) The provision of a 2 metre wide footway along the Weeley Road frontage of the site between the proposed access road and the western boundary of the site;*
- c) The provision of a 2 metre wide walkable grass verge to be dedicated as highway land along the Weeley Road frontage of the site between the proposed access road and the eastern boundary of the site;*

- d) *Improvements to the junction of Heckfords Road and the A133, to include appropriate lining and signage, two number traffic islands and high level beacons;*
- e) *The provision of a 0.5 metre wide overhang strip adjacent to the carriageway.'*

6.61 The revised plans (including the landscaping) have included all these details as required by the outline planning condition. ECC Highways have carefully assessed the plans submitted including the Adoptable Limits Plan that includes the visibility splays. They have confirmed no objections to the Highway access arrangements. There is a section of the visibility splay that is outside the red line boundary of the host site, namely the section to the west of the access to Weeley Road. However, this can be covered by a section 278 agreement of the Highways Act 1980 that allows developers to enter into a legal agreement with Essex Highways to make permanent alterations or improvements to a public highway, as part of a planning approval. **This shall also allow for paving to the north of the site to connect with the existing pavement on the north of Weeley Road, via tactile 'dropped paving'**. As such, Officers have no objections to the access from Weeley Road as these deal with the required elements of condition 4 of the outline approval.

6.62 There have been concerns raised about a loss of residential amenity through car headlights leaving the site. However, the principle of the access was agreed at outline stage. The exact location of the access is opposite Bonython House. This property currently benefits from a significant amount of vegetation in part screening the impact and the dwelling is both set back from the road and at an angle. Ultimately, the present access position appears the most suitable location. Therefore, Officers do not object to the location of the access on residential amenity grounds.

6.63 With regards to the link to Birch Avenue; Condition 12 of the Outline approval requires the following:

*'No development shall commence until details of the:*

*a) Proposed pedestrian/cycle link between the site and Birch Avenue; and*

*b) A suitable pedestrian/cycle connection between the site and the existing Public Footpath Number 11 to the north east have be submitted to and agreed in writing by the Local Planning Authority.*

*The proposed pedestrian/cycle link between the site and Birch Avenue shall be within the curtilage of 74 Birch Avenue and shall be 3 metres in width. The approved details of a) and b), as set out above, shall be completed in accordance with the approved details prior to occupation of any dwelling hereby permitted.*

*Thereafter the pedestrian/cycle link between the site and Birch Avenue and the pedestrian/cycle connection between the site and the existing Public Footpath Number 11 to the north east shall be retained as such in perpetuity.'*

6.64 Within the Outline application the Inspector stated at Paragraph 28, that:

*'...the submitted Land Use Parameter Plan (Drawing Number: 9600 Rev A) shows a pedestrian/cycleway link (The Link) that leads from the site through to Birch Avenue. The Link lies within the red line of the site plan (Drawing Number: 9000 Rev A) and indicative plan, Drawing Number SK.01, provides an illustration as to how it could be provided.'*

- 6.65 This 'link' is clearly between the properties of 74 and 76 Birch Avenue, indeed it is within the Red line Site plan of the original application, Drawing Number: 9000 Rev A. Therefore, this shows that the 'link' was intended to be between 74 and 76 Birch Avenue. The initial outline application 17/01881/OUT included part of 76 Birch Avenue within the red line boundary (notice was served on 76 Birch Avenue). **The applicant, Taylor Wimpey, has agreed terms to purchase the residential property to the north of the proposed link to Birch Avenue (76 Birch Avenue). Therefore, the constraint of third-party land that was previously restricting the width of the footpath and cycle connection has been resolved. The applicant is now able to comply with the condition applied to the outline consent that said the link would be within the curtilage of 74 Birch Avenue and be 3 metres in width. However, the red line of the original Perimeters Plan and Site Plan is clearly shown between the boundaries of 74 and 76 Birch Avenue. As previously experienced via refused application 21/01257/OUT, a 3 metre path cannot be solely achieved within the curtilage of 74 Birch Avenue. Importantly, the outline condition does not limit the location of the path to being 'only' or 'exclusively' within the curtilage of 74 Birch Avenue. Therefore, the use of 76 Birch Avenue to accommodate this path is also considered acceptable in this instance. Especially given the previous difficulties experienced in achieving a 3 metre path solely within the curtilage of 74 Birch Avenue via application 21/01257/OUT.**
- 6.66 **The amended plans submitted with this application demonstrate there is a minimum of 1 metre from the fence to the residential dwellings to the north and south of the path, allowing for servicing purposes. The link itself is 3 metres wide with an approximate 0.3m either side before the fence for drainage. There are no objections to the design of the link and this is considered to fulfil the requirements of the outline planning conditions. Both 74 and 76 Birch Avenue would lose 1 parking space however, both dwellings can park one car off street in front of their houses. ECC Highways do not object to this arrangement citing the nearby train station, ability to park on street in quiet cul de sac location, and the principle for a link to Birch Avenue being agreed at the appeal stage.**
- 6.67 **With regards to the impact of the footpath on residential amenity with the most effected neighbours at 74 and 76 Birch Avenue. The principle of the link was accepted by the Appeal Inspector. The issue of how to best erect a boundary treatment between the two sides has to be addressed as part of this application. What has been put forward is in Officers option the best option for retaining privacy, accessing household services, ensuring highway safety and ultimately, pedestrian /cycle management, through the link to the footpaths beyond. Officers are aware of a legal 'covenant' set when the properties on Birch Avenue were first built forbidding any fencing built forward of the front building line. However, this is civil matter and has no bearing on Planning law or the decision making in this case.**

- 6.68 The maintenance of the 'link' including the fencing and any upkeep required will be transferred to a management company. This shall be included within the updated legal agreements. Notwithstanding the details on the plans, officers suggest a further lighting condition to assess the details of the lighting in the area especially once within the host site itself. In terms of drainage, this would still be covered by the original drainage condition (no. 7) of the outline permission.
- 6.69 The Highway Authority has confirmed that they have no objection to the application as submitted from an access and highway layout perspective. The internal road widths and pavement widths have been checked and are considered acceptable; as is the quantum of parking. Essex County Council Highways have recommended the following conditions:
- Development to be in accordance with the submitted plans
  - To ensure adequate visibility splays are provided and maintained.
  - To require further details of the layout, levels, gradients, surfacing, traffic calming and means of surface water drainage.
  - To ensure any proposed boundary planting is a minimum of 1 metre back from the highway boundary and any visibility splay.
  - To ensure the provision of car parking and turning areas prior to first occupation.
  - Provision of cycle parking for those properties without a garage
  - Construction Management Plan
  - Residential Travel Plan
  - The moving of the 30 mph sign 50 metres to the east.
- 6.70 All of the above conditions are recommended to be imposed other than the Residential Travel Plan as this was imposed at outline stage.
- 6.71 **The Highway Authority, ECC Highways, have requested visibility splays of 90 metres in each direction from the proposed access with Weeley Road. This splay should be measured from a 2.4 metre set back distance. These visibility splays would accord with the requirements contained in the Design Manual for Roads and Bridges (DMRB). In this particular, case mindful of the location of the proposed site access and proximity to a change in speed limit from the National Speed limit of 60mph to 30 mph. The Highway Authority have required the more onerous visibility standards contained in DMRB to be provided. Rather than the 57 metre visibility requirement for traffic speeds of up to 37 mph in the Manual for Streets (2007).**
- 6.72 **ECC Highways have proposed conditions that require the implementation of appropriate visibility splays from the outset of the development, as well as those that ensure they are kept clear and free of planting in perpetuity. The visibility splay land will be offered up for adoption by the Highway Authority. Also, a sperate condition is included to move the existing 30 mph sign, 50 metres to the east, therefore extending the 30mph zone into Great Bentley from the east.**
- 6.73 **Finally, prior to the developer carrying out any works within the highway the applicant will be required to enter into an agreement with the Highway Authority under Section 278 of the Highway Act. At this time the developer will submit detailed design drawings to the Highway Authority for further review and a Road Safety Audit which would ensure amongst other things that appropriate visibility**

splays are provided. Subject to the recommended planning conditions, no objections are raised regarding the visibility splays from Officers.

- 6.74 Separate to this, there is a recent speed survey carried out in May 2021 to the east of the entrance road. The data from this formed the rationale behind the temporary Construction Site Access associated with the second application on the neighbouring site, 21/00978/FUL.
- 6.75 This speed survey captured speeds of 43.7-mph when using the average 85<sup>th</sup>ile speeds, for traffic entering into Great Bentley from the east (east to west). However, the point at which the survey was carried out is some 200m from the proposed entrance to the host site. The location of this speed survey is therefore well within the 60 mph speed limit area. At that point the absolute minimum visibility splays recommended for west bound traffic was 97m and a maximum of 124.2m. Furthermore, ECC Highways have confirmed that there has only been one slight accident on the long bend of Weeley Road to the east of the host site, in the last 10 years. Although members of the Public cite 2 accidents in 12 years.
- 6.76 Nevertheless, Officers would stress that the proposed access location is within the 30 mph zone for Great Bentley. The existing 30mph sign is approximately 50 metres to the east of the centre point of the proposed site entrance. Subsequently, the 90 metre visibility splay is considered acceptable in this instance. (Noting that Manual for Streets suggests a 57 metre splay with traffic speeds at 37 mph).
- 6.77 ECC Highways have recommended a further planning condition to move the existing 30 mph sign, an additional 50 to the east. However, this is subject to a separate Traffic Regulation Order / assessment before ECC Highways can confirm the move. What is important to remember in this case is that ECC Highways are satisfied even if the status quo remains in terms of street signage and 30 mph sign locations. The submitted 90 metre visibility splays requested are both deliverable in practice and more than sufficient in length to maintain highway safety.
- 6.78 Separately Officers recommend that the 'Welcome to Great Bentley Signs' that are currently in the same location as the existing 30 mph sign are moved 50 metres the east. These signs are on highway land and the signs can be moved. As such if the 30 mph sign remains in place (if the TRO does not permit the 30 mph sign to be moved). Only a single 30 mph sign shall remain in that location. Therefore, improving visibility in that area.

Overall, there are no objections to the development in relation to Access matters.

6.79 Biodiversity

- 6.80 The Council has screened the proposed development and consider that it falls within the scope of the Essex Coast RAMS and as a result the Council has gone on to carry out a Habitats Regulations Assessment (HRA)(Stage 2 – Appropriate Assessment) in order to secure any necessary recreational disturbance mitigation.

- 6.81 The mitigation described in the Appropriate Assessment, being a combination of on-site measures (circular dog walking routes and/or links to the surrounding public rights of way (PRoW); in addition to signage/leaflets to householders to promote these areas for recreation; dog waste bins). There are also connections to the Off-Site public rights of way.
- 6.82 Having considered the proposed avoidance and mitigation measures above, Tendring District Council conclude that with mitigation the project will not have an Adverse Effect on the Integrity of the European sites included within the Essex Coast RAMS. This conclusion has been shared by Natural England, however at the time of writing their formal response has not been received, This shall be updated at the time of Committee.
- 6.83 As well as the onsite landscaping and landscape buffers, off-site habitat proposals have been included within the landscaping plans to achieve at least 10% Biodiversity Net Gain. This includes the SUD drainage basin immediately south-east outside the planning application boundary and additional associated wildflower grassland and mixed native shrub planting across 0.8 hectares of new habitat within existing arable land. This provides an additional 6.9 habitat units. The total change from the current baseline is therefore +1.84 habitat units or +12.34% Biodiversity Net Gain. These findings have been accepted by officers and no objection is raised. There have been no objections from ECC Ecology who have a number of suggested planning conditions relating to ecological enhancements. These have been included in the recommendation.
- 6.84 The applicant has provided full details of appearance, of the bat roost features to be incorporated into the fabric of the dwellings, in accordance with the recommendation made at Paragraph 6.8 of the applicant's Preliminary Ecological Assessment (October 2017). Also, this is in accordance with the outline planning condition 4 i). Indeed, ECC Ecology have confirmed all the ecological conditions of the Appeal for the outline application (ref APP/P1560/W/19/3231554) have been met; updated bat surveys have been undertaken, integrated bat boxes have been included in the design and precautionary measures for vegetation clearance on site have been set out. Subsequently, no objection is raised.
- 6.85 Drainage
- 6.86 At the appeal stage, a surface water scheme had been proposed which demonstrates that surface water management is achievable in principle and conditions have been imposed requiring further details. Namely Condition 6 relating to Foul Water Strategy, Condition 7 relating to Surface Water Drainage, Condition 8 relating to Surface Water Runoff and Condition 9 relating to Surface Water Drainage Management of application 17/01881/OUT (approved on appeal APP/P1506/W/19/ 3231554).
- 6.87 These details shall be assessed separately prior to commencement of development and are not up for consideration under this Reserved Matters application. Condition 7 (Surface Water Drainage) is being assessed under application 21/02025/DISCON. This is not yet discharged. The location of land in the centre of the site, proposed for the LAP, that is prone to flood, is known to ECC Suds and they are assessing this element of the surface water drainage arrangements accordingly.**

- 6.88 As part of this application the applicant has moved the attention basins to the eastern field. This is being dealt with via application 21/00978/FUL.
- 6.89 Essex County Council Flood and Water Management Team have no objection other than to recommend a legal agreement be put in place for the long-term maintenance of the drainage feature outside of the red line boundary. This has been recommended in the updated legal agreement. Anglian Water, have also been consulted on the application, and raise no objection to the details submitted at this stage. Anglian Water originally did not object to this development and stated the Thorrington Water Recycling Centre has the capacity to deal with this development.
- 6.90 Accessibility and Adaptability
- 6.91 Modified Policy LP3 of the Emerging Plan which is currently out to public consultation states that 'on housing developments of 10 or more dwellings, 10% of market housing should be to Building Regulations Part M4(2) 'adaptable and accessible' standard. For affordable homes, 10% should be to Building Regulations Part M4(2) and 5% should be to Part M4(3) 'wheelchair-user' standards'.
- 6.92 All properties meet Nationally Described Space Standards, and M4(2) and M4(3) properties are provided, in line with the policy expectation.
- 6.93 Renewable Energy Provision
- 6.94 The emerging policies on such matters, include SPL3 Sustainable Design, PPL5 Water conservation, drainage and sewage and most critically, PPL10 Renewable Energy Generation. These policies will make it local policy to provide energy saving measures that could include renewables energy provision on all new residential developments.
- 6.95 Consequently, when assessing PPL10 Renewable Energy Generation in particular, the applicant has provided a 'Energy and Sustainability Statement'. This attempts to fulfil the emerging policy PPL10. This emerging Policy is given considerable weight due to the advance nature of the adoption process of the emerging plan and lack of objections to the policy. The Local Planning Department welcomes the report from the applicant that suggests 23.8% energy savings will be obtained on site. This is more than the minimum 20% the LPA normally require.
- 6.96 The Energy Statement provides information stating Solar Photovoltaics are most suitable for the proposal, however there are no plans stating how the panels will be arranged.
- 6.97 Therefore, the LPA recommends the following condition:

*'Notwithstanding the details contained within the submitted Energy Statement, prior to the occupation of any dwelling a scheme and plans detailing how a minimum of 20% of the energy needs generated by the development can be achieved through renewable energy sources shall be submitted to and approved in writing by the local*

*planning authority. The scheme shall detail the anticipated energy needs of the scheme, the specific renewable technologies to be incorporated, details of noise levels emitted (compared to background noise level) and how much of the overall energy needs these will meet and plans indicating the location of any external installations within the development. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter*

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

6.98 Officers also recommend a condition to install super-fast broadband and an electric charging point for each dwelling. With such conditions in place, officers believe the development can adequately comply with the requirements of emerging Policy PPL10, therefore, no objections on these grounds are raised.

### 6.99 Archaeology

**A Desk Based Assessment has been completed and a geophysics survey has been carried out within the site which has not identified any features of archaeological origin, the results of the geophysics will need to be assessed through a programme of targeted trial trench evaluation. ECC Archaeology have recommended stage conditions relating to Archaeology to be included in the recommendation.**

### 6.100 S106 of the Town and Country Planning Act 1990

6.101 A legal agreement was secured at outline stage requiring:

- On-site Affordable Housing (30% of the overall development)
- Health contributions
- Education contribution
- Provision of open space including a locally equipped area of play and the need to secure its future management
- RAMS payments, index linked. Therefore, any uplift in required payments over time has been factored into the payment.

6.102 This legal agreement and all conditions on the outline consent will still apply. The additional legal agreement (Deed of Variation) shall ensure the following:

#### Drainage

- ensuring the drainage feature outside the red line boundary (subject to application 21/00978/FUL) is linked to this application and has to be constructed and fully operational before any dwelling on the host site is occupied.
- the long-term maintenance of the drainage feature outside of the red line boundary (subject to application 21/00978/FUL)

Landscape Management Company to include maintenance of:



- Link Path to Birch Avenue inc fencing
- Non adoptable Highway (roads and pavements)
- Landscaping Buffers and wider landscaping inc pedestrian link to the North East)
- Public Open space

### 6.103 Other Matters

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

## 7. Conclusion

7.1 As established through the granting of outline application 17/01181/OUT, at appeal, the principle of residential development for up to 136 dwellings on this site is acceptable. This scheme provides a range of housing within landscaped surroundings to create safe, attractive and characterful streets. The appearance does not feel cramped or overdeveloped. The detailed design, appearance, layout, landscaping, access and scale are considered acceptable. The proposal would result in no material harm to residential amenity or highway safety.

7.2 The new homes have policy compliant private gardens, sufficient off-street parking provision and include capacity for the storage of cycles and refuse. Sustainable drainage has been utilised to manage surface water runoff and the highways are designed to meet the necessary safety standards and compliment the different character areas of the site. The landscaped perimeter of the site will provide benefits for local biodiversity, help with lessening the impact on residential amenity as well as retaining the character of Great Bentley.

7.3 Ultimately, the proposals bring forward much-needed housing in a manner that is considered a sympathetic and high-quality addition to Great Bentley. The proposal is considered compliant with the parameter plans as set out and approved at Outline stage. The application is, therefore recommended for approval subject to a legal agreement updates and planning conditions listed below.

## 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 section 106 legal agreement with the agreed Heads of Terms, as set out in the table below:

CATEGORY	TERMS
Drainage	<ul style="list-style-type: none"> <li>• ensuring the drainage feature outside the red line boundary (subject to application 21/00978/FUL) is linked to this application and has to be</li> </ul>

	<p>constructed and fully operational before any dwelling on the host site is occupied.</p> <ul style="list-style-type: none"> <li>the long-term maintenance of the drainage feature outside of the red line boundary (subject to application 21/00978/FUL)</li> </ul>
Landscape Management Company to include maintenance of:	<ul style="list-style-type: none"> <li>Link Path to Birch Avenue including fencing</li> <li>Non adoptable Highway (roads and pavements)</li> <li>Landscaping Buffers and wider landscaping including pedestrian link to the North East)</li> <li>Public Open space</li> </ul>

## 8.2 Conditions and Reasons

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

21.5138.08 p	Amended soft landscape proposals overall
20.1464.300 n	Amended proposed parking layout plan
20.1464.301 m	Amended proposed density plan
20.1464.303 n	Amended proposed garden area and depth plan
20.1464.304 n	Amended proposed refuse strategy plan
20.1464.306 n	Amended proposed affordable housing plan
20.1464.307 m	Amended proposed distribution plan
20.1464.308 l	Amended affordable cluster plan
20.1464.560	Amended house type 3b m4(3) plans and elevations
21.5138.09	Amended suds area
20.1464.309 h	Amended adaptable and accessible dwellings plan
48737/c/001 d	Amended alignment contours
48737/c/002 d	Amended drainage layout
48737/c/003 e	Amended highway limits of adoption
20.1464.100 aa	Amended proposed site layout plan
20.1464.302 q	Amended proposed material plan
20.1464.305 m	Amended proposed storey height plan
20.1464.311 h	Amended land uses plan
48737/c/006 n	Amended footpath to birch avenue
22 Dec 2021	Amended schedule of accommodation
20.1464.423 a	House type na32 (byford) - variant 4 plans and elevations

20.1464.421 a and elevations	Amended ht na32 byford (variant 2) - proposed floor plans
20.1464.434 a	Amended ht na43 lanford (variant 3) - proposed floor plans
20.1464.435 a	Amended ht na43 lanford (variant 3) - proposed elevations
20.1464.440	Amended ht na44 manford (variant 1) - proposed floor plans
20.1464.441	Amended ht na44 manford (variant 1) - proposed elevations
20.1464.442	Amended ht na44 manford (variant 2) - proposed floor plans
20.1464.443	Amended ht na44 manford (variant 2) - proposed elevations
20.1464.450	Amended ht na51 wayford (variant 1) - proposed floor plans
20.1464.451	Amended ht na51 wayford (variant 1) - proposed elevations
20.1464.460	Amended ht nt30 ardale (variant 1) - proposed floor plans
20.1464.461	Amended ht nt30 ardale (variant 1) - proposed elevations
20.1464.462	Amended ht nt30 ardale (variant 2) - proposed floor plans
20.1464.481	Amended ht nt42 waysdale (variant 1) - proposed elevations
20.1464.482 a	Amended ht nt42 waysdale (variant 2) - proposed floor plans
20.1464.483 a	Amended ht nt42 waysdale (variant 2) - proposed elevations
20.1464.484 b	Amended ht nt42 waysdale (variant 3) - proposed floor plans
20.1464.485 b	Amended ht nt42 waysdale (variant 3) - proposed elevations
20.1464.494	Amended ht woodman (variant 3) - proposed floor plans
20.1464.403 plans and elevations	Amended ht na22 blandford (variant 4) - proposed floor plans and elevations
20.1464.402 plans and elevations	Amended ht na22 blandford (variant 3) - proposed floor plans and elevations
20.1464.401 a plans and elevations	Amended ht na22 blandford (variant 2) - proposed floor plans and elevations
20.1464.400 a plans and elevations	Amended ht na22 blandford (variant 1) - proposed floor plans and elevations
20.1464.410 a and elevations	Amended ht na34 colrford (variant 1) - proposed floor plans and elevations
20.1464.411 a and elevations	Amended ht na34 colrford (variant 2) - proposed floor plans and elevations
20.1464.412 and elevations	Amended ht na34 colrford (variant 3) - proposed floor plans and elevations
20.1464.413 and elevations	Amended ht na34 colrford (variant 4) - proposed floor plans and elevations
20.1464.422 and elevations	Amended ht na32 byford (variant 3) - proposed floor plans and elevations
20.1464.430	Amended ht na43 lanford (variant 1) - proposed floor plans
20.1464.431	Amended ht na43 lanford (variant 1) - proposed elevations
20.1464.432 a	Amended ht na43 lanford (variant 2) - proposed floor plans
20.1464.433 a	Amended ht na43 lanford (variant 2) - proposed elevations
20.1464.463	Amended ht nt30 ardale (variant 2) - proposed elevations
20.1464.464 a	Amended ht nt30 ardale (variant 3) - proposed floor plans
20.1464.465 a	Amended ht nt30 ardale (variant 3) - proposed elevations
20.1464.466	Amended ht nt30 ardale (variant 4) - proposed floor plans
20.1464.467	Amended ht nt30 ardale (variant 4) - proposed elevations
20.1464.470 a	Amended ht nt31 kingdale (variant 1) - proposed floor plans
20.1464.471 a	Amended ht nt31 kingdale (variant 1) - proposed elevations
20.1464.472	Amended ht nt31 kingdale (variant 2) - proposed floor plans
20.1464.473	Amended ht nt31 kingdale (variant 2) - proposed elevations

20.1464.480 Amended ht nt42 waysdale (variant 1) - proposed floor plans  
 20.1464.495 Amended ht woodman (variant 3) - proposed elevations  
 20.1464.496 Amended ht woodman (variant 4) - proposed floor plans  
 20.1464.497 Amended ht woodman (variant 4) - proposed elevations  
 20.1464.550 a Amended garages - proposed floor plans and elevations  
 20.1464.420 Amended ht na32 byford (variant 1) - proposed floor plans  
 and elevations  
  
 20.1464.490 Amended ht woodman (variant 1) - proposed floor plans  
 20.1464.491 Amended ht woodman (variant 1) - proposed elevations  
 20.1464.492 Amended ht woodman (variant 2) - proposed floor plans  
 20.1464.493 Amended ht woodman (variant 2) - proposed elevations

20.5168.d1 1fr bat tube - (schwegler) standard arrangement

Shared ownership and affordable rent plots Received 30 Nov 2021  
 Energy and sustainability statement Received 15 Nov 2021

Preliminary Ecological Appraisal (EECOS, June 2021)  
 Bat Surveys (EECOS, September 2021)  
 Reptile Survey (EECOS, September 2021)  
 Biodiversity Net Gain Assessment (EECOS, December 2021)

Tree survey Received 01 Jul 2021

Tree survey and impact assessment Received 01 Jul 2021

1604-kc-xx-ytree-tpp01rev0 Tree protection plan

1604-kc-xx-ytree-tcp01rev0 Tree constraints plan

Archelogy Desk Based Assessment (RPS Dated 17 Feb 2022)

Geophysical Survey Report (Sumo Dated 09 March 2022)

21.5138.07 j Amended soft landscape proposals (sheet 7 of 7)

21.5138.01 l Amended soft landscape proposals (sheet 1 of 7)

21.5138.04 o Amended soft landscape proposals (sheet 4 of 7)

21.5138.05 i Amended soft landscape proposals (sheet 5 of 7)

21.5138.06 j Amended soft landscape proposals (sheet 6 of 7)

21.5138.02 n Amended soft landscape proposals (sheet 2 of 7)

21.5138.03 l Amended soft landscape proposals (sheet 3 of 7)

20.1462.030 c Site plan

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

- As indicated on drawing no. 48737/C/003 E and prior to occupation of the development, the road junction / access at its centre line shall be provided with a minimum clear to ground visibility splay dimensions of 2.4 metres by 90 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

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

- 3. Prior to the occupation of any of the proposed development the internal road site access and footway layout shall be provided in principle and accord with drawing numbers:**
  - 20.1464.100 AA Amended proposed site layout.**
  - 20.1464.300 N Amended Parking layout plan.**
  - 20.1464.550 Garages - proposed floor plans and elevations.**
  - 48737/c/003 E Amended highway limits of adoption.**
  - 48737/c/006 N Amended footpath to Birch Avenue.**

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

- 4. Prior to occupation of the development a 1.5 metre x 1.5 metre clear visibility above a height of 600mm, as measured from and along the boundary, shall be provided on both sides of each vehicular access. 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.**

- 5. Any proposed boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.**

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

- 6. The development of any phase shall not be occupied until such time as car parking and turning areas have been provided in accord with current Parking Standards. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.**

**Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.**

- 7. Prior to the first occupation of any dwelling hereby approved, the details of the Cycle parking shall be provided for those dwellings without a garage in accordance with the EPOA Parking Standards. The details shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be secure, convenient, covered and provided prior to first occupation and retained at all times.**

**Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.**

8. **Subject to the Traffic Regulation Order being successful, the existing speed limit terminal signs to the east of the site shall be replaced and moved eastwards no more than 50 metres and provided with 30-mph carriageway roundel at the applicant's expense, prior to the first occupation of the development.**

**Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible.**

9. Prior to above ground works, a scheme for the provision of electric vehicle charging facilities for the new dwellings 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 dwellings.

Reason: In order to promote sustainable transport.

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

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

11. Notwithstanding the details on the approved plans, no development shall commence until precise details of lighting and refuse storage/collection points have been submitted to and approved, in writing, by the Local Planning Authority. Such lighting and refuse points so approved shall be those used in the development.

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

12. Structural landscaping shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development and other landscaping in a phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees, shrubs or hedge 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 - In order to ensure a satisfactory development in terms of landscape appearance, character and functionality and ensure the earliest and practicable implementation of new planting required to mitigate the impact of the development.

13. No development shall commence until precise details the manufacturer and types and colours of the external facing materials and roofing materials for the dwelling to be used

in the construction have been submitted to and approved, in writing, by the Local Planning Authority.

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

14. Notwithstanding the details on the approved plans, the hedge height planted in the northern landscape buffer adjacent to the existing properties on the southern side of Weeley Road shall, once matured be kept to a height on not less than 2.5 metres high.

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

15. Prior to the occupation of any dwelling, details of the location and maintenance schedule of two dog bins on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be maintained for the lifetime of the development.

Reason: In the interests of residential amenity.

16. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (EECOS, June 2021), Bat Surveys (EECOS, September 2021) and Reptile Survey (EECOS, September 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) as updated by the Environment Act 2021.

17. Prior to commencement an Updated Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), shall be submitted to and approved in writing by the local planning authority which provides a minimum of not net loss using the DEFRA Biodiversity Metric 3.0 or any successor.

The content of the Biodiversity Net Gain report should include the following:

- Baseline data collection and assessment of current conditions on site for both the residential development and drainage area;
- A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity;
- Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
- Details of the implementation measures and management of proposals;
- Details of the monitoring and auditing measures.

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

Reasons: In order to demonstrate measurable net gains and allow the LPA to discharge its duties under the NPPF (2021) as updated by the Environment Act 2021

18. Prior to any works above slab level a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (EECOS, June 2021), Bat Surveys (EECOS, September 2021), Reptile Survey (EECOS, September 2021) and Biodiversity Net Gain Assessment (EECOS, December 2021), shall be submitted to and approved in writing by the local planning authority.

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

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

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

The content of the LEMP shall include the following:

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

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

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021



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

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

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021

- 21. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Class A and C of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no additional first floor side windows (facing westwards) or roof lights (facing westwards) shall be erected or carried at plots at Plots 33 or 47 except in accordance with drawings showing the siting and design of such alterations which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.**

**Reason - In the interest of the amenity of the occupants of adjacent dwellings, and in the interest of the visual amenity of the locality.**

- 22. a) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.**

**b) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.**

**c) The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This 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: in the interests of preserving, any possible historic artefacts found on the host site.**

- 23. Prior to the first occupation of the development, the existing 'Great Bentley village signs and associated 'Village award sign' to the east of the site shall be replaced and moved eastwards no more than 50 metres at the applicant's expense.**

**Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible.**

### 8.3 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.

#### Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a supplementary legal agreement (Deed of Variation) and this decision should only be read in conjunction with this agreement and the original Section 106 document that remains unaltered.

#### 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](mailto:development.management@essexhighways.org)**

**2: Note: the proposed vehicular access for plots 133 and 134 shall be constructed at right angles to the proposed carriageway.**

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

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

**In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the**

carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

5: Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.

6: 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.

**Note:** The developer will need to pay for the necessary Traffic Regulation Order in addition to the provision of the associated signing and lining.

#### **Suds Informative**

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

2. Any drainage features proposed for adoption by Essex County Council should be Note: The developer will need to pay for the necessary Traffic Regulation Order in addition to the provision of the associated signing and lining.

consulted on with the relevant Highways Development Management Office.

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

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

5. The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

#### **7. Additional Considerations**

## Public Sector Equality Duty (PSED)

- 7.1 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:
- 7.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 7.3 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
- 7.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 7.5 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.
- 7.6 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.
- 7.7 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

- 7.8 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.
- 7.9 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).
- 7.10 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

- 7.11 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.
- 7.12 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.

## **8. Background Papers**

- 8.1 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/>.