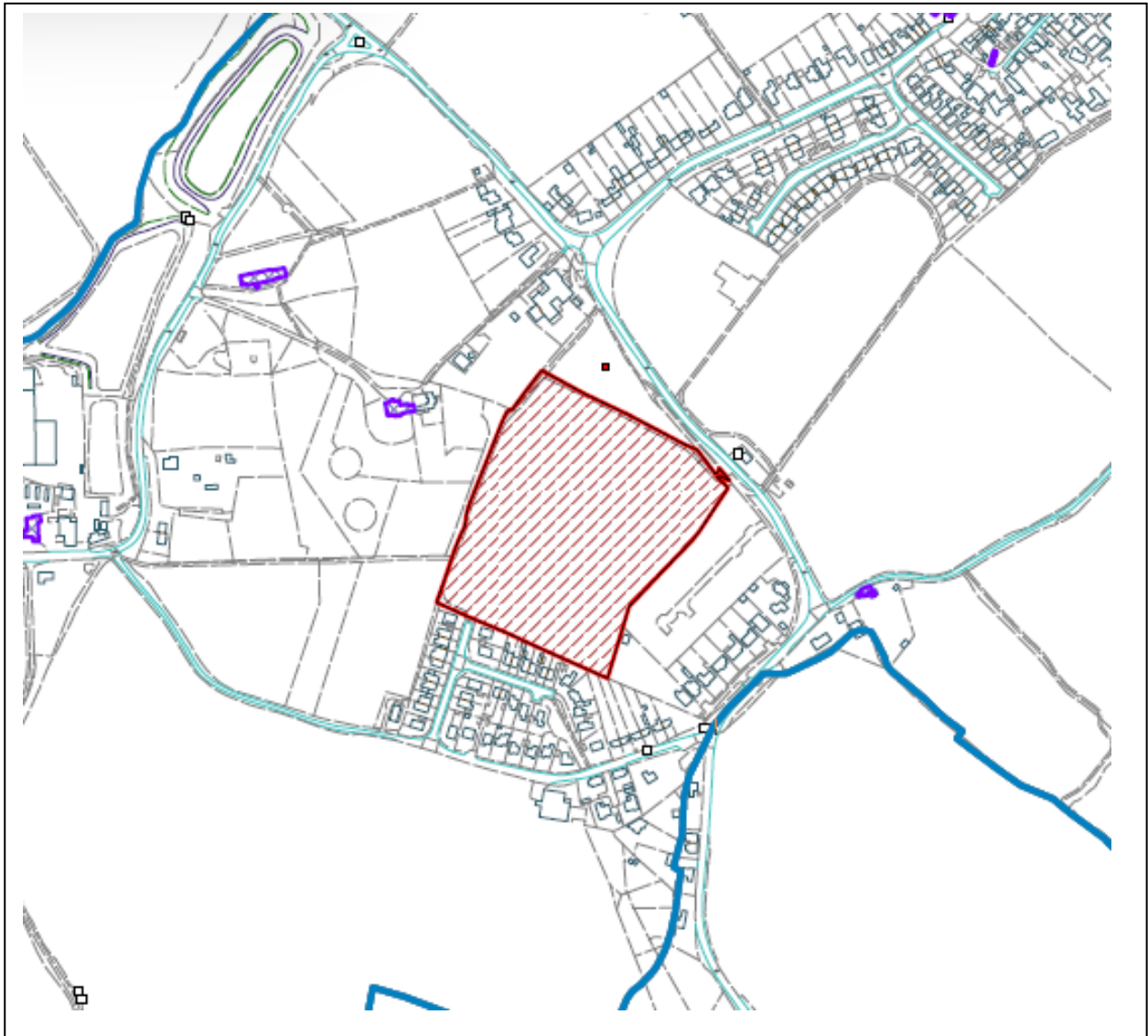


**PLANNING COMMITTEE**

**16 February 2023**

**REPORT OF THE DIRECTOR OF PLANNING**

**A.1 PLANNING APPLICATION – 21/01831/FUL – LAND TO THE SOUTH OF THE ALLOTMENTS BEAUMONT ROAD GREAT OAKLEY CO12 5BA**



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<b>Application:</b>	21/01831/FUL	<b>Town / Parish:</b>	Great Oakley Parish Council
<b>Case Officer:</b>	Amy Lang	<b>Expiry Date:</b>	20.01.2023
<b>Applicant:</b>	Great Oakley Developments (Ltd)		
<b>Address:</b>	Land to The South of The Allotments Beaumont Road Great Oakley CO12 5BA		
<b>Development:</b>	Proposed residential development of 86 dwellings, community building and play area, public car park, landscaping and ancillary works.		

## 1. **Executive Summary**

- 1.1 The application is before Members at the request of Councillor Bush on the basis that the development is of major significance to Great Oakley. Councillor Bush is in support of the application.
- 1.2 The application site is situated to the south-western end of the village of Great Oakley. The application site extends approximately 3.7 hectares and is located to the south of the existing allotments, off Beaumont Road.
- 1.3 The site lies within the Great Oakley Settlement Development Boundary as defined within the adopted Tendring District Local Plan 2013 – 2033 and Beyond, where the principle of residential development is accepted, subject to the relevant detailed considerations.
- 1.4 The application seeks full planning permission for residential development of 86 dwellings together with the provision of a community building, play area, public car park, and associated landscaping.
- 1.5 Following extensive discussions and negotiations with the applicant, and the submission of amended plans to improve the layout and address statutory consultee objections, officers are recommending approval of the application for the reasons set out in the 'Assessment' section below, and subject to a S106 legal agreement securing all planning obligations relevant to the development.

### **Recommendation:** Approval, subject to S106 agreement

- 1) On appropriate terms as summarised below and those as may be deemed necessary to the satisfaction of the Planning Manager to secure 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:
  - Financial contribution of £11,843.06 (£137.71 per dwelling index linked) towards mitigation in accordance with RAMS;
  - Financial contribution to Essex County Council (ECC) of £73,674.40 toward secondary school transport;
  - Financial contribution to ECC of £6,690.80 (£77.80 per dwelling) toward improvements to Harwich Library;
  - Financial contribution to NHS North East Essex CCG of £52,500.00 toward healthcare;
  - On site open space and play provision (first option of transfer to Parish Council, then management company);
  - On site provision of a community building / play area (first option of transfer to Parish Council, then management company);

- Link to third party land (outside of red lined site area) to deliver protected species management/mitigation for Great Crested Newts (GCN);
  - On site affordable housing provision of 30% (26 units). This shall comprise:
    - 19 no. affordable rented.
    - 7 no. shared ownership.
    - Options for the Council and/or housing association/social landlord to be agreed.
    - Trigger point for delivery to be agreed.
- 2) That the Planning Manager be authorised to grant planning permission upon completion of the legal agreement subject to conditions as stated in Section 8.2 or varied as is necessary to ensure the wording is enforceable, precise and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained.
- 3) The informative notes as may be deemed necessary.
- Or;**
- 4) That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 6 months that the Director for Planning at their discretion be authorised to refuse the application on appropriate grounds, but maintaining the resolution to approve if not refused.

## 2. **Planning Policy**

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

### **National:**

National Planning Policy Framework 2021  
National Planning Practice Guidance

### **Local:**

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (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 & 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 and 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 Sewerage
PPL7	Archaeology
PPL9	Listed Buildings
PPL10	Renewable Energy Generation and Energy Efficiency Measures
PP12	Improving Education and Skills
CP1	Sustainable Transport and Accessibility
DI1	Infrastructure Delivery and Impact Mitigation

Essex Minerals Local Plan 2014 (MLP)

S8 Safeguarding Mineral Resources and Mineral Reserves

Supplementary Planning Guidance

Essex Design Guide

Tendring Climate Emergency Action Plan 2020 - 2023

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

**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.

In relation to housing supply:

2.3 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**

15/01080/OUT	Hybrid application consisting of:	Approved	31.03.2016
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	Outline planning permission for the erection of 51. no 2/3/4 bed dwellings to PassivHaus standards. Full planning permission for public open space including a village green & childrens play area & the provision of a village hall, doctors surgery & village shop.		
17/00923/OUT	Variation of Condition 2 of planning permission 15/01080/OUT - to permit changes to the layout and design of the surgery/shop.	Approved	08.09.2017
18/00352/DETAIL	Reserved matters for Phase 1 (23 dwellings) following outline approval for 15/01080/OUT -Outline planning permission for the erection of 51. no 2/3/4 bed dwellings to PassivHaus standards.	Approved	19.12.2018
18/00997/DISCON	Discharge of Condition 13 (drainage) and Condition 12 (details of landscaping) following outline approval 17/00923/OUT.	Approved	11.03.2019
18/02077/DISCON	Discharge of Condition 15 (Wheel Cleaning facility) and Condition 17 (Construction Method Statement) of application 17/00923/OUT.	Approved	11.03.2019

#### 4. **Consultations**

- 4.1 Below is a summary of the comments received from consultees relevant to this application proposal. Where amendments have been made to the application, or additional information has been submitted to address previous issues, only the latest comments are included below.
- 4.2 All consultation responses are available to view, in full (including all recommended conditions and informatives), 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/>.

##### **Anglian Water Services**

###### Section 1 - Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

###### Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Harwich and Dovercourt Water Recycling Centre that will have available capacity for these flows

###### Section 3 - Used Water Network

This response has been based on the following submitted documents: Flood Risk Assessment.

###### Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. 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 reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. We please find below our SuDS website link for further information. <https://www.anglianwater.co.uk/developers/drainage-services/sustainable-drainage-systems/>

#### **Ecology - Essex County Council Place Services**

No objection subject to securing:

- a) a proportionate financial contribution towards Essex Coast RAMS
- b) biodiversity mitigation and enhancement measures

Further to our comments made on 17th August 2022, we have reviewed the GCN Mitigation Strategy - Version 3 (Lockhart Garratt, October 2022) along with the Preliminary Ecological Appraisal (Pea) Report (Lockhart Garret, March 2022), Biodiversity Impact Assessment (Nicholsons Lockhart Garratt, April 2022), Reptile Survey Report (Lockhart Garratt, August 2021), and Great Crested Newt Survey Report (Lockhart Garratt, September 2021) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We are satisfied that there is sufficient ecological information available for determination of this application.

The site falls within the evidenced recreational Zone of Influence (ZOI) of the adopted Essex Coast RAMS. Therefore, as the residential element of this development is relevant to the Essex Coast RAMS, we note that the LPA has prepared a project level HRA Appropriate Assessment to secure a per dwelling tariff by a legal agreement for delivery of visitor management measures at the designated sites. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitat sites.

This provides certainty for the LPA of the likely impacts on designated sites, 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 (Pea) Report (Lockhart Garratt, March 2022) and Reptile Survey Report (Lockhart Garratt, August 2021), should be secured by a condition of any consent and implemented in full. This is necessary to

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

We also note that the GCN Mitigation Strategy - Version 3 (Lockhart Garratt, October 2022), provides appropriate mitigation and a receptor site for the translocation of Great Crested Newts. As a Natural England Mitigation Licence for GCN is to be applied for, submission of a copy of this mitigation licence should be secured by condition of consent.

We also support the proposed reasonable biodiversity enhancements of hedgerow infilling, wetland habitat creation, wildflower areas, bat boxes, bird boxes, reptile hibernacula and log pile which have been recommended by the Preliminary Ecological Appraisal (Pea) Report (Lockhart Garratt, March 2022) and Reptile Survey Report (Lockhart Garratt, August 2021) to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

In addition, the Biodiversity Impact Assessment (Nicholsons Lockhart Garratt, April 2022) highlights that it is likely bats could be foraging/commuting within and around the site. Therefore, if any external lighting is to be proposed, it is recommended that a sensitive lighting scheme is developed to minimise any impacts. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <3000k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

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

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

### **Archaeology - Essex County Council Place Services**

The proposed development lies to the south of the historic settlement at Great Oakley and to the east of the 12th century Church. Finds recorded as part of the Portable Antiquities scheme include evidence from the Late Iron Age to medieval period in the surrounding area and cropmark features in the wider area include ring ditches and evidence for agricultural activity predating the postmedieval period.

A DBA was submitted for the 2015 application which concluded that the early archaeological character of the site is poorly understood. Little archaeological investigation has taken place in the immediate vicinity of the proposed development site however in the wider area archaeological investigation in advance of development is revealing evidence for well preserved multi-period landscapes. There is potential that currently unidentified heritage assets will be impacted upon by the proposed development. Due to the scale of harm or loss, the applicant is required to carry out an evaluation to determine the nature and significance of any heritage assets that may be affected (Para 192, 2021) and to make this publicly available. In the first instance this could be through a programme of geophysical survey (should soils be suitable) which could then determine the requirement for further intrusive archaeological investigation.

No objection subject to conditions securing a Programme of Archaeological Evaluation-Geophysics and targeted trial trenching.

### **Essex County Council Highways**

The information submitted with the application has been fully assessed by the Highway Authority and conclusions reached based on a desktop study in conjunction with a previous site visit. The site is situated on the Beaumont Road that is subject to a 40-mph speed limit. The proposal is utilising an existing field access from Beaumont Road that will be upgraded and form the only vehicular access into the site. It is noted that this application is similar to previous planning applications 15/01080/OUT that was approved in 2016 and 18/00352/DETAIL both of which the Highway Authority did not raise an objection to. It is noted that the submitted drawings have been amended to reflect changes to the play area/ community building/ car park; re-alignment of road and parking court for plots 54-65; changes to visitor parking spaces and minor changes to boundary treatments to allow for additional landscaping.

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

### **Essex County Council School Service**

Thank you for providing details of the above detailed planning application proposing 86 residential units consisting of 12 x 1 bed houses (exempt), and 74 x 2+ bed houses. Based on this information, a development of this size can be expected to generate the need for up to 6.66 Early Years and Childcare (EY&C) places; 22.2 primary school, and 14.8 secondary school places.

Please note that any developer contribution figures referred to in this letter are calculations only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation.

#### Early Years and Childcare

Essex County Council has a statutory duty under the Childcare Act 2006 to ensure that there is sufficient and accessible high-quality early years and childcare provision to meet local demand and parental choice. This includes provision of childcare places for children aged between 0-5 years as well as wrap around provision for school aged children (5-11 or up to 19 with additional needs).

The proposed development is located within Thorpe, Beaumont and Great Holland ward and according to latest available childcare sufficiency data, there are 8 early years and childcare providers within the ward/3-mile radius. These providers currently report sufficient vacant childcare places to meet the additional need created by this new development.

As there are sufficient places available in the area, a developers' contribution towards new childcare places will not be required for this application.

#### Primary Education

A contribution toward primary education will not be requested at this time as current forecasts suggest sufficient capacity in the area to accommodate demand for school places from a development of the size and type proposed.

#### Secondary Education

A contribution toward secondary education will not be requested at this time as current forecasts suggest sufficient capacity in the area to accommodate demand for school places from a development of the size and type proposed.



### School Transport

Having reviewed the proximity of the site to the nearest primary school, Essex County Council will not be seeking a school transport contribution at this time. However, the developer should ensure that safe direct walking and cycling routes to local schools are available.

Having reviewed the proximity of the site to the nearest secondary school, Essex County Council will be seeking a secondary school transport contribution as the nearest school falls outside the statutory distance. The cost of providing this is £73,674.40 Index Linked to Q1-2020.

### Libraries

ECC may seek contributions to support the expansion of the library service to meet customer needs generated by residential developments of 20+ homes. The provision of a Library Service is a statutory duty under the 1964 Public Libraries and Museums Act and it's increasingly become a shared gateway for other services such as for accessing digital information and communications.

The suggested population increase brought about by the proposed development is expected to create additional usage of Harwich library. A developer contribution of £6,690.80 is therefore considered necessary to improve, enhance and extend the facilities and services provided. This equates to £77.80 per unit.

### Employment and Skills

Both Central and Local Government have a crucial role to play in identifying opportunities to maximise employment, apprenticeships, and to invest in skills to realise personal and economic aspirations.

ECC has a role to play in supporting Local Planning Authorities and helping to ensure that the development industry has the necessary skills to build the homes and communities the county needs. ECC supports Tendring District Council in securing obligations which will deliver against this crucial role in supporting employment and skills in the district.

In the current economic climate and national skills shortage, ECC supports Tendring District Council in requiring developers to prepare an 'Employment and Skills Plan' (ESP) seeking to drive forward an increase in construction employability levels and workforce numbers. These plans will help to address negative perceptions of the sector and develop a strong future pipeline. This is referred to as the 'development phase'. ECC also supports Tendring District Council in requiring landowners to produce an ESP for commercial developments, to enable wider employment opportunities for those requiring additional support to enter the job market. This is referred to as the 'end-use phase'. Additionally, ECC encourages Tendring District Council to consider the inclusion of other requirements, including financial contributions, to support appropriate employment and skills outcomes as a result of this development.

In view of the above, I request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on secondary school transport and libraries.

The contributions requested have been considered in connection with the CIL Regulations 2010 (as Amended) and are CIL compliant. Our standard formula s106 agreement clauses that ensure the contribution would be necessary and fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

If your council were minded to turn down the application, I would be grateful if the lack of surplus secondary school transport and libraries provision in the area to accommodate the proposed new homes can be noted as an additional reason for refusal, and that we are automatically consulted on any appeal or further application relating to the site.

## **NHS East Essex CCG**

### 1.0 Introduction

1.1 Thank you for consulting North East Essex Clinical Commissioning Group on the above planning application.

1.2 I refer to the above planning application and advise that, further to a review of the applicants' submission the following comments are with regard to the health and social care system provision on behalf of Suffolk and North East Essex Integrated Care System.

### 2.0 Existing Healthcare Position Proximate to the Planning Application Site

2.1 The proposed development is likely to have an impact on the services of 2 GP practices including branch surgeries operating within the vicinity of the application site. These GP practices and branch surgeries do not have capacity for the additional growth resulting from this development.

2.2 The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. As the commissioner of primary care services, North East Essex CCG would therefore expect these impacts to be fully assessed and mitigated.

### 3.0 Review of Planning Application

3.1 A Healthcare Impact Assessment (HIA) has been prepared by North East Essex CCG to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

### 4.0 Assessment of Development Impact on Existing Healthcare Provision

4.1 The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 198 residents and subsequently increase demand upon existing constrained services.

4.2 The primary healthcare services directly impacted by the proposed development and the current capacity position are shown in Table 1.

4.3 The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

### 5.0 Healthcare Needs Arising from the Proposed Development

5.1 At the earliest stage in the planning process it is recommended that work is undertaken with NHS England and Public Health England to understand the current and future dental needs of the development and surrounding areas giving consideration to the current dental provision, current oral health status of the area and predicted population growth to ensure that there is sufficient and appropriate dental services that are accessible to meet the needs of the development but also address existing gaps and inequalities.

5.2 Encourage oral health preventative advice at every opportunity when planning a development, ensuring that oral health is everybody's business, integrating this into the

community and including this in the health hubs to encourage and enable residents to invest in their own oral healthcare at every stage of their life.

### 5.3 Health & Wellbeing Statement

As an Integrated Care System it is our ambition that every one of the one million people living in Suffolk and North East Essex is able to live as healthy a life as possible and has access to the help and treatment that they need in the right place, with good outcomes and experience of the care they receive.

Suffolk and North East Essex Integrated Care System, recognises and supports the role of planning to create healthy, inclusive communities and reduce health inequalities whilst supporting local strategies to improve health, social and cultural wellbeing for all aligned to the guidance in the NPPF section 91.

The way health and care is being delivered is evolving, partly due to advances in digital technology and workforce challenges. Infrastructure changes and funds received as a result of this development may incorporate not only extensions, refurbishments, reconfigurations or new buildings but will also look to address workforce issues, allow for future digital innovations and support initiatives that prevent poor health or improve health and wellbeing.

The NHS Long term plan requires a move to increase investment in the wider health and care system and support reducing health inequalities in the population. This includes investment in primary medical, community health services, the voluntary and community sector and services provided by local authorities so to boost out of hospital care and dissolve the historic divide between primary and community health services. As such, a move to health hubs incorporating health and wellbeing teams delivering a number of primary and secondary care services including mental health professionals, are being developed. The Acute hospitals will be focussing on providing specialist treatments and will need to expand these services to cope with additional growth. Any services which do not need to be delivered in an acute setting will look to be delivered in the community, closer to people's homes.

The health impact assessment (HIA) submitted with the planning application will be used to assess the application. This HIA will be cross-referenced with local health evidence/needs assessments and commissioners/providers own strategies so to ensure that the proposal impacts positively on health and wellbeing whilst any unintended consequences arising are suitably mitigated against.

5.4 The development would give rise to a need for improvements to capacity, in line with emerging STP Estates Strategy; by way of refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of the area of Great Oakley or through other solutions that address capacity and increased demand as outlined in 5.3 - Health & Wellbeing Statement. For this a proportion of the cost would need to be met by the developer.

5.5 Table 2 provides the Capital Cost Calculation of additional primary healthcare services arising from the development proposal.

5.6 A developer contribution will be required to mitigate the impacts of this proposal. North East Essex CCG calculates the level of contribution required, in this instance to be £52,500.00 Payment should be made before the development commences.

5.7 North East Essex CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

### 6.0 Conclusions

6.1 In its capacity as the primary healthcare commissioner, North East Essex CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

6.2 The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

6.3 Assuming the above is considered in conjunction with the current application process, North East Essex CCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

6.4 The terms set out above are those that North East Essex CCG deem appropriate having regard to the formulated needs arising from the development.

6.5 North East Essex CCG is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

6.6 North East Essex CCG look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

#### **SuDS – Lead Local Flood Authority (LLFA)**

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 15th 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 subject to conditions.

#### **Urban Design Advisor - Essex County Council Place Services**

To summarise, the proposed development has been designed to respond to the constraints of the site. The increase in density from the approved layout has introduced a series of layout compromises which are creating negative impacts on the quality of place. To help address some of these issues raised, we would recommend a further meeting to discuss how some of the concerns included within this response could be addressed.

#### **Heritage – Essex County Council Place Services**

The proposal site is in close proximity to Grade II Listed Old Rectory. The setting of the Grade I Listed All Saints Church and the Old Rectory has historically always been undeveloped, rural and open in character. The proposed development, which would be set in close proximity to the

boundary of the Old Rectory, would affect the wider setting of the Old Rectory by introducing a built form in a mostly unchanged rural setting. This would also include the introduction of new infrastructures and an increase in vehicular traffic, noise and light pollution which would have an impact on the secluded and rural character of the setting.

It is however noted that the Old Rectory building is set at distance from the proposal site west boundary, with its main elevation facing south and away from the proposed development. The existing woodland and mature trees provide a mostly uninterrupted screening from the proposal site, with possible limited intervisibility between the proposed development and the designated heritage asset. This would contribute to retain the rural character and the sense of seclusion and isolation of the immediate setting.

The level of harm can be identified at the lowest end of less than substantial, making Paragraph 202 of the NPPF relevant here.

### **Essex Police – Designing out Crime**

The applicant did not seek pre-application consultation as referenced in NPPF. Essex Police considers that it is important that, if approved, this specific development is designed incorporating the maximum achievable benefit of Crime Prevention Through Environmental Design (CPTED) for which Secured by Design (SBD) is the preferred enabler. This reflects sections 91 and 127 of the NPPF which support the need for safe and secure developments.

Good design should aim to achieve healthy, inclusive and safe places, which are accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. This is also endorsed by Tendring Local Plan to 2033 - Policy LP4 - Housing Layout - 'minimise the opportunities for crime and anti-social behaviour by ensuring good surveillance, clear definition between public and private spaces'.

As such, it is strongly recommended that the developer seeks to achieve Secured by Design Homes 2019 accreditation for this residential development and SBD - Commercial accreditation for the community centre. SBD accreditation is only achieved by compliance with the requirements of the relevant Design Guide ensuring the security built into each property and a development as a whole is risk commensurate to that location.

Essex police would like the following points clarified:

- There appears to be limited surveillance of the rear parking court for the 9 terraced homes facing to the communal open space, this has the potential to become a crime generator due to poor surveillance and lack of capable guardianship, what is proposed to resolve this?
- The rear garden gate access from rear parking court - What locking mechanism will be fitted to these wooden gates to allow access to gardens but maintain security?
- Essex Police would like to view of the proposed lighting plan to ensure it complies with BS 5489:2020.

### **Building Control**

No adverse comments at this time.

### **Regeneration**

The Economic Growth Team do not have any comments to make on Planning Application 21/01831/FUL from economic point of view. We would however, if planning was granted, like to see a local labour force used for the construction of the site.

### **Environmental Protection**

No objection subject to conditions.

### **Public Realm**

#### Current Position

There is currently a deficit of -0.76 hectares of equipped play in Great Oakley.

#### Recommendation

As there will be on site open space and play facilities, we are not requesting an offsite contribution on this occasion.

### **Waste Management**

All access roads to be constructed to suitable standard to allow full access to all properties to 26 tonne, 2.5 metre wide waste and recycling collection vehicles.

## **5. Representations**

### Parish Council Consultation

5.1 Great Oakley Parish Council support this application subject to direct input and agreement on construction timing and ownership of the proposed community centre, playing field and car park area. Points of note within their comments can be summarised as follows:

- Represents an unwelcome increase of over 30% in residential properties in the village. That said we accepted this development as planned in 2015 with 53 Houses as we understood that the development would be a 'given' from central government and any objection pointless. Consequently, we have concentrated on securing much needed facilities to benefit our community.
- We would like to see the large number of social houses now proposed being justified with demand figures required in our area.
- Community hall, car park and play area to be gifted to the PC - final design, timescale for completion, details of furnishings and fittings to be included in the hall to be agreed with PC
- Confirmation of S106 money required.
- Timings for works associated with this development are required.

### Public Consultation

5.2 47 of local objections and representations have been received in response to the site notice, press advert and neighbour notification letters posted for the application. The objections and comments made can be summarised as follows:

- No infrastructure to support this development.
- Limited bus provision.
- No large-scale employment opportunities within the village.
- Harmful to the character and size of the village.
- Harmful to the landscape.
- Design and 2.5 storey builds are out of character.
- Too dense / too many houses / disproportionate to the size of the village - 50 homes on this site as previously approved is better. Cramped and overdevelopment of the site.
- No proven need for this development or this many homes.
- Highway safety concerns from poor visibility, poor access, poor crossing, increase in traffic.
- Loss of good agricultural land.
- Loss of pleasant walking route.
- Harm to wildlife and protected species.

- Harm to residential amenities from overlooking, loss of privacy, light pollution, air pollution, noise, traffic.
- Proposed community building and car park is too small – no disabled facilities.
- The large village hall and doctors surgery previously proposed were better.
- No need for a new village hall – existing hall just needs renovation.
- Rain, surface water flooding and drainage are already a problem.
- No consideration of climate change.
- EV charging points should be provided.
- Road and maintenance costs placed on new residents with no deductions in their council tax is unfair.
- Essex police state the builds potential as a crime generator.
- Increase in crime levels and anti-social behaviour.
- Affordable housing welcomed – but priority should be given to those with a strong connection to the Parish.
- The social housing element should be allocated and managed by the local community and not by a housing association.
- Restricted / poor access for emergency vehicles.
- Bin store and waste collection needs to be provided.
- If development does go ahead, consideration should be given to the improvement to our poorly maintained roads, better community facilities, bigger doctors surgery and retention of green areas.
- Water main crosses the site – who is responsible for maintenance.
- Insufficient parking for number of new houses.

#### Community Engagement by the Developer

5.3 The application is accompanied by a Statement of Community Consultation prepared by the agent, Smith Jenkins Ltd on behalf of Great Oakley Developments Ltd.

### **6. Assessment**

6.1 The key and most important material planning considerations relevant to this development proposal are set out below followed by an assessment under each heading.

- Site Description and Context;
- Planning History;
- Development Proposal;
- Principle of Residential Development and New Community Facilities;
- Scale, Layout and Appearance;
- Renewable Energy Generation and Energy Efficiency Measures;
- Parking, Accessibility and Highway Safety;
- Trees and Landscaping;
- Residential Amenities;
- Bin Storage and Waste Collection;
- Biodiversity and Protected Species;
- Sustainable Drainage and Foul Sewage Disposal;
- Environmental Protection – Contaminated Land;
- Archaeology;
- Impact on Heritage Assets; and,
- Planning Obligations secured via S106 agreement.

#### Site Description and Context

6.2 The application site is situated to the south-western end of the village of Great Oakley. The application site extends approximately 3.7 hectares and is located to the south of the existing

allotments, off Beaumont Road. The existing site accommodates several ditches located predominantly along the eastern, southern and western boundaries.

- 6.3 The site is bordered to the north by the existing allotments, beyond which on the opposite side of Beaumont Road is the village sports field. All Saints Primary School is to the northwest.
- 6.4 An existing footpath runs along the western boundary of the site providing a pedestrian link between the school and the established Woodlands residential development to the south. Beyond the footpath to the west of the site is existing woodland and farmland. To the east of the site is The Oaks residential development and beyond are dwellings fronting Beaumont Road.
- 6.5 The site has a number of trees along its boundaries, with a collection of trees to the northeast of the site, adjacent to The Oaks, being subject to a Tree Protection Order (TPO no. 15/0008/TPO). The majority of these trees are Oak with the remainder being sycamore or pine.
- 6.6 The site is not located within the Great Oakley Conservation Area. The closest Listed Building is The Old Rectory (Grade II) located more than 60 metres to the west of the application site boundary. Furthermore, the site is in a safeguarded sand and gravel area, therefore policy S8 (Safeguarding mineral resources and mineral reserves) of the Essex Minerals Local Plan 2014 (MLP) is relevant.
- 6.7 The site lies within the Great Oakley Settlement Development Boundary as defined within the adopted Tendring District Local Plan 2013 – 2033 and Beyond.

#### Planning History

- 6.8 This application follows an approval of a hybrid application consisting of outline planning permission for the erection of 51 dwellings and full planning permission for public open space and the provision of a village hall, doctors' surgery, and village shop, under planning application reference 15/01080/OUT and 18/00352/DETAIL (Phase 1 of 23 dwellings).
- 6.9 Within the Design and Access Statement accompanying this application, the agent states that, *the hybrid consent was found to be unviable by the previous developer, who sold the site to the current applicant. It is understood that the Reserved Matters Phase 1 permission was implemented by way of beginning works relating to drainage, meaning the permission is extant.*
- 6.10 For the previous permission to remain extant, the full element (Public open space, Village Hall, Doctors Surgery and Shop) was required to commence by 31 March 2019. In terms of the outline element (51 dwellings) was subject to the standard time limit conditions requiring an application for the approval of the reserved matters to be submitted before 31 March 2019 and implemented within 2 years from approval of the last reserved matters. The reserved matters has only been approved in part (23 dwellings). Application 18/00352/DETAIL was approved on 19 December 2018, thus requiring commencement by 19 December 2020.
- 6.11 According to Council records, no building control inspections have taken place for the development. A site visit was carried out by officers on 12 April 2021 at which time only clearance works had taken place, which do not constitute commencement of development. Consequently, the view from the LPA is that the previous permission has expired. The site is located within the Great Oakley Settlement Development Boundary as defined within the adopted Local Plan and the principle of residential development will be covered in more detail below.
- 6.12 As explained within the accompanying Design and Access Statement, it was intended for the previously approved GP surgery and shop to be built to shell and then the occupiers would fit out the structures, with the GP surgery then leased on commercial terms. The shop was relatively small, and the previous applicant (a local farmer) intended to use it as a farm shop. However, they are no longer involved with the current application and as such do not intend to carry this forward.



The GP surgery did not have an identified end user and it is understood that the NHS do not wish to open new GP surgeries, as they are focusing on larger Health Centres. As such, neither of these elements are proposed within the current application.

### Development Proposal

6.13 This current application seeks full planning permission for residential development of 86 dwellings together with the provision of a community building, play area, public car park, and associated landscaping. Accounting for the submission of amended plans and information, the proposed development can be summarised as follows:

#### ***Residential element:***

- The residential element of the scheme will provide a mix of market housing and affordable housing, comprising:
  - 12 x one bed houses, all of which would be affordable housing (9no. social rented and 3no. shared ownership).
  - 14 x two bed houses, 5 of which will be affordable housing (5no. social rented).
  - 8 x two bed bungalows, 1 of which will be affordable housing (shared ownership).
  - 35x three bed houses, 7 of which will be affordable housing (4no. social rented and 3no. shared ownership).
  - 3 x three bed bungalow, 1 of which will be affordable housing (shared ownership).
  - 14 x four bed houses.
- The residential area includes open space in the southern portion of the site, consisting of both hard and soft landscaping and incorporating an attenuation basin, as well a landscaped/open space area at the entrance to the site either side of the road.
- The attenuation basin will be planted with wildflowers and grasses and have a boardwalk across. To the east is a paved area with seats, tables and benches set within ornamental planting.
- A further useable area is proposed along the western boundary of the site, incorporating the Public Right of Way, and improving the existing vegetation along this boundary to create an attractive 'woodland walk'. It is proposed to replace the existing concrete path with a resin bound gravel path with a more informal, winding alignment. The existing vegetation will be supplemented with native hedgerow species, woodland planting, and occasional trees.
- The residential element provides a total of 160 on-plot parking spaces and an additional 19 spaces allocated for visitor parking spread across the site.
- The main vehicular access is via Beaumont Road, at the northeast corner of the site.
- All of the overhead power lines within the site are proposed to be buried within the ground. A further 2 substations are proposed to be accommodated on site to facilitate providing sufficient power for the proposed new homes.

#### ***Community element:***

- The northern element of the site will comprise of a 327 sqm community building which will provide facilities for the local community to use including a hall, a studio room, changing rooms for local sports clubs, a kitchen, and other ancillary spaces.

- The developer has explained that the community building will be fully fitted out and ready for occupation as part of the proposed development. This will be secured as part of the legal agreement.
- To the east of the community building will be a 34 space car park which is intended to serve the community building, as well as providing parking for members of the public who may utilise it for the allotments, the local primary school, and the local sports fields. 10 cycle parking spaces are also proposed for the community building, plus 2 motorbike parking spaces and buggy parking areas.
- To the east of the community building will be a children's play area which will provide various items of play equipment. The play area also incorporates landscaped areas which include sensory planting and seating areas to enhance the play experience.

### Principle of Residential Development and New Community Facilities

#### ***Residential Development:***

- 6.14 Adopted Local Plan Section 1 (TDLPS1) Policy SPL1 defines each settlement for the District. To encourage sustainable patterns of growth and carefully control urban sprawl, each settlement listed in SPL1 is defined within a 'Settlement Development Boundary' as shown on the relevant Policies Map and Local Map. Adopted Local Plan Section 2 (TDLPS2) Policy SPL2 states that, within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies.
- 6.15 Regardless of whether the previous permissions have expired, the site is located fully within the Great Oakley Settlement Development Boundary as defined within the adopted Local Plan and local policies map B.14.
- 6.16 The principle of residential development on the site is therefore accepted subject to all other relevant material planning considerations, policies and guidance (covered below).

#### ***Community Facilities:***

- 6.17 The National Planning Policy Framework 2021 (NPPF) Paragraph 93 states, amongst other things, that planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments.
- 6.18 Paragraph 6.0.3 of the TDLP states that, the NPPF requires local planning authorities to adopt a positive approach toward development proposals that will contribute toward building a strong, responsive and competitive economy in their area. TDLPS2 Policy HP2 endorses the delivery of a range of new community facilities. New development should support and enhance community facilities where appropriate.
- 6.19 Furthermore, TDLPS2 Policy PP8 aims to attract visitors to the Tendring District and support economic growth in tourism, by generally supporting proposals for outdoor recreational activities. National and local plan policies are therefore supportive of new community and recreational facilities, subject to all other relevant policies and materials planning considerations in relation to its impact.
- 6.20 The proposed community building, publicly accessible car park and play area are intended to be accessible to the community of Great Oakley, not just the future residents of this development. These facilities will enhance and add to the existing facilities within the village.

6.21 The principle of new community facilities is therefore accepted subject to all other relevant policies and guidance.

Safeguarded Sand and Gravel (MSA) Area

6.22 Policy S8 of the Essex Minerals Local Plan 2014 states the Minerals Planning Authority (MPA) shall be consulted on all planning applications for development on a site located within an MSA that is 5ha or more for sand and gravel. The application site is 3.7ha in size as such consultation with the MPA is not required in this instance. In addition, given the size of the site and the surrounding context (residential development immediately to the east, south and further to the north east), it is considered that the proposal would not unnecessarily sterilise mineral resources and will therefore result in no conflict with policy S8.

Scale, Layout, Appearance and Housing Mix

6.23 Paragraph 130 of the NPPF (2021) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

6.24 TDLP1 Policy SP7 endorses high standards of urban and architectural design. All new development should follow key place shaping principles including; responding positively to local character and context; creating well-connected places; providing buildings that exhibit individual architectural quality; incorporation of biodiversity creation and enhancement measures; and incorporation of measures to promote environmental sustainability.

6.25 TDLP2 Policies SPL3 and LP4 also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout which create a unique sense of place.

6.26 The surrounding area is characterised by a mixture of single storey and two-storey dwellings in a range of styles.

6.27 The proposed development comprises a mix of sizes and types of dwellings, including bungalows, 1.5 storey, 2 storey and some 2.5 storey properties laid out in a combination of small terraces, semi-detached and detached dwellings. This mix of size and types of dwellings at set out in the tables below allows for a mixed community and suitable housing choice, in accordance with policy LP2 and the latest updated Strategic Housing Market Assessment.

*No. of bedrooms:*

1xbed	2xbed	3xbed	4xbed
12	22	38	14

*Market and Affordable:*

Market Housing	Affordable Rented	Shared Ownership
60	19	7

6.28 The site area is approximately 3.7 hectares in size and proposes 86 dwellings. This equates to 23.43 dwellings per hectare which is suitably comparable to The Oaks Estate (the small housing estate immediately to the southeast of the site) at 22.47dph and The Woodlands Estate (immediately to the south of the site) at 26.46dph.

6.29 The design, appearance and varied use of materials to be implemented are considered to be acceptable and will result in an appropriate expansion of the current build form of this part of the settlement. The development comprises a variety of house types of varying heights and appearances. This, together with the street patterns, interspersed soft landscaping, open spaces, woodland walk, and footpath connections will create an attractive place to live and establish a

unique and strong sense of place. Following discussions with the applicant, improvements have been made to the development including amendments to layout to the community element to the north of the site, enhancing its connectivity and usability. The revised scheme also addresses most of the concerns raised by Essex County Council Place Services Urban Design.

- 6.30 In terms of the location of the affordable housing, there are two small groups of affordable housing units located in the northeast (8 units) and southwest (9 units) parts of the site with a further 8 units pepper potted across the site. There will be no distinguishable difference between market and affordable housing in terms of architectural design and use of materials to ensure they are integrated well into the development.
- 6.31 Overall, the scale, layout and appearance of the development is considered to meet the aims and aspirations of the above-mentioned national and local plan policies.

#### Renewable Energy Generation and Energy Efficiency Measures

- 6.32 The NPPF requires local planning authorities to adopt proactive strategies to mitigate climate change and promote sustainable development.
- 6.33 TDLPS1 Policy SP7 requires new development to include measures to promote environmental sustainability including addressing energy and water efficiency. Policy PPL10 requires proposals for new development to consider the potential for a range of renewable energy solutions and for proposals for residential development to be accompanied by a 'Renewable Energy Generation Plan' (REGP) setting out measures that will be incorporated into the design, layout and construction aimed at maximising energy efficiency and the use of renewable energy.
- 6.34 The application is supported by an Energy and Sustainability Statement dated 25 October 2021 which sets out including:
- Rainwater harvesting in the form of water butts;
  - Solar panels;
  - Air Source heat pumps;
  - Electric vehicle charging points;
  - Cycle storage;
  - Materials to be sustainably and locally sourced where possible;
  - Variety of landscaping and open space features; and,
  - Adherence to a Construction Waste Management plan.
- 6.35 Whilst the accompanying statement goes some way in demonstrating how the proposal will meet the aims of Policies SP7 and PPL2, the level of detail provided is not sufficient. Therefore, to ensure full compliance with the policy aims, a condition securing full details and a timetable for delivery is considered necessary.

#### Parking, Accessibility and Highway Safety

- 6.36 Paragraph 100 of the NPPF states that planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users. Paragraph 110 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users.
- 6.37 TDLPS2 Policy SPL3 Part B of the Local Plan seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking.
- 6.38 In addition, the EPOA Parking Standards 2009 set out the parking requirements for new development. The parking standards require a minimum of 1 vehicle parking space for 1 bedroom

dwelling, and 2 spaces per 2 bedroom (or greater) dwelling. One secure, covered parking space for bicycles is required per dwelling. If this is not provided within the curtilage, then one covered and secure space per dwelling is required in a communal area, plus a further one visitor cycle parking space for every eight. Visitor car parking is required at a rate of 0.25 spaces per dwelling, of which 3 bays or 6% (whichever is greater) should be provided as accessible spaces for blue badge holders. The parking spaces should measure 5.5 metres by 2.9 metres. Where a garage is being relied upon to provide parking, this should have internal dimensions of 7 metres by 3 metres.

- 6.39 The EPOA Parking Standards 2009 also set out the requirements for non-residential development.
- 6.40 As set out within the Development Proposal section above, the development provides 160 on-plot parking spaces and an additional 19 spaces allocated for visitor parking spread across the site. The Schedule of Accommodation accompanying the application demonstrates that each dwelling will be served by an appropriate number of spaces for the number of bedrooms, in accordance with the EPOA Parking Standards. All 1 bed properties include 1 parking space and all 2+ bedroom properties are provided with 2 parking spaces.
- 6.41 Directly to the west of the community building will be a 34 space car park which is intended to serve the Community Building, as well as providing parking for members of the public who may utilise it for the allotments, the local primary school, and the local sports fields. A total of 10 cycle parking spaces are also proposed for the community building, as well as 2 motorbike parking spaces and buggy parking areas. Visitor parking is generally parallel to the road and dispersed throughout the development. Resident parking is generally within the curtilage of each property and in two parking courtyards for the affordable housing. The parking provision for the community building exceeds the 12 bays calculated via the parking standards, allowing for the multiple uses envisaged.
- 6.42 Amended plans include revisions to the parking layout, improving the resident on plot parking and the positioning of visitor parking spaces to allow for improved manoeuvrability and landscaping
- 6.43 The application is accompanied by Transport Statement Project No: 13573/R-01 providing an assessment of the accessibility of the site and the impact of the development on the local highway network.
- 6.44 A public footpath runs adjacent to the school, north to south along the western boundary of the site. A second public footpath is located to the east of the site, on the opposite side of the Beaumont Road and links to Farm Road.
- 6.45 The nearest bus stops to the site are located approximately 180m walking distance from the site entrance, following the footways on Beaumont Road to the south east. There are additional stops on Beaumont Road further north of the site (475m walking distance).
- 6.46 Crashmap data ([www.crashmap.co.uk](http://www.crashmap.co.uk)) has been utilised to review personal injury accident data for the five year period 2016- 2020 inclusively. No accidents were recorded in the vicinity of the site.
- 6.47 Consultation with the Highway Authority has been undertaken who observe that the proposal is utilising an existing field access from Beaumont Road that will be upgraded and form the only vehicular access into the site. It has been agreed with the developer that the majority of the internal road layout, footway layout, surface water drainage or any form of street lighting will not be adopted by the Highway Authority.
- 6.48 The site access is proposed as a simple priority junction. The developer has provided speed survey data for Beaumont Road in order to establish the required visibility splays in accordance

with Manual for Streets volume 2. An independent Stage 1 Road Safety audit has been instructed in respect of the proposed site access and crossing point on Beaumont Road.

- 6.49 The Highway Authority raise no objection subject to conditions and highway improvements. The LPA have considered the recommended conditions and have, where relevant, made amendments to ensure they meet the NPPF tests for planning conditions, thus ensuring these tests are complied with. The recommendations and requirements of the Highway Authority can be secured via conditions, together with a Section 278 legal agreement (obtained from the Highway Authority) as follows:

#### Conditions

- Submission and approval of a Construction Method Statement.
- Clear to ground visibility splay with dimensions of 2.4 metres by 90 metres in both directions (in accordance with the findings of the accompanying Speed Survey findings).
- Internal road, footway layout and parking shall be provided prior to occupation.
- All plots which are not served by a garage shall provide Cycle / Powered two-wheeler parking shall be provided in accordance with the EPOA Parking Standards.
- Residential Travel Pack.

#### Conditions / Section 278 Agreement for the following works (works within the highway):

- A priority junction off Beaumont Road to provide access to the proposal site constructed at right angles to the highway boundary and to the existing carriageway.
- A straight section of carriageway to be provided from the entrance junction for 15 metres.
- The upgrading of the existing bus stops north-east of the primary school, the stops shall be provided or upgraded to current Essex County Council specification.
- Where possible widening to a maximum width of 2 metres of the existing footway along the south side of Beaumont Road where the public right of emerges to the west and to the boundary with the primary school southwards beyond the site access to the service road located north-east of Red Barn Lane.
- Improvements to the Public Right of Way no.5 which runs along the proposal site's western boundary between Beaumont Road and Woodlands.
- Provision of pedestrian crossing points on Beaumont Road.

#### Not necessary or reasonable

- The Highway Authority also request a condition for the submission, approval and implementation of a Residential Travel Plan, including annual monitoring fees secured by a S106 legal agreement. However, this requirement fails to provide suitable justification, therefore failing to comply with the NPPF. Officers consider a Residential Travel Pack is an appropriate alternative. This can be secured by condition and does not require any financial contributions within the S106.

- 6.50 Having regard to the above, and in the absence of any objections from the Highway Authority, officers are satisfied that the proposed development will not result in any material impact on the existing road network in terms of highway capacity or highway safety.

#### Trees and Landscaping

- 6.51 Paragraph 131 of the NPPF sets out the importance of trees and the contribution they make to the character and quality of urban environments. It states that planning policies and decisions should ensure that opportunities are taken to incorporate trees in developments and that existing trees are retained wherever possible.

- 6.52 TDLPS2 Policy LP4 relates to housing layout and states; to ensure a positive contribution towards the District's 'sense of place', the design and layout of new residential developments will be expected to incorporate and maximise the use of green infrastructure, verges, trees and other vegetation.
- 6.53 There are no trees or other significant vegetation in the main body of the land. On the boundaries of the application site there are several large trees that are prominent features in their setting. Several of the trees make a positive and significant contribution to the character and appearance of the area.
- 6.54 The trees on the eastern boundary are afforded formal legal protection by Tendring District Council Tree Preservation Order ref TPO/15/08 entitled 'Land North of Break of day and Newlands, Beaumont Road, Gt Oakley'.
- 6.55 To show the extent of the constraint that the above trees are on the development of the land the applicant has provided a Tree Survey and Report that includes an Arboricultural Impact Assessment (AIA) and a Tree Protection Plan. The report and associated documents are in accordance with BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations. The tree report shows that the development proposal could be implemented without causing harm to retained trees and shows how all trees will be physically protected for the duration of the construction phase of any development for which planning permission may be granted.
- 6.56 No trees will need to be felled in order to implement the proposed development.
- 6.57 In terms of the layout of the development and the soft landscaping likely to be required to soften, screen and enhance its appearance the applicant has submitted a Landscape Statement. This document sets out the broad scope and extent of proposed soft landscaping for the whole site. The new planting appears comprehensive and would satisfactorily soften, screen and enhance the appearance of the development. In principle the soft landscaping proposals are acceptable in both scale and nature. However, the information provided with the application does not include a detailed planting plan.
- 6.58 The additional documents relating to soft landscaping entitled Planting Strategy Ref: Tm 483-skp03 and the Tree Strategy Ref: Tm 483-skp04 are acceptable in principle but still fail to contain sufficient detail relating to tree, shrub and hedgerow species, specification and quantities. As such it is considered reasonable and necessary for a full soft landscaping scheme to be secured via condition and in the event that planning permission is approved.

#### Residential Amenities

- 6.59 Amongst other things, NPPF at Paragraph 119 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 130 f) of the NPPF states that planning decisions should ensure that developments create places that are safe with a high standard of amenity for existing and future users.
- 6.60 TDLPS1 Policy SP7 requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. TDLPS2 Policy SPL 3 Part C seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 6.61 Paragraph 130 f) includes that planning decisions should ensure that developments create places that are safe, inclusive and accessible, and which promote health and well-being with a high standard of amenity for existing and future users.

- 6.62 TDLPS2 Policy LP4 j. states that the design and layout of new residential will be expected to provide for private amenity space of a size and configuration that meets the needs and expectations of residents and which is commensurate to the size of dwelling and the character of the area.
- 6.63 The Essex Design Guide sets out guidance for residential developments, including separation distances between properties. Where habitable rooms are located at the rears of neighbouring properties and the rear facades face each other, a minimum spacing of 25m between the rears of the properties is required. Where new development backs on to the rear of existing housing, existing residents are entitled to a greater degree of privacy to their rear garden boundary. Where the rear faces of the new houses are approximately parallel to those of the existing homes, the rear of the new houses may not encroach any closer than 15m to an existing rear boundary – even though with a closer encroachment, 25m between the rears of the houses could still be achieved. The rears of houses may be positioned more closely together than stipulated above if one or both of the houses concerned is designed so as not to overlook the other. This would require an intervening fence or other visual barrier set above eye-level between facing ground-floor windows. It would also prohibit rear-facing, upper-storey bedroom or living room windows.
- 6.64 The proposed development provides an internal layout and separation distances in accordance with the above-mentioned policies and guidance. The garden sizes vary but are commensurate to the size of the respective dwelling and plot. The development is therefore considered to achieve a good standard of amenity that would meet the needs and expectations for future occupants of the development having regard to the prevailing character of the built up area of Great Oakley.
- 6.65 Turning to the impact of the development on the amenities of existing residents, existing dwellings are present to the east and south of the application site, within The Oaks and Woodlands developments.
- 6.66 To the south of the site are Plots 72 to 81. These plots share a boundary with numbers 19, 21, 25 to 37 Woodlands and 1 and 2 Red Barn Lane. The dwellings on these plots are all single storey in height and retain separation distances to existing properties in excess of those set out within the Essex Design Guide.
- 6.67 Along the eastern boundary of the site are Plots 53 to 71. These plots share a boundary with numbers 2 to 20 The Oaks and Willow End, Beaumont Road. Plots 53 to 71 comprise a mix of single storey, 1.5 storey, 2 storey and 2.5 storey homes. The proposed dwellings and properties within The Oaks Estate are angled away from one another and do not have a strict back-to-back alignment. All proposed plots retain sufficient spacing to their respective rear boundaries and again, retain separation distances to existing properties in excess of those set out within the Essex Design Guide, including the 2.5 storey dwellings proposed at Plots 53, 54, 66 and 71. Furthermore, upper floor rear facing windows serve bedrooms only. For these reasons, the proposal is considered acceptable in terms of outlook, light and privacy.
- 6.68 The development of the site is inward facing and the community facilities are located to the north of the site, away from existing neighbouring properties. This minimises noise nuisance resulting from the development and does not constitute a reason for refusal.
- 6.69 The application is therefore considered acceptable in terms of the impact upon residential amenities.

#### Bin Storage and Waste Collection

- 6.70 TDLP Policy SPL3 Part states that all new development must meet practical requirements, including provision for adequate waste storage and recycling facilities.



- 6.71 Accompanying drawing A-200-011 revision P0 provides details of the proposed housing bin stores to be located to the front or side elevation (as appropriate) for all 86 dwellings. Each bin store will provide space for a wheelie bin, 2 recycling bins and food waste bin. All bins will feature a painted/oiled timber boarding finish.
- 6.72 The community building has an external refuse/recycling store on its eastern side, which is capable of accommodating 4x1,000litre bins. A waste management plan for the community centre has not been produced at this stage on the basis that this will be dealt with by the Parish Council.
- 6.73 For the avoidance of doubt and in the interests of meeting practical requirements in line with TDLP Policy SPL3, officers recommend including a condition securing a waste collection management plan for the entire site including details of refuse collection vehicle routes and collection points.

#### Protected Species and Biodiversity

- 6.74 Paragraph 180 of the NPPF states that, when making planning decisions local planning authorities need to assess whether significant harm to biodiversity could result from the development. The NPPF goes on to state the hierarchy that should be applied to mitigate any harm to ecology that is identified. Paragraph 174 of the NPPF requires that Local Planning Authorities contribute to and enhance sites of biodiversity or geological value whilst Paragraph 179 requires local planning authorities to safeguard components of local wildlife-rich habitats.
- 6.75 TDLPS2 Policy PPL4 states that proposals for new development should be supported by appropriate ecological assessments and, where relevant, provide appropriate mitigation and biodiversity enhancements to ensure a net gain.
- 6.76 The application is supported by a suite of reports and proposals relating to the likely impacts of the development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures. These include, a Preliminary Ecological Appraisal Report (Lockhart Garratt, December 2020), Reptile Survey Report (Lockhart Garratt, August 2021), Great Crested Newt Survey Report (Lockhart Garratt, September 2021), Biodiversity Impact Assessment (Nicholsons Lockhart Garratt, April 2022), Amended proposed coloured masterplan (Dexter Moren Associates, April 2022), Amended proposed site layout plan (Dexter Moren Associates, April 2022), Amended Landscape Statement (Turkington Martin, March 2022).
- 6.77 Consultation has been undertaken with Essex County Council Place Services Ecology who have reviewed all supporting information. Following receipt of holding objections from Place Services Ecology, a Great Crested Newt method statement (GCN Strategy) and further information on the appropriate retention of hedgerow H1 has been provided.
- 6.78 The GCN Mitigation Strategy - Version 3 (Lockhart Garratt, October 2022) provides appropriate mitigation and a receptor site for the translocation of Great Crested Newts. The receptor site is located to the southwest of the application site along Red Barn Lane, part of a commercial farm owned by the local farmer. The owner of the receptor site has agreed to the site being used for off-site compensation and will be party to the S106 legal agreement.
- 6.79 The development will deliver biodiversity enhancements through hedgerow infilling, wetland habitat creation, wildflower areas, bat boxes, bird boxes, reptile hibernacula and log pile, in line with the recommendations set out within the Preliminary Ecological Appraisal (Pea) Report (Lockhart Garratt, March 2022) and Reptile Survey Report (Lockhart Garratt, August 2021), thus securing net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021).
- 6.80 Sufficient ecological information is now available for determination of this application and the development is considered acceptable subject to necessary conditions and a S106 legal agreement securing a proportionate financial contribution towards RAMS (covered in further detail

under the Planning Obligations section of this report), biodiversity mitigation and enhancement measures (including third party agreement for the off-site GCN mitigation), and a sensitive lighting scheme.

#### Sustainable Drainage and Foul Sewage Disposal

- 6.81 Paragraph 174 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 185 of the Framework states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment.
- 6.82 Paragraph 167 of the NPPF states that, when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 goes on to say that developments should incorporate sustainable drainage systems. The systems used should, amongst other things, take account of advice from the lead local flood authority and have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.
- 6.83 TDLPS2 Policy PPL5 requires that all new development must make adequate provision for drainage and sewage treatment and should include sustainable drainage systems (SuDS).
- 6.84 The application is supported by a Flood Risk Assessment and Drainage Strategy (included in Appendix H). The Flood Risk Assessment aims to identify any potential flood risk sources or surface water management issues related to the proposed development site that may warrant further consideration. Further to identification of flood risks, the FRA outlines mitigation measures, where appropriate, in order for the proposed development to be made safe in terms of flood risk and in accordance with the NPPF and its supporting Technical Guidance.
- 6.85 Consultation has been undertaken with the Local Lead Flood Authority SuDS (LLFA) who have reviewed all supporting information.
- 6.86 The site is located within Flood Zone 1 as shown on the Environment Agency mapping. The proposed surface water strategy will incorporate an adequately sized network to effectively manage flows generated from the proposed development up to the 1 in 100 year +40% climate change event. In addition, overland flood routes have been considered to guide excess water away from the buildings, and towards the existing drainage ditches within close proximity of the site.
- 6.87 The proposed surface water drainage strategy is to discharge all flows generated from the proposed development off site for rainfall events up to and including the 1 in 100 year +40% climate change. Surface water flows from the site will discharge into the existing ditch located near the southwest of the site.
- 6.88 Sustainable Drainage Systems (SuDS) will be introduced for the proposed development to attenuate surface water flows to the required rainfall events. In addition, the SuDS will also improve water quality in line with the recommendations within the NPPF. There will be adequate space on the site to store storm water flows generated by the 1 in 100 year +40% climate change event. By adequately sizing the SuDS storage facilities on site, adequate measures will be provided to minimise flood risk on the site.
- 6.89 The proposed foul water drainage network will discharge by gravity to the existing adopted network in Woodlands to the south of the site.
- 6.90 All drainage components, including SuDS, will be owned and maintained by a private management company appointed by the applicant.

6.91 The LLFA are now satisfied with the amended FRA and drainage strategy and raise no objection, subject to conditions.

#### Environmental Protection – Contaminated Land

6.92 Paragraph 183 of the NPPF seeks to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Adequate site investigation information, prepared by a competent person, should be available to inform the development proposals and assessments. Paragraph 184 states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

6.93 The application is accompanied by a Land Quality Statement (Campbell Reith, October 2021). The site is considered to lie in area of Moderate sensitivity with respect to both hydrogeology and hydrology. The proposed residential development is considered to be of High end user sensitivity. The ground investigation undertaken incorporated contamination testing of soil and ground gas media from across the site. Based upon the intrusive investigations together with the Desk Study information, the site is considered to present a very low risk in relation to contamination issues.

6.94 Consultation has been undertaken with the Council's Environmental Protection Team who have reviewed the contaminated land report and concur with the Environmental Conclusions and Recommendations set out within Section 12.0 of the report.

6.95 The Council's Environmental Protection Team raise no objections subject to conditions securing a watching brief throughout future phases of intrusive ground works, to ensure that in the event of any unexpected ground conditions or materials of potential concern being found, appropriate steps are taken to ensure the health and safety of all site users. Conditions in relation to noise and construction management are also recommended.

6.96 Environmental protection matters can be suitably managed by conditions.

#### Archaeology

6.97 TDLPS2 Policy PPL 7 states that any new development which would affect, or might affect, designated or non-designated archaeological remains will only be considered where accompanied by an appropriate desk-based assessment. Where identified as necessary within that desk-based assessment, a written scheme of investigation including excavation, recording or protection and deposition of archaeological records in a public archive will be required to be submitted to, and approved by, the Local Planning Authority.

6.98 The Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with potential for below ground archaeological deposits. The development would result in harm to non-designated heritage assets with archaeological interest.

6.99 Archaeology matters can be suitably addressed by conditions should planning permission be forthcoming.

#### Impact on Heritage Assets

6.100 Section 16 (paragraphs 189 - 208) of the NPPF (Conserving and enhancing the historic environment) outlines policies relating to the historic environment and the key role it plays in the Government's definition of sustainable development, the principle which underpins the document. It requires that local planning authorities 'should set out in their Local Plan a positive strategy for

the conservation and enjoyment of the historic environment', recognising that 'heritage assets are an irreplaceable resource' and should be conserved 'in a manner appropriate to their significance'.

- 6.101 TDLPS2 Policy PPL 9 states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric. Where a proposal will cause harm to a listed building, the relevant paragraphs of the NPPF should be applied dependent on the level of harm caused.
- 6.102 In this instance, the development site lies adjacent to the Grade II Listed Old Rectory, located approximately 60 metres from the western boundary of the application site.
- 6.103 Consultation with Essex County Council Place Services Heritage has been. Officers acknowledge that the proposed development would affect the wider setting of the Old Rectory. The main elevation of the Old Rectory building faces south away from the proposed development; the building is located over 60 metres from the western boundary of the application site and the existing woodland and mature trees provide a mostly uninterrupted screening from the proposal site. These characteristics contribute toward the preservation of the immediate setting of the listed Old Rectory. On this basis, the level of harm can be identified at the lowest end of less than substantial, making Paragraph 202 of the NPPF relevant here.
- 6.104 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.105 The proposed development will deliver a new community hall, a car park, cycle park and buggy parking area to serve the community building, the allotments, the local primary school, and the local sports fields together with a children's play area, sensory planting and seating areas. The development will also provide a mix of 26 affordable homes within the defined Great Oakley Settlement Development Boundary.
- 6.106 The public benefits of the scheme are considered to outweigh the lowest end of less than substantial harm caused to the setting of the Grade II listed Old Rectory building, thus meeting the aims of the above-mentioned national and local plan policies.

#### Planning Obligations to be secured via S106 Agreement

- 6.107 Paragraph 55 of the National Planning Policy Framework states that Local Planning Authorities should consider whether otherwise unacceptable development can be made acceptable through the use of conditions or planning obligations. Paragraph 55 of the NPPF states that planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably relate in scale and kind to the development.
- 6.108 Planning obligations and financial contributions relevant to the proposed development comprise:
- Secondary school transport contribution
  - Library improvements contribution.
  - Healthcare contribution.

#### ***RAMS – Recreational Disturbance Mitigation***

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

6.110 The application scheme proposes new dwellings on a site that lies within the Zone of Influence (Zol) for , Hamford Water Special Protection Area (SPA) and Special Area of Conservations (SAC) and Ramsar sites. New housing development within the Zol would be likely to increase the number of recreational visitors to these designated sites; and, in combination with other developments it is likely that the proposal would have significant effects on the designated sites. Mitigation measures must therefore be secured prior to occupation. A financial contribution of £11,843.06 (£137.71 per dwelling) is required. This will provide certainty that the development would not adversely affect the integrity of Habitats Sites.

### ***Affordable Housing***

6.111 TDLPS1 Policy SP4 underpins the requirement for local planning authorities to meet projected housing needs for their respective plan period. To promote a mix of housing tenure in the District and address the housing needs of people and families with lower incomes who cannot afford to buy or rent housing on the open market, the Council will work with the development industry to provide new affordable housing. TDLPS2 Policy LP5 states that for development proposals involving the creation of 11 or more (net) homes, the Council will expect 30% of new dwellings to be made available as affordable housing.

6.112 Having regard to Policy LP5, the scheme must provide 30% affordable housing to be policy compliant. Consultation with the Council's Housing Team has been undertaken and consideration given to the Rural Community Council of Essex (RCCE) Housing Needs Survey March 2022.

6.113 The development includes the provision of 26 affordable homes in compliance with the 30% requirement set out within Policy LP5. The affordable units will comprise 19 no. affordable rented and 7 no. shared ownership as follows:

Plot no.	Number of bedrooms	Market or Affordable Housing	Number of Storeys	Number of Parking Spaces
2	3	Shared Ownership	2	2
11	2	Affordable Rented	2	2
12	1	Affordable Rented	1.5	1
13	1	Affordable Rented	1.5	1
14	1	Affordable Rented	1.5	1
15	1	Affordable Rented	1.5	1
16	1	Affordable Rented	1.5	1
17	3	Affordable Rented	2	2
18	2	Affordable Rented	2	2
19	2	Affordable Rented	2	2
20	3	Affordable Rented	2	2
27	1	Shared Ownership	1.5	1
42	1	Shared Ownership	1.5	1
46	3	Shared Ownership	2	2
47	3	Shared Ownership	2	2
55	1	Affordable Rented	1.5	1
56	1	Affordable Rented	1.5	1
57	3	Affordable Rented	2	2
58	2	Affordable Rented	2	2
59	2	Affordable Rented	2	2
60	3	Affordable Rented	2	2
61	1	Affordable Rented	1.5	1
62	1	Affordable Rented	1.5	1
65	1	Affordable Rented	1 (bungalow)	1
75	2	Shared Ownership	1 (bungalow)	2

80	3	Shared Ownership	1 (bungalow)	2
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- 6.114 The Council's Housing Team have reviewed the information provided and have no objections to the quantum and tenure of the affordable housing units.
- 6.115 The S106 will secure the affordable units, including a clause requiring the rented homes to be allocated from the Council's Housing Register firstly to those with a local connection.

### ***Public Open Space and Play Facilities***

- 6.116 TDLP Section 2 Policy HP5 states that the Council will work with partners and sports providers across the district to maintain, expand and improve the quality and accessibility of public open space, sports and recreational facilities of different types and will aim to achieve and exceed standards set out in the Council's 2017 Open Spaces Strategy or any future update. TDLP Section 2 Policy DI1 states that all new development should be supported by, and have good access to, all necessary infrastructure.
- 6.117 All new residential developments of 11 or more dwellings on sites of 1.5 hectares and above will be expected to provide a minimum 10% of the gross site area as open space laid out to meet the Council's specifications having regard to the Council's Open Spaces Strategy and the requirements of any SPD. No single area of useable open space will be less than 0.15 hectares in size. Financial contributions will also be sought through s106 legal agreements (or an appropriate alternative mechanism) towards ongoing maintenance.
- 6.118 The proposed development includes two areas of open space, with an additional useable landscaped areas (Woodland Walk) along the western boundary and at the entrance to the site. An equipped play area is proposed to the north of the site. In addition, an area designated for public open space to the south of the site is proposed which will provide both hard and soft landscaping, with a boardwalk across the detention basin. Both these areas in combination exceed the 10% policy requirement.
- 6.119 Consultation with the Public Realm Team has been undertaken who confirm that the on-site provision is sufficient. The S106 agreement will secure the transfer of the play area to the northern part of the site to the Parish Council with a commuted sum of £78,161.97 with the remaining areas of the open space within the site to be transferred to a management company.

### ***Healthcare***

- 6.120 Policy HP1 of the Local Plan states that 'the Council will work to improve the health and wellbeing of residents in Tendring by seeking mitigation towards new or enhanced health facilities from developers where new housing development would result in a shortfall or worsening of health provision'.
- 6.121 The development would give rise to a need for improvements to capacity, in line with emerging STP Estates Strategy; by way of refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of the area of Great Oakley or through other solutions that address capacity and increased demand as outlined in 5.3 - Health & Wellbeing Statement.
- 6.122 A developer contribution will be required to mitigate the impacts of this proposal. North East Essex CCG calculates the level of contribution required, in this instance to be £52,500.00. This reflects the comments of NHS provided as part of the application consultation.

### ***Education***

- 6.123 Policy PP12 of the Local Plan states that 'planning permission will not be granted for new residential development unless the individual or cumulative impacts of development on education

provision can be addressed, at the developer's cost, either on-site or through financial contributions (potentially through the Community Infrastructure Levy) towards off-site improvements. Essex County Council as the local education authority will be a key consultee in this regard. Where appropriate, the Council will also consider the use of legal agreements to secure any necessary improvements in education provision arising as a result of development.'

- 6.124 In this instance ECC are not seeking a contribution toward primary and secondary schools. However, ECC are requesting that the S106 agreement secure a developer contribution toward secondary school transport of £73,674.40 (index linked) and a developer contribution of £6,690.80 to improve, enhance and extend the facilities at Harwich Library.

### ***GCN Receptor Site***

- 6.125 As addressed in the Biodiversity and Protected Species section of the report above, the S106 legal agreement will include third party agreement relating to use of land outside the redlined site area to be used as a receptor site for the translocation of Great Crested Newts.

### ***Community Facilities***

- 6.126 Both the community building and car park are to be built to turnkey standard and then transferred to Great Oakley Parish Council. At this stage, officers have been advised that the applicant will build the community building to turnkey standard in lieu of a commuted sum for maintenance. Should the application be approved, the S106 will secure the appropriate agreement between the developer and Parish Council.

## **7. Overall Planning Balance and Conclusion**

- 7.1 The site lies within the Great Oakley Settlement Development Boundary as defined within the adopted Tendring District Local Plan 2013 – 2033 and Beyond, where the principle of residential development is accepted.
- 7.2 The application is accompanied by all appropriate statements and technical reports to demonstrate that no significant adverse impacts will result from the development. Subject to compliance with the recommended conditions and S106 planning obligations, the development is considered policy compliant.
- 7.3 The proposal would provide clear economic, social and environmental benefits and would constitute sustainable development. There would be no adverse impacts that would significantly or demonstrably outweigh these benefits, as per the NPPF test. Accordingly, the application is recommended for approval.

## **8. Recommendation**

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives and the prior completion of a section106 legal agreement with the agreed Heads of Terms.

### **8.2 Conditions and Reasons**

#### **1. COMPLIANCE: TIME LIMIT**

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

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

## 2. COMPLIANCE: APPROVED PLANS AND DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local planning authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local planning authority as a non-material amendment following an application in that regard. Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the local planning authority prior to the commencement of development pursuant to this condition.

### **Plans Schedule**

A 025 001 P1 - Existing Site Plan  
A 025 100 P0 - Existing Site Location Plan  
A 025 120 P0 - Existing Site Section  
A 100 001 P4 - Proposed Site Plan  
A 100 003 - Proposed Parameter Plan  
A 100 004 P4 - Proposed Site Plan with Plot Numbers  
A 100 005 P4 - Proposed Uses Site Plan  
A 100 006 P5 - Proposed Site Levels Plan  
A 110 001 P1 - Proposed North & West Elevations  
110 002 P1 - Proposed East & South Elevations  
A 200 001 P1 - Proposed House Layouts- 1 Bed  
A 200 002 P1 - Proposed House Layouts- 2 Bed, 1 Storey  
A 200 003 P2 - Proposed House Layouts- 2 Bed, 2 Storey  
A 200 004 P1 - Proposed House Layouts- 3 Bed, 1 Storey  
A 200 005 P1 - Proposed House Layouts- 3 Bed, 2 Storey  
A 200 006 P1 - Proposed House Layouts- 3 Bed, 2.5 Storey  
A 200 007 P1 - Proposed House Layouts- 4 Bed, 2.5 Storey  
A 200 008 P1 - Proposed House Layouts- 4 Bed, Side Entrance  
A 200 009 P1 - Proposed Garage/Carport Layouts  
A 200 010 P3 - Proposed Community Building  
A 200 011 P0 - Proposed Housing Bin Stores  
A 200 012 P0 - Proposed House Layouts- 1 Bed  
A 200 021 P2 - Proposed Plots 83 - 86  
TM483 LA01 Rev C - Public Right of Way  
TM483 SKP03 Rev B - Planting Strategy  
TM483 SKP04 Rev B - Tree Strategy  
TM483 SKP05 Rev B - Ecology Strategy  
TM483 SKP06 Boundary Strategy

### **Statements Schedule**

Arboricultural Impact Assessment, prepared by Lockhart Garratt  
Design and Access Statement, prepared by Dexter Moran Architects  
Energy and Sustainability Assessment, prepared by Integration  
Flood Risk Assessment and Drainage Strategy  
Great Crested Newt Mitigation Strategy, prepared by Lockhart Garratt  
Great Crested Newt Survey Report, prepared by Lockhart Garratt  
Land Quality Statement, prepared by Campbell Reith  
Landscape Statement, prepared by Turkington Martin  
Planning Statement, prepared by Smith Jenkins  
Preliminary Ecological Assessment Report, prepared by Lockhart Garratt  
Reptile Survey Report, prepared by Lockhart Garratt



Social Infrastructure Assessment, prepared by RPS  
Statement of Community Consultation, prepared by Smith Jenkins  
Transport Statement, prepared by Campbell Reith

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

### **Materials**

#### **3. FURTHER APPROVAL: AGREEMENT OF MATERIALS**

No development shall be commenced above slab level until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local planning authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

Reason - To secure an orderly and well-designed finish in the interests of visual amenity and the character and appearance of the development.

### **Landscaping**

#### **4. APPROVAL REQUIRED: LANDSCAPING SCHEME**

No development above slab level shall take place until there has been submitted to and approved, in writing, by the Local planning authority a precise scheme of hard, soft and boundary treatment landscaping works for the site in accordance with drawing TM483 SKP03 Rev B, which shall include any proposed changes in ground levels.

Reason - In the interests of visual amenity and the character and appearance of the area.

#### **5. COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED - LANDSCAPING SCHEME**

All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development, or in such other phased arrangement as may be approved, in writing, by the Local planning authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the local planning authority.

Reason - To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

#### **6. APPROVAL REQUIRED: LANDSCAPE MANAGEMENT PLAN**

No development shall take place until there has been submitted to and approved, in writing, by the Local planning authority a landscape management plan for a minimum of 5 years. Both new and existing planting (including SUDs features as applicable) will be required to be included in a long-term management plan. The landscape management plan shall also include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The landscape management plan

shall be carried out as approved in accordance with the details and timescales in the plan and thereafter retained.

Reason - To support plant establishment and ensure the proper management and maintenance of the approved landscaping in the interests of amenity, functionality and the character and appearance of the area.

7. APPROVAL REQUIRED: DETAILS OF SCREEN WALLS AND FENCES

Prior to the first occupation of the development precise details of the provision, siting, design and materials of all screen walls and fences shall be submitted to and approved, in writing, by the Local planning authority. The screen walls and fences as may be approved shall be erected prior to the dwelling/s/building/s to which they relate being first occupied/used and thereafter be retained in the approved form.

Reason - In the interests of visual amenity and the character and appearance of the area.

**Removal of Permitted Development Rights (PD)**

8. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PD FOR ENCLOSURES

Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 2 Minor operations, Class A (or any Order revoking and re-enacting that Order with or without modification):- no fence, gate, wall or any other means of enclosure, shall be erected forward of any elevation of the dwelling house(s) or community building fronting a highway, except pursuant to the grant of planning permission on an application made in that regard.

Reason - To enable the local planning authority to retain control over the development in the interests of the visual amenity and the quality of the development.

9. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PD FOR ROOF ADDITIONS AND OPENINGS

Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 2 Development within the curtilage of a dwellinghouse Class B and Class C (or any Order revoking and re-enacting that Order with or without modification):- no enlargement, improvement, insertion of new openings or other alterations to the roof of the dwelling house(s) shall be carried out, except pursuant to the grant of planning permission on an application made in that regard.

Reason - To enable the local planning authority to retain control over the development in the interests of the visual amenity, the quality of the development and residential amenities.

10. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PD FOR EXTENSIONS AND OUTBUILDINGS

Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 2 Development within the curtilage of a dwellinghouse, Class A and Class E (or any Order revoking and re-enacting that Order with or without modification):- no building or enclosure, swimming or other pool shall be erected within the curtilage of dwelling house(s) on Plots 27, 13, 14 and 15 as shown on approved drawing number A 100 004 revision P4, except pursuant to the grant of planning permission on an application made in that regard.

Reason - To enable the local planning authority to retain control over the development in the interests of and residential amenities as the identified plots have a private amenity area of 55m<sup>2</sup> or below.

## **Highways**

### **11. ACTION REQUIRED: HIGHWAYS PROVISION OF VISIBILITY SPLAYS**

Prior to the first use of the main point of access to the site and development from Beaumont Road, clear visibility shall be provided and thereafter permanently maintained with dimensions of 2.4 metres by 90 metres in both directions along the edge of the metalled carriageway from the centre of the access in accordance with the findings of the accompanying Speed Survey results. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason - To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

#### **NOTE/S FOR CONDITION:**

Carriageway is the part of a road intended for vehicles rather than pedestrians normally define by kerb if available or edge of a bound surface. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

### **12. ACTION REQUIRED: HIGHWAY WORKS PRIOR TO OCCUPATION**

Prior to the commencement of development above slab level, a scheme of highway improvements shall be submitted in writing to the local planning authority for written approval that shall comprise of the following and include a timetable for implementation.:

- a) A priority junction off Beaumont Road to provide access to the proposal site, constructed at right angles to the highway boundary and to the existing carriageway.
- b) A straight section of carriageway to be provided from the entrance junction for 15 metres.
- c) Details of upgrading of the existing bus stops north-east of the primary school.
- d) Details of widening of the existing footway along the south side of Beaumont Road where the public right of way (mentioned below) emerges to the west and to the boundary with the primary school southwards beyond the site access to the service road located north-east of Red Barn Lane.
- e) Details of Improvements to the Public Right of Way no.5 which runs along the proposal site's western boundary between Beaumont Road and Woodlands.
- f) Provision of pedestrian crossing points on Beaumont Road, north-west of the site access.

The improvements as may be agreed shall be implemented as approved in the timetable provided and completed in their entirety.

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

13. COMPLIANCE: INTERNAL ROAD AND FOOTWAYS PRIOR TO OCCUPATION

Prior to the occupation of the development, the associated internal road, footway layout and parking shall be provided in accordance with approved drawing numbers:

- A 100 001 P4: Proposed site plan
- A 100 003 P4: Proposed parameter plan
- A 100 004 P4: Proposed Site Plan with Plot Numbers
- A 100 006 P5: Proposed Site Levels Plan

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

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

14. FURTHER APPROVAL - CONSTRUCTION MANAGEMENT TO BE AGREED (PRE COMMENCEMENT)

Prior to the commencement of development, details of the construction methodology, layout plan and timetable shall be submitted to and approved, in writing, by the Local planning authority. This shall incorporate the following information:-

- a) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
- b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
- c) Details of how construction and worker traffic and parking shall be managed. This shall include routing of all traffic and any directional signs to be installed and where.
- d) Details of any protection measures for footpaths and trees surrounding the site.
- e) Details of any means of access to the site during construction.
- f) Details of the scheduled timing/phasing of development for the overall construction period.
- g) Details of measures to control the emission of dust and dirt during construction and including details of any wheel washing to be undertaken, management and location it is intended to take place.
- h) Details of the siting of any on site compounds and portaloo's.
- i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
- j) Site waste management plan (that shall include reuse and recycling of materials).
- k) Scheme for sustainable construction management to ensure effective water and energy use.
- l) Scheme of review of complaints from neighbours.
- m) Registration and details of a Considerate Constructors Scheme.
- n) Details on the provision, location and management of any show home/s or reception, including opening times, parking and advertisements (including flags and directional signs for the development and details of times for removal when not required).

The said methodology as may be approved shall be implemented in its entirety and shall operate as may be approved at all times during construction.

Reason - To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including

site preparation, by reason of the location and scale of development may result adverse harm on amenity.

15. ONGOING REQUIREMENT: HIGHWAYS RETENTION OF GARAGE/PARKING SPACES

Notwithstanding the provisions of Article 3, Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out in such a position as to prevent vehicular access and use of land shown on the approved plans as garage and parking spaces for vehicle use only.

Reason - In the interests of highway safety and to ensure adequate vehicular access to and use of parking and turning provision within the site is provided and maintained.

16. FURTHER APPROVAL: RESIDENTIAL TRAVEL PACK PRIOR TO OCCUPATION

Prior to first occupation of each dwelling, a Residential Travel Information Pack (travel pack) shall be provided to each dwelling for use of its first occupiers. The travel pack shall be agreed, in writing, by the local planning authority prior to provision and shall include a minimum of six one day travel vouchers for use with a local transport operator.

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

Note: Please contact the Travel Plan Team at ECC Highways via email to [Travel.PlanTeam@essex.gov.uk](mailto:Travel.PlanTeam@essex.gov.uk) to obtain a Residential Travel Information Pack template and the associated day travel vouchers required.

**Archaeology**

17. FURTHER APPROVAL: ARCHAEOLOGICAL WORKS 1

No development or preliminary groundworks of any kind shall take place until a scheme of archaeological evaluation of the site, including timetable, has been submitted to and approved in writing by the Local planning authority (including any demolition needing to be carried out as necessary in order to carry out the evaluation). The evaluation shall be carried out in its entirety as may be agreed.

Reason - To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development. This condition is required to be agreed prior to the commencement of any development to ensure matters of archaeological importance are preserved and secured early to ensure avoidance of damage or loss due to the development and/or its construction. If agreement was sought at any later stage as there is an unacceptable risk of loss and damage to archaeological and historic assets.

18. FURTHER APPROVAL: ARCHAEOLOGICAL WORKS 2

No development or preliminary groundworks of any kind shall take place until a written report on the results of the archaeology evaluation of the site has been submitted to the Local planning authority and that confirmation by the Local planning authority has been provided that no further investigation work is required in writing.

Should the local planning authority require further investigation and works, no development shall take place on site until the implementation of a full programme of archaeological work has been

secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local planning authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a) The programme and methodology of site investigation and recording.
- b) The programme for post investigation assessment.
- c) Details of the provision to be made for analysis of the site investigation and recording.
- d) Details of the provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e) Details of the provision to be made for archive deposition of the analysis and records of the site investigation; and
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g) The written scheme of investigation shall be carried out in its entirety prior to any other development taking place, or in such other phased arrangement including a phasing plan as may be previously approved in writing by the Local planning authority.

Reason - To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development. This condition is required to be agreed prior to the commencement of any development to ensure features of archaeological importance are identified, preserved and secured to avoid damage or loss resulting from the development and/or its construction. If agreement was sought at any later stage, there is an unacceptable risk of loss and damage to archaeological and historic assets.

#### 19. FURTHER APPROVAL: ARCHAEOLOGICAL WORKS 3

No building shall be occupied until the archaeology evaluation, and if required the Written Scheme of Investigation, have been completed, submitted to and approved, in writing, by the Local planning authority. Furthermore, no building shall be occupied until analysis, publication and dissemination of results and archive deposition from the archaeology investigations as agreed under the Written Scheme of Investigation has taken place, unless an alternative agreed timetable or phasing for the provision of results is agreed in writing by the Local planning authority.

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 - To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

### **Biodiversity and Protected Species**

#### 20. COMPLIANCE: IN ACCORDANCE WITH ECOLOGICAL APPRAISAL

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Pea) Report (Lockhart Garratt, March 2022) and Reptile Survey Report (Lockhart Garratt, August 2021). 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).

21. ACTION REQUIRED: NATURAL ENGLAND MITIGATION LICENCE PRIOR TO COMMENCEMENT

Any works which will impact the breeding / resting place of Great Crested Newt, shall not in in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or
- b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason - To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

22. FURTHER APPROVAL: BIODIVERSITY ENHANCEMENT STRATEGY

Prior to commencement, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

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

Reason - To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

23. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

Prior to commencement, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, 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. The scheme shall include position, height, aiming points, lighting levels and a polar luminance diagram.

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).

### **Sustainable Drainage (SuDS)**

#### **24. FURTHER APPROVAL - SUDS WATER DRAINAGE DETAILS (FOR CONSTRUCTION)**

No development shall commence until details of a construction surface water management plan, including timetable, detailing how surface water and storm water will be managed on the site during construction, are submitted to and agreed in writing by the local planning authority. No part of the development shall be commenced and/or developed except as may be agreed and in accord with the approved timetable. The drainage scheme shall thereafter be maintained as approved or as be agreed to be retained by the local planning authority in writing.

Reason - To safeguard the ground water environment and minimise the risk of flooding. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm by reason of flood risk.

#### **NOTE/S FOR CONDITION:**

This condition shall engage and requires details to be agreed prior to the commencement of development. This condition is imposed to ensure the potential impact on a sensitive area is considered and harm avoided that may be detrimental to amenity and the environment. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

#### **25. FURTHER APPROVAL - SUDS WATER DRAINAGE DETAILS**

No development shall commence (except demolition) until details of a surface water management scheme/plan, detailing how surface water and storm water will be managed on the site during construction and during the lifetime of the development, is submitted to and agreed in writing by the local planning authority. The scheme shall include but not be limited to:

- Details and verification of the suitability of infiltration of surface water for the development.
- Details of all discharge rates for all flood and storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change
- Provide details of sufficient on site storage to be installed and demonstrate if off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event is likely to occur.
- Provide details to demonstrate if all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Provide details that demonstrate if features proposed are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
- Provide final modelling and calculations for all areas of the drainage system.



- Provide detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Unless a timetable is agreed as part of the surface water management scheme submitted, no part of the development shall be first occupied or brought into use until the scheme is fully installed and is functionally available for use, unless alternative timing for installation is otherwise agreed in writing by the Local planning authority. The drainage scheme shall thereafter be maintained as approved.

Reason - To safeguard the ground water environment and minimise the risk of flooding. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm by reason of flood risk.

NOTE/S FOR CONDITION:

This condition shall engage and requires details to be agreed prior to the commencement of development. This condition is imposed to ensure the potential impact on a sensitive area is considered and harm avoided that may be detrimental to amenity and the environment.

### **Bins / Collection**

#### **26. ACTION AND DISCHARGE REQUIRED: REFUSE BINS AND COLLECTION AREAS**

Prior to the first use/occupation of the development, or in accordance with an alternative timetable for provision as may be agreed in writing by the Local planning authority, details of the storage for refuse/recycling bins and any collection areas shall be submitted to and approved, in writing, by the local planning authority. The approved areas shall be provided prior to first occupation/ use and thereafter retained as approved.

Reason - In the interest of highway safety to ensure that refuse/recycling bins do not cause any obstruction or danger on the highway and in the interests of an attractive well designed development that is not detrimental to visual amenity.

NOTE/S FOR CONDITION:

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

### **Local Recruitment Strategy**

#### **27. ACTION AND DISCHARGE REQUIRED**

Prior to commencement of development the applicants shall submit to the Local planning authority, in writing, a Local Recruitment Strategy to include details of how the applicant/developer shall use their reasonable endeavours to promote and encourage the recruitment of employees and other staff in the locality of the application site, for the construction of the development and for the uses of the development thereafter. The approved Local Recruitment Strategy shall thereafter be adhered to.

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

## **Renewable Energy and Energy Efficiencies**

### **28. COMPLIANCE: IN ACCORDANCE WITH ENERGY STATEMENT**

No development shall commence above slab level until a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development in full accordance with the accompanying Energy and Sustainability Statement (Integration dated 25 October 2021) shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme such include as a minimum to achieve:-

- Agreement of provisions to ensure no more than 105 litres per person per day is used
- Agreement of carbon level
- Agreement of provisions to ensure the development is zero carbon ready
- Details of, including the location of an electric car charging points per dwelling
- Details of, including the location of a Water-butt per dwelling
- Details of, including the location of solar panels for each dwelling
- Agreement of heating of each dwelling/building
- Agreement of scheme for waste reduction

The scheme shall be fully implemented prior to the first occupancy of the development unless otherwise agreed in writing by the local planning authority. The scheme shall be constructed and the measures provided and made available for use as may be agreed and thereafter shall be maintained.

Reason - To enhance the sustainability of the development through better use of water, energy and resources reduce harm to the environment and result in wider public benefit in accordance with the NPPF.

### **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**

This application is the subject of a S106 legal agreement, and this decision should only be read in conjunction with this agreement. Please note that any subsequent variation / removal of condition applications (s73 applications) are likely to require a new legal agreement to secure the necessary planning obligations.

#### **Highways Informatives**

1. The proposed junction layout and footway proposals will require an initial Stage 1 Road Safety Audit, ideally to be carried out by Essex Highways (to avoid the issue of additional items being identified at RSA2 stage which can then delay technical approval) [roadsafety.audit@essexhighways.org](mailto:roadsafety.audit@essexhighways.org)

2. All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible).
3. Prior to any works taking place in the highway the developer should enter into an S278 agreement with the Highway Authority under the Highways Act 1980 or Minor Works Authorisation to regulate the construction of the highway works
4. All highway related details should be agreed with the Highway Authority.
5. Priority for pedestrians and cyclists across internal junctions. (Internal layout subject to a 20mph Zone).
6. Speed tables: A plateau may be created by ramps rising 75mm at a rise of 1-in-12. Unless there is a junction, such a plateau should be no longer than 7m.
7. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

8. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no.5 (Great Oakley\_168) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.
9. The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.
10. 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.
11. Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the [Essex Climate Action Commission](#) proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the [Essex Developers' Group Climate Charter \[2022\]](#) and to view the advice contained in the [Essex Design Guide](#). Climate Action [Advice guides](#) for residents, businesses, schools are also available.

Environmental Protection Informatives

In order to minimise potential nuisance caused by construction works, the applicant (or their contractors) the construction method statement required by Condition 15 above shall include the following:

- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holidays
- The use of barriers to mitigate the impact of noisy operations will be used where possible.
- No materials produced as a result of the site development or clearance shall be burned on site.
- All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- The selection and use of machinery to operate on site, and working practices to be adopted will as a minimum requirement, be compliant with the standards laid out in British Standard 5228:2014.
- Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 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.
- 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.
- Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

## **9. Additional Considerations**

### **Public Sector Equality Duty (PSED)**

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

in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and

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

### Human Rights

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

### Finance Implications

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

## **10. Background Papers**

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.