

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ML	08/03/2023
Planning Manager / Team Leader authorisation:	AN	09/03/23
Planning Technician final checks and despatch:	ER	09/03/2023

Application: 22/00958/FUL **Town / Parish:** Mistley Parish Council

Applicant: Mr Steven Rose - Rose Builders (Properties) Ltd

Address: Land South of Long Road Mistley

Development: Proposed local convenience store and 80 no. dwellings and associated roads, hardstanding, fencing, outbuildings and drainage.

1. Town / Parish Council

Mistley
Parish Council

The Parish Council at its meeting on the 17th October 2022 noted this application for revisions.

2. Consultation Responses

Essex County Council
Ecology
03.02.2023

Thank you for re-consulting Place Services on the above application.

No objection subject to securing:

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

Summary

Further to our comments on 13th October 2022 and email exchanges, we have also reviewed the Badger Survey (Geosphere Environmental, December 2022) and amended Draft Legal Agreement for Land at Bromley Road (December 2022), along with the submitted documents previously supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and species and identification of proportionate mitigation.

The site falls within the evidenced recreational Zone of Influence (ZOI) of Stour and Orwell Estuaries Ramsar and SPA. Given the residential nature of this development is relevant to the Essex Coast RAMS, the LPA will need to prepare 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 Habitats sites.

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

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.

In addition, we note that the Badger Survey (Geosphere Environmental, December 2022), identifies the likely removal of Sett B, which is considered disused. However, Sett A which has "occasional" usage by Badger will be retained as a result of the proposals. Therefore, the LPA has certainty of the likely impacts to Badgers and their setts.

The mitigation measures identified in the Phase 4 and 5 - Updated Ecological (Geosphere Environmental, September 2021) and Badger Survey (Geosphere Environmental, December 2022) 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, nesting birds, Badgers, reptiles, and Hedgehog.

Furthermore, the Amended Draft Legal Agreement for Land at Bromley Road (December 2022), as amended by Sue Hooton, provides details of a legal agreement to provide Skylark compensation habitat, prior to commencement of development, and managed for the benefit of Skylark a minimum period of 10 years. Subject to the signing of this legal agreement by the relevant parties involved, this ensures the LPA has certainty of the likely impacts to Skylark. Therefore, a Farmland Bird Mitigation Strategy should be submitted and secured by condition of consent.

To mitigate any potential impacts to the retained habitat within and adjacent to the red line boundary especially through dust and pollution events, a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) should be produced and secured by condition of any consent.

We also support reasonable biodiversity enhancements which are recommended 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 Phase 4 and 5 - Updated Ecological (Geosphere Environmental, September 2021) 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 advised 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 conditions below based on BS42020:2013.

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

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Phase 4 and 5 - Updated Ecological (Geosphere Environmental, September 2021) and Badger Survey (Geosphere Environmental, December 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

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

2. PRIOR TO COMMENCEMENT: FARMLAND BIRD MITIGATION STRATEGY

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

The content of the Farmland Bird Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation measure
- b) detailed methodology for the compensation measures
- c) locations of the compensation measures by appropriate maps and/or plans;
- d) persons responsible for implementing the compensation measure.

The Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years."

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

3. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

"A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

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

4. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

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

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs 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).

5. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity shall be submitted to and

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

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

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

ECC Schools Service
13.10.2022

We will no longer be requesting for the EY&C contribution as our current data now records sufficient places. The libraries contribution will remain as per our consultation response dated 19/08/2022 and a monitoring fee £550 will be included in the s106.

ECC Highways Dept
15.12.2022

The information submitted with the application has been assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. It is an existing housing development which has planning permission and it is noted that the proposal makes slight changes to Phase 4 with a change in the residential units, an increase in four and the introduction of a local convenience store. The convenience store trip rates are acceptable for this site and that they change in the residential provision will not have a severe impact on vehicle movements on the local network, considering these factors:

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

1. Prior to the occupation of any of the proposed development the internal road footway layouts and parking shall be provided in principle and accord with Drawing numbers:

- 21/33/02 Rev. A Amended proposed site layout plan
- 21/33/33 Rev. A Amended parking plan
- 21/33/29 Proposed cycle and bin stores
- K297-003 Rev. A ghost island right turn priority junction

Long Road

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

2. Any phase of the proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and if required, marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

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

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

4. Each individual residential vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3.6 metres (equivalent to four drop kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

5. As indicated on drawing no. 21/33/33 Rev. A, each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

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

6. The powered two-wheeler/cycle parking facilities as shown on drawing no. 21/33/29 are to be provided prior to the first occupation of the development and retained at all times.

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

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

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

8. Prior to the first use of any external lighting / floodlighting within the development site (local convenience store area), the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety in accordance with Policy DM1.

9. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. vehicle routing,
- ii. the parking of vehicles of site operatives and visitors,
- iii. loading and unloading of plant and materials,
- iv. storage of plant and materials used in constructing the development,
- v. wheel and underbody washing facilities.
- vi. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense when caused by developer.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1

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

Notes:

- LTN 1/20 compliance table/report for cycle routes will be required for the development.
- The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate
- All highway related details should be agreed with the Highway Authority.
- Priority for pedestrians and cyclists across internal junctions. (Internal layout subject to a 20mph Zone).

Informative:

1: All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

2: 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

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

In paved areas, whether the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined

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

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

5: 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 and schools are also available.

Further to our earlier telephone conversation, as discussed, I think we need some trigger point included within the condition.

I'm happy if the trigger to deliver the junction was: "prior to the first occupation of the 75th dwelling and the opening of the convenience store".

Tree & Landscape Officer
12.07.2022

The application site comprises of land is in agricultural use although it currently appears to be fallow. There is an established hedgerow on part of the northern boundary adjacent to Long Road and established trees on the northern section of the western boundary of the land. The site is bisected by a short section of hedgerow part of which will need to be removed in order to implement the development proposal.

In terms of trees and other vegetation on the application site and adjacent land the applicant has provided an Arboricultural Impact Assessment (AIA) as part of a detailed tree survey and report. The report accurately describes the health and condition of existing trees and the extent to which they are a constraint on the development potential of the land. The information contained in the report is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction. Recommendations.

The tree report adequately demonstrates that the development could take place without causing harm to important trees and makes provision for the retention of trees and hedgerows where practical.

In terms of formal legal protection of the trees it should be noted that the site is not affected by a tree preservation order and is not situated within a conservation area.

As none of the important trees are threatened with removal associated with the development of the land it is not considered

necessary or expedient to make any of the trees on the land the subject of a tree preservation order.

With regard to soft landscaping the applicant has submitted comprehensive and detailed soft landscaping proposals for the whole site.

In most respects the landscaping proposals are acceptable however it is felt that a new hedge should be planted on the southern side, of what appears to be a shallow drainage ditch, adjacent to Long Road ' either side of the proposed new highway access to the land.

The reasons for this being that it will assist with the screening of the site from Long Road and provide a degree of enclosure for the public open spaces that are likely to be used by families for recreational purposes, especially taking into account the provision of the small play area on the land.

If the soft landscaping scheme were to be amended to include a new hedge as described above, then in other regards it is acceptable.

Economic Growth Team
12.07.2022

Looking at planning application 22/00958/FUL from an economic point of view the Economic Growth Team do not have any comments to make.

NHS East Essex CCG
25.07.2022

Existing Healthcare Position Proximate to the Planning Application Site

The proposed development is likely to have an impact on the services of 2 GP practices.

These GP practices do not have capacity for the additional growth resulting from this development.

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, Suffolk and North East Essex ICB would therefore expect these impacts to be fully assessed and mitigated.

Review of Planning Application

The planning application does not appear to include a Health Impact Assessment (HIA) or propose any mitigation of the healthcare impacts arising from the proposed development.

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

Assessment of Development Impact on Existing Healthcare Provision

The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 176 residents and subsequently increase demand upon existing constrained services.

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.

Healthcare Needs Arising From the Proposed Development

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.

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.

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.

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 North Tendring area, including Lawford and Manningtree or through other solutions that address capacity and increased demand as outlined in

Health & Wellbeing Statement. For this a proportion of the cost would need to be met by the developer.

A developer contribution will be required to mitigate the impacts of this proposal. Suffolk and North East Essex ICB calculates the level of contribution required, in this instance to be £46,700.00 Payment should be made before the development commences.

Suffolk and North East Essex ICB 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.

Conclusions

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

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.

Assuming the above is considered in conjunction with the current application process, Suffolk and North East Essex ICB 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.

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

Suffolk and North East Essex ICB 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.

Suffolk and North East Essex ICB 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.

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 Lawford, Manningtree & Mistley ward and according to latest available childcare sufficiency data, there are 2 early years and childcare providers within the ward and 4 within a 3 mile radius. Overall a total of 3 unfilled places were recorded. The data shows that there is insufficient provision to meet the additional demand created by this development. Based on demand generated by this proposal set out above, a developer contribution of £99,464 index linked to Q1-2020, is sought to mitigate its impact on Early Years & Childcare provision. This equates to £17,268 per place for the additional 5.76 places.

Primary Education

A developer contribution will not be sought to mitigate its impact on local primary school provision.

Secondary Education

A developer contribution will not be sought to mitigate its impact on local secondary school provision.

School Transport

Having reviewed the proximity of the site to the nearest primary and secondary schools, 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.

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 the nearest library . In accordance with the Essex County Council Developers' Guide to Infrastructure Contribution (Revised 2020), a developer contribution of £6,224 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, it is requested 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 EY&C provision and libraries.

The contributions requested have been considered in connection with the CIL Regulations 2010 (as Amended) and are CIL compliant. ECC's 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 EY&C provision and library 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.

Housing Services
28.09.2022

I'm happy to agree a 30% shared ownership and 70% affordable rent split.

Waste Management
06.07.2022

Communal bin stores to be of sufficient size to accommodate wheeled bins for refuse and recycling equivalent to 180L per household for fortnightly residual waste collection and 110L per household for alternate weekly collection of paper/card and plastic bottles, tins and cans.

Environmental Protection
13.07.2022

Thank you for your consultation regarding the proposed development above. The Environmental Protection Team's comments are given below:

I have looked at this proposal and Environmental Protection would recommend the following:

Construction

Prior to the commencement of any demolition works, ground works or

construction the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Pollution and Environmental Control.

o Noise Control

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

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

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

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

5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

- Emission Control

1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

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

3) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

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

Contaminated Land

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

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

one study.

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

Noise

Any proposed external plant such as refrigeration units, Extraction Units and air-conditioning units (in relation to the convenience store) should be subject to a noise risk assessment and should be made in accordance with BS4142. The noise levels shall be determined at all boundaries near the noise sensitive premises. This shall be carried out by a competent person and confirmation of the findings of the assessment shall be provided in writing to the local planning authority for written approval.

We would need more details on the proposed opening times and operations of the convenience store so that noise from activities such as deliveries.

Reason: to protect the amenity of nearby/future nearby residential properties and to reduce the likelihood of nuisance complaint relating to noise.

Lighting

Any external lighting on the proposed development shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to neighbouring residential properties. The applicant shall demonstrate compliance with the Institute of Lighting Professionals code of practice. (www.theilp.org.uk).

Anglian Water Services
Ltd
13.07.2022

ASSETS

Section 1 - Assets Affected

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

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement.

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

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Manningtree Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the

Planning Authority grant planning permission.

Section 3 - Used Water Network

This response has been based on the following submitted documents: FRA/Application Form/Planning Statement The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

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.

The applicant has indicated on their application form that their method of surface water drainage is via SuDS. 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/>

Economic Growth Team
20.07.2022

The Economic Growth Team can see that this development may offer same economic benefit with the opening of a retail unit".

UU Open Spaces
16.01.2023

Following further discussion with the developer it has been agreed that the play facilities on this development are better met off site, due to the close proximity of play areas on adjoining developments.

Originally School Lane, Lawford was identified as needing improvement. Mistley Parish Council have now come forward to confirm that the majority of the site will fall within Mistley Parish, they would like improvements to be made at the play area known as Welcome Home Field, New Road, which has more of a need of improvement than School Lane.

ECC SuDS Consultee
08.11.2022

Thank you for your email received on 11/10/22 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 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 based on the following:

Condition 1:

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment & Detailed Foul and Surface Water Drainage Strategy, ref 66201006-SWE-P4-XX-RP-C-0001 Rev 01 by SWECO, dated 22/04/2022 and the following mitigation measures detailed within the FRA:

- Infiltration testing in line with BRE 365, and confirmation that each individual cellular infiltration tank will be founded in an appropriate soil stratum
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period

as may subsequently be agreed, in writing, by the local planning authority.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective treatment of surface water runoff to prevent pollution.

Condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

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.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of all features of the surface water drainage system, including cellular infiltration tanks and silt-traps, and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protecting-environment>

- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning applications with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures Flood risk assessments: climate change allowances - GOV.UK (www.gov.uk)

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

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

Summary of Flood Risk Responsibilities for your Council

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

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue

implications of new development in making their decisions.

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

3. Planning History

15/00761/OUT	Outline application with all matters reserved, other than strategic access points onto the public highway, for the erection of up to 300 dwellings, up to 2 hectares of employment land (A2/A3/B1/D1 uses), with associated public open space and infrastructure.	Approved	18.07.2016
20/00782/OUT	Outline planning with all matters reserved except for access for up to 76 no. dwellings and associated roads, hardstanding, fencing, outbuildings and drainage.	Approved	14.05.2021
22/00958/FUL	Proposed local convenience store and 80 no. dwellings and associated roads, hardstanding, fencing, outbuildings and drainage.	Current	

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)
National Planning Practice Guidance (NPPG)

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 and Connectivity
SP7 Place Shaping Principles

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

SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
HP1 Improving Health and Wellbeing
HP2 Community Facilities
HP3 Green Infrastructure
HP4 Safeguarded Local Greenspace
HP5 Open Space, Sports & Recreation Facilities
LP1 Housing Supply
LP2 Housing Choice

LP3 Housing Density and Standards
LP4 Housing Layout
LP5 Affordable and Council Housing
PP1 New Retail Development
PP2 Retail Hierarchy
PP3 Village and Neighbourhood Centres
PP4 Local Impact Threshold
PP5 Town Centre Uses
PPL1 Development and Flood Risk
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL6 Strategic Green Gaps
PPL7 Archaeology
PPL10 Renewable Energy Generation
CP1 Sustainable Transport and Accessibility
CP2 Improving the Transport Network
DI1 Infrastructure Delivery and Impact Mitigation

Local Planning Guidance

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

Status of the Local Plan

Planning law requires that decisions on 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:

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').

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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located on the eastern edge of Lawford's settlement boundary, south of Long Road in Lawford. The site is in part behind a row of existing housing that fronts Long Road. East of the site are agricultural fields that have planning permission for 485 dwellings by Tendring Farms Ltd. Directly opposite the site, on the north-eastern side of Long Road are more agricultural fields, although existing housing extends to the north-west as part of Lawford.

The application site was previously in agricultural use, however now it forms the eastern part of the wider housing development project called "Lawford Green", for 360 dwellings along with a community building, a new access to the school and a village green (ref: 15/00876/OUT). Work on this development (western section) is well underway. The eastern side of the site (including the application site) is therefore fenced off and forms part of the existing construction area.

The site also includes a narrow strip of land that lies between 92 and 94 Long Road. Overall, the application site measures 3.4 hectares (8.4 acres) in size and is approximately rectangular in shape. The western section of the site (south of the existing dwellings on Long Road, numbers 118 - 80 Long Road) was originally allocated for housing development under the extant outline approval. The eastern side of the site was not allocated for housing under the extant outline approval and was simply a landscaped entrance to the wider Lawford Green development.

The land is flat and bounded by perimeter hedgerows and trees marking the field boundaries. The majority of the site is located within the settlement boundary of the adopted local plan, however, the site also includes a 50m deep strip along the southern edge of Long Road as being within the 'Green Gap' via Policy PPL6. There are no Listed Buildings or Conservation Areas near the host site or affected by the proposed development. There are no public rights of way within the red line area either.

Existing housing to the north and east comprises detached and semi-detached houses of two-storeys. There is a mixture of material types and colours, including exposed brick, boarding and render.

Planning History

The application site as established forms part of the Lawford Green development. Outline planning permission (ref: 15/00876/OUT) was granted in April 2017 for 360 dwellings, along with a community building, a new access to the school and a village green. Subsequent reserved matters applications were approved for Phase 1 (ref: 17/01527/DETAIL) in 2017, Phase 2 (ref: 19/01475/DETAIL) in 2019 and Phase 3 (20/00480/DEATIL) in 2020. These Reserved Matters applications concluded the siting of all 360 dwellings on site. However, approximately 20% of the total original site area, in the northeast corner, was left unaccounted for, hence an additional outline proposal for 76 dwellings on the application site was approved under planning reference 20/00782/OUT. This application seeks to increase the no. of units to 80 in conjunction with the inclusion of a retail outlet.

The phases to the west of the application are either completed or currently under construction. The development primarily comprises 2-storey houses, although there are a small number of chalet bungalows also included.

Proposal

The description of development is 'Full application for a local convenience store and up to 80 no. dwellings and associated roads, hardstanding, fencing, outbuildings and drainage'.

The housing will comprise a mixture of detached, semi-detached, terraced housing and some apartments. The 80 homes will be of a similar size and style to those in Phases 1-3 of the Lawford Green project. The houses will have sufficient parking and gardens to comply with the policy requirements of the development plan. The project will include a provision of 24 no. affordable homes in accordance with the local plan.

The drawings indicate approximately 0.6 hectares (1.5 acres) of public open space, which equates to over 15% across Phase 4.

The proposal will use the vehicular access from Long Road that was approved as part of the outline Lawford Green development (15/00876/OUT and 20/00782/OUT). This will form a spine road through the site connecting with Phase 3 along with various secondary roads and private drives. Access for pedestrians and cyclists is proposed between 92 and 94 Long Road as per the Lawford Green approval.

Principle of Development

The site is located mostly inside the Settlement Development Boundary for Lawford as defined in the TDC Local Plan (2022). The site also has extant outline planning permission for residential development. These are both material planning considerations to establish the principle of residential development on the site.

The adopted Local Plan (2022) shows a strip of Strategic Green Gap (SGG) along Long Road at the northern edge of the site. This SGG is respected by the proposal, showing only the approved spine road, streetlights, footways, play space and public open space in this area.

In respect of the retail aspect, the store would provide convenience shopping to Lawford Green, existing homes and those in the adjacent City & Country (Tendring Farms Ltd) site. Its location would offset the need for car journeys further afield and its accessibility from Long Road would entice passing traffic. Such joint trips have a further reduction in car trips in the wider area.

Policy PP4 sets a threshold of 250 square metres for a Local Impact Assessment. The proposal is smaller than this threshold size (approximately 238sqm in floor space) and as such no Local Impact Assessment is required. This reflects the relatively small size of the store and its limited potential to impact on other nearby centres.

On this matter, Policy PP4 adds "in determining planning applications, the Council will consider quantitative and qualitative impacts of the development on town centre vitality and viability, measures aimed at mitigating and minimising impacts and opportunities to claw back trade lost to other town centres both within and outside of the district." It is considered that such an assessment of qualitative and quantitative impacts should only apply to larger stores above the threshold because it has already been determined that smaller stores have no significant impact on local centres by virtue of their size. As such it is considered that the size and location of the store would not have a materially harmful impact on the other nearby centres.

The site is therefore considered to be a suitable location for this form and scale of development and is acceptable 'in principle'.

Consideration therefore turns to the technical design aspects covered below.

Design/Layout

The character of this latest phase of Lawford Green would align with the approach taken in the remainder of the Lawford Green site. The new spine road ("The Avenue") will be the main link from one end of the Lawford Green site to the other and secondary roads will join The Avenue and lead to a more informal, rural edge character.

The residential density of the proposal site is 22 dwellings per hectare, which broadly matches the density achieved on Phases 1-3 of the Lawford Green development and those properties on Long Road to the north. This density is also similar to the adjacent development site for 485 homes at land south of Long Road achieves approximately 30 dwellings per hectare. In this context, the application site has a relatively low residential density, which reflects its edge of settlement position.

The new properties will comply with the separation distances set out in TDC policy and the Essex Design Guide. Such separation distances will ensure that the residential amenity of existing properties is respected. Likewise, new homes provided within the site will benefit from the same

level of spaciousness and have private gardens that exceed the minimum size standards set out in the Council's Local Plan.

The site also includes approximately 0.5 hectares of open space, which equates to a provision in excess of 15% of the total site area. This exceeds the Council's standard of 10% provision.

The residential properties will be of a traditional design which reflects what has already been established through approved Phases 1, 2 and 3. The same house types proposed in this application have also been used in those other phases, they are as follows:

- The 'Grace' - 2 bed - (used in Phase 2 and 3)
- The 'Barbier' - 3 bed - (used in Phase 1, 2 and 3)
- The 'Cornelia' - 3 bed - (used in Phase 1 and 2)
- The 'Damask' - 3 bed - (used in Phase 1, 2 and 3)
- The 'Amelia' - 3 bed - (used in Phase 2 and 3)
- The 'Rosemary' - 3 bed - (used in Phase 2 and 3)
- The 'Albertine' - 3 bed - (used in Phase 2 and 3)
- The 'Alexander' - 3 bed - (used in Phase 1, 2 and 3)
- The 'Charlotte' - 4 bed - (used in Phase 1, 2 and 3)
- The 'Victoria' - 4 bed - (used in Phase 1, 2 and 3)
- The 'Ophelia' - 4 bed - (used in Phase 2 and 3)
- The 'Cadenza' - 4 bed - (used in Phase 2)
- The 'Berkeley' - 4 bed - (used in Phase 2 and 3)
- The 'Chatsworth' - 5 bed (new)
- Flats and Shop - Block A (new)
- Affordable Flats Block B (new)
- Affordable Flats Block C (new)
- Affordable Housing - House Types A and B (new)

All of the dwellings are of an attractive design, and are between 1 - 5 bedroom proportions, being terraced, semi-detached and detached houses. Also, there are chalet style properties and a total of 19 no. flats, 6 of which are located above the proposed retail outlet. This represents a suitable housing 'mix'. As these house types have been approved in appearance and scale already on the same site, no objection is raised to their use within this phase of the wider development.

The new housing types are in keeping with the style and appearance of the other buildings nearby. Block A, which contains the shop at ground floor and the market flats above, is of a traditional classical styling utilising the use of pillars to the retail frontage and raised eaves exposing overhanging rafter detailing. Blocks B and C accommodate the affordable flats and are again traditional in style comprising of a tiled hipped roof and a mix of render and brick finishes. The openings are all detailed with soldier courses to enhance the overall appearance of the building. Officers have no objection to the scale or appearance of the proposed new house and flat types.

The parking courts serving the flats and retail element are overlooked by numerous openings present within the building providing passive surveillance which is encouraged through Designing out Crime guidance.

The proposed materials used in Phase 4 have been specified, within a 'Materials Plan'. The palette of materials used is similar to Phases 1, 2 and 3, this will enhance the appearance of the dwellings and will complement the surrounding residential development. The overall appearance of the dwelling types would appear largely indistinguishable from high quality designs that appear in Phases 1, 2 and 3 and no objection is raised.

Overall, the scale and appearance of the buildings used is very similar to what has been approved in Phases 1, 2 and 3. The scheme builds upon the successful other phases of the development and is considered to be compliant with national and local design principles and policies for such new developments.

Trees/Landscaping

The application site comprises of land is in agricultural use although it currently appears to be fallow. There is an established hedgerow on part of the northern boundary adjacent to Long Road and established trees on the northern section of the western boundary of the land. The site is bisected by a short section of hedgerow part of which will need to be removed in order to implement the development proposal.

In terms of trees and other vegetation on the application site and adjacent land the applicant has provided an Arboricultural Impact Assessment (AIA) as part of a detailed tree survey and report. The report accurately describes the health and condition of existing trees and the extent to which they are a constraint on the development potential of the land. The information contained in the report is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction. Recommendations.

The tree report adequately demonstrates that the development could take place without causing harm to important trees and makes provision for the retention of trees and hedgerows where practical. In terms of formal legal protection of the trees it should be noted that the site is not affected by a tree preservation order and is not situated within a conservation area. As none of the important trees are threatened with removal associated with the development of the land it is not considered necessary or expedient to make any of the trees on the land the subject of a tree preservation order.

Regarding soft landscaping the applicant has submitted comprehensive and detailed soft landscaping proposals for the whole site that will assist in enhancing visual amenity throughout the development. Revised plans have been received during the course of the application showing the planting of a new hedge on the southern side of a shallow drainage ditch adjacent to Long Road on either side of the proposed new access to the site, this assists with the screening of the site from Long Road and helps to provide a degree of enclosure for the public open space that is likely to be used by families for recreational purposes.

Residential Amenities

The final bullet of Policy SP7 requires that all new development protects the amenity of existing and future residents and users regarding noise, vibration, smell, loss of light, overbearing and overlooking.

Policy SPL3, Part B criterion e), requires that buildings and structures are designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents. Part B, criterion f), necessitates provision is made for adequate private amenity space. Part C, criterion a), requires that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

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 174 provide that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.

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.

The layout submitted demonstrates that sufficient spacing to existing properties to the north can be achieved thereby not causing any adverse impacts in respect of loss of light, outlook or privacy. This arrangement is considered to be in accordance with the Essex Design Guide which states that; 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 plans provided demonstrate that a minimum of 15m from the rear elevation of the proposed properties to the northern boundary of the site can be achieved in conjunction with the required 25m back to back distances. Moreover, the submitted layout plan shows that the relationship between the proposed development and the adjacent development on Phase 3 is acceptable and there would be no adverse impacts upon future residents. The same can be said for the City and Country development to the east of the site, as there is sufficient spacing between the shop element and the flatted development to avoid any harmful loss of outlook, privacy or light for future residents.

The dwelling proposed on plot 440 represents infill development onto Long Road to the north. The dwelling here has been sited not too deep into the plot to avoid any loss of privacy or outlook concerns to arise.

In terms of the retail outlet, the proposed opening hours are 7am-11pm daily. Given the low-key retail use proposed and the fact that residents moving to the estate will be aware of the presence of the outlet, these timings are considered to be acceptable and would not cause undue harm to nearby residents in terms of noise and disturbance.

Highway Considerations

The ninth bullet of Policy SP7 requires all new development includes parking facilities that are well integrated as part of the overall design. Policy CP1 states that proposals for new development must be sustainable in terms of transport and accessibility, and therefore should include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport. Part B of Policy SPL3, criterion a), requires that access to the site is practicable and the highway network will, following any required mitigation, be able to safely accommodate the additional traffic the proposal will generate and not lead to a severe traffic impact. Amongst other things, criterion f) requires adequate vehicle and cycle parking.

Paragraph 104 of the NPPF states that transport issues should be considered from the earliest stages of development proposals, amongst other things, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised - for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account - including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

Paragraph 111 of the NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.

Within this context, Paragraph 112 states that applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

- c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

The proposal will use the vehicular access from Long Road that was approved as part of the outline Lawford Green development (15/00876/OUT and 20/00782/OUT). This will form a spine road through the site connecting with Phase 3 along with various secondary roads and private drives. Access for pedestrians and cyclists is proposed between 92 and 94 Long Road as per the Lawford Green approval. Such access will join with Phase 3 of Lawford Green and pedestrian paths are proposed through to the adjacent City and Country scheme, providing wider permeability.

Having regard to the above noted policy requirements, the applicants have submitted a Transport Statement. The statement assesses the proposal against the baseline position (i.e. the extant outline permission for 76 dwellings) and concludes the following;

'Provision of a convenience store on the site will reduce shopping trip distances for shopping for residents of the houses on the Lawford Green site, as well as those of existing houses on Long Road and Colchester Road, and on the City & Country development to the east. Some vehicle trips to/from houses within the Lawford Green development will be removed from the external highway network as a result of the proposal and will become intra-site trips. Some trade will be from pass-by trips already passing the site on Long Road, and some will be combined with trips to/from the houses and school drop-off car park within the wider development.'

'We have undertaken a junction capacity assessment of the approved Long Road access T-junction with the predicted weekday peak hour traffic, taking account of pass-by, linked and intra-site trips. This has showed that it would have ample capacity to accommodate the predicted flows!'

ECC-Highways have reviewed the submitted details and have no objections to the development submitted to several conditions relating to, amongst other things, parking provision, visibility splays and the access provision. These conditions are applied where considered necessary and not already shown on the approved plans. In terms of the Long Road junction, it has been agreed, through discussions with ECC and the applicant, that this needs to be completed prior to the first occupation of the 75th dwelling and the opening of the retail store. This is because the remainder of the development can be accessed via the existing spine road that will be extended along from the west (Phase 3).

In terms of parking provision, 30 parking spaces (including mobility impaired spaces) are provided for the retail outlet. This is comfortably in excess of the requirements of the parking standards for food stores (1 space per 14 sqm). The housing development provides for off-street parking through private driveways and parking courts at a quantum and size commensurate with the requirements of the parking standards. Visitor parking is predominantly absorbed by larger private driveways and by extra spaces within the parking courts.

Overall the highway impacts of the development and the parking provision is considered to be acceptable.

Ecology Matters

Local Plan Policy PPL4 requires that sites designated for their international, European and national importance to nature conservation will be protected from development likely to have an adverse effect on their integrity. The policy states that as a minimum there should be no significant impacts upon any protected species. The preamble to Policy PPL4 states that where a development might harm biodiversity an ecological appraisal will be required to be undertaken, and the potential for harm should be considered and addressed in any application.

Policy SPL3, Part A criterion d), requires that the design and layout of development maintains or enhances site features, including ecological value.

Paragraph 174 d) of the NPPF requires that planning decision should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 180 d) states that opportunities to improve biodiversity in and around developments should be integrated as part of their design.

Paragraph 180 states that when determining applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Place Services (Ecology) have reviewed the Badger Survey (Geosphere Environmental, December 2022) and amended Draft Legal Agreement for Land at Bromley Road (March 2023), along with the submitted documents previously supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and species and identification of proportionate mitigation. They are satisfied that there is sufficient information to determine the application and that these documents provide sufficient ecological information to determine the application. No objections are therefore raised.

The mitigation measures identified in the Phase 4 and 5 - Updated Ecological (Geosphere Environmental, September 2021) and Badger Survey (Geosphere Environmental, December 2022) are to be secured by a condition. This is necessary to conserve and enhance protected and Priority species particularly bats, nesting birds, Badgers, reptiles, and Hedgehog.

The Amended Draft Legal Agreement for Land at Bromley Road provides details of a legal agreement to provide Skylark compensation habitat, prior to commencement of development, and managed for the benefit of Skylark for a minimum period of 10 years. Subject to the signing of this legal agreement by the relevant parties involved, this ensures the LPA has certainty of the likely impacts to Skylark. Therefore, a Skylark Mitigation Strategy should be submitted and secured by condition of consent.

The submitted documents also recommend that a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) be produced and secured by condition of consent, to protect waterways from run-off and pollution.

Place Services also support the proposed biodiversity enhancements which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). The reasonable biodiversity enhancement measures are to be secured via a Biodiversity Enhancement Strategy condition.

Moreover, the supporting documents confirm 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 advised that a

sensitive lighting scheme is developed to minimise any impacts. A condition will be applied to this effect.

Accessibility and Adaptability

Policy LP3 of the Local Plan states that 'on housing developments of 10 or more dwellings, 10% of market housing should be to Building Regulations Part M4(2) 'adaptable and accessible' standard. For affordable homes, 10% should be to Building Regulations Part M4(2) and 5% should be to Part M4(3) 'wheelchair-user' standards'.

The affordable properties are tenure blind and cluttered in groups of less than 11 dwellings, in line with policy. All properties meet Nationally Described Space Standards, and M4(2) and M4(3) properties are provided, in line with the policy expectation.

Drainage/Flood Risk

Policy PPL1 states that all development proposals should include appropriate measures to respond to the risk of flooding on and/or off site and that on sites of 1ha or more, development proposals must be accompanied by a Flood Risk Assessment. Furthermore, all major development proposals should consider the potential for new Blue and Green Infrastructure to help mitigate potential flood risk and include such Green Infrastructure, where appropriate.

Policy PPL5 requires that all new development must make adequate provision for drainage and sewage treatment and should include sustainable drainage systems (SuDS). Applicants should explain and justify the reasons for not using SuDS if not included in their proposals. Furthermore, proposals for development must demonstrate that adequate provision exists for sewage disposal.

Policy SPL3, Part B criterion g), requires that development reduces flood risk and integrates sustainable drainage within development, creating amenity and enhancing biodiversity.

Paragraph 167 of the Framework provides that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

The pre-developed site comprises solely of arable land and classifies as a greenfield site. There are no impermeable drained areas within the pre-developed site area. Rainfall infiltrates to groundwater and likely discharges to springs and watercourses in the local area of the site; therefore, SuDS are a key aspect of the scheme for the disposal of surface water runoff and careful consideration is required. In this case, it is proposed to collect and attenuate the surface water run-off from the proposed site prior to discharge to groundwater by infiltration, in order to not increase off-site flood risk. The proposed SuDS systems will facilitate the storage and disposal of the critical storm event (1 in 100 year rainfall event +40% climate change) within the site boundary to not introduce or increase off-site flood risk

ECC-SUDs Team have reviewed the submitted assessment/drainage strategy and have no objections subject to conditions securing precise details of the SUDs scheme, its implementation and on-going maintenance.

In terms of foul drainage, private foul drains are provided to individual properties which will connect into an adoptable foul sewer which, subject to agreement with the local water authority, is generally located beneath the adoptable highway. Anglian Water have confirmed that the foul drainage from this development is in the catchment of Manningtree Water Recycling Centre which currently does not have capacity to treat the flows the development site. However, Anglian Water have confirmed that they are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should planning permission be granted.

Sustainable Construction

Policy PPL10 of the Local Plan states that 'all development proposals should demonstrate how renewable energy solutions, appropriate to the building(s) site, and location have been included in

the scheme and for new buildings, be design to facilitate the retro-fitting of renewable energy installations’.

The use of communal electric charging points, green/brown roofs, PV panels and SUDS to aid the sustainability of the development should also be considered. This can all be detailed within the ‘Renewable Energy Generation Plan’ as required by policy PPL10 and secured via condition.

Legal Obligations

The NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be sought where they meet all the following tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. These are set out and addressed below under the relevant sub-headings. A completed Section 106 Legal Agreement has been secured to secure these obligations.

Open Space

On site open space of at least 10% is provided to accord with the requirements of the local plan policy. A legal obligation will be included within the S106 to secure maintenance responsibilities of this area. The likely option at this stage is a management company, however the legal agreement is worded to give an option for parish councils to maintain this area is a management company is not the agreed solution.

The Council's Open Spaces Team have confirmed that there is currently a deficit of -3.44 hectares of equipped play/open space in the area.

Therefore, following further discussion with the developer it has been agreed that the play facilities on this development are better met off site, due to the close proximity of play areas on adjoining developments. Mistley Parish Council have now come forward to confirm that they would like improvements to be made at the play area known as Welcome Home Field, New Road. As such an off-site contribution of £59,967.66p (inc RPI) is secured via the S106.

RAMS

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.

The application scheme proposes new dwellings on a site that lies within the Zone of Influence (Zoi) for Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site. New housing development within the Zoi 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 £11,016.18p (£137.71 per dwelling) is required. This will provide certainty that the development would not adversely affect the integrity of Habitats Sites.

Affordable Housing

Policy LP5 of the Local Plan states that 'for development proposals outside of the Tendring Colchester Borders Garden Community, involving the creation of 11 or more (net) homes, the Council will expect 30% of new dwellings, (including conversions) to be made available to Tendring District Council (subject to viability testing) or its nominated partner(s) to acquire at a proportionate discounted value for use as affordable housing.'

To accord with the requirements of this policy 24 of the 80 units are to be secured as affordable housing. The 24 units are to be provided on a 66.66% (affordable rent) and 33.33% (shared

ownership) split equating to 16 affordable rent and 8 shared ownership units. The Council's Housing Team have reviewed the information provided and have no objections to the quantum and tenure of the affordable housing units. These units will be offered to a Registered Social Landlord. A clause within the S106 requires details of the RSL ('Approved Body') to be approved prior to first occupation.

Education

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.'

In this instance ECC have confirmed that no school contributions are required. However, Essex County Council request that if planning permission is granted it should be subject to a S106 agreement to mitigate the developments impact on libraries.

The suggested population increase brought about by the proposed development is expected to create additional usage of the nearest library. A developer contribution of £6,224 is therefore considered necessary to improve, enhance and extend the facilities and services provided.

Healthcare

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'.

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 in the North Tendring area, including Lawford and Manningtree or through other solutions that address capacity. A contribution of £46,700 is therefore secured via the S106 to improve healthcare facilities at Lawford Surgery and/or Riverside Health Centre. This reflects the comments of NHS provided as part of the application consultation.

Skylark Mitigation

The need to provide two plots on off-site land to act as a suitable habitat for skylark birds has arisen through consultation with the Council's Ecology advisors (Place Services). The S106 includes an obligation to provide details of the mitigation prior to the commencement of development and its implementation prior to occupation.

Other Considerations

Mistley Parish Council noted the revisions to the scheme and raise no objections. No further letters of representation have been received.

Conclusion

The principle of development is already established by the extant consent for the site. The proposal differs from the extant consent only in that it includes a local convenience store and 4 additional homes.

The proposal would provide clear economic, social and environmental benefits and would constitute sustainable development. It has not been shown that there are any adverse effects from the proposal, certainly not sufficient enough to significantly and demonstrably outweigh the benefits, as per the NPPF test. Accordingly, the application is recommended for approval.

6. Recommendation

Approval

7. Conditions

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

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

- 2 The development hereby permitted shall be carried out in accordance with the 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.

Approved Plans & Documents

- 21/33/01 (Approved Red Line Plan Drawing - received 31/05/2022)
- 21/33/02 A (Amended Proposed Site Layout Plan)
- 21/33/03 A (Amended Market Housing Key Plan)
- 21/33/04 B (Amended Affordable Housing Key Plan)
- 21/33/05 B (Amended Accommodation Schedule)
- 21/33/06 (The Grace - Floor and Elevations Plan)
- 21/33/07 A (Amended The Albertine Floor and Elevation Plans)
- 21/33/08 A (Amended The Barbier Floor and Elevation Plans)
- 21/33/09 (The Cornelia - Floor and Elevations Plan)
- 21/33/10 A (Amended The Amelia Floor and Elevation Plans)
- 21/33/11 A (Amended The Damask Floor and Elevation Plans)
- 21/33/12 (The Damask - Floor and Elevations Plan)
- 21/33/13 A (Amended The Rosemary Floor and Elevation Plans)
- 21/33/14 A (Amended The Alexander Floor and Elevation Plans)
- 21/33/15 A (Amended The Victoria Floor and Elevation Plans)
- 21/33/16 A (Amended The Ophelia Floor and Elevations Plans)
- 21/33/17 A (Amended The Charlotte Floor and Elevations Plans)
- 21/33/18 (The Berkeley - Floor and Elevations Plan)
- 21/33/19 (The Chatsworth - Floor and Elevations Plan)
- 21/33/20 A (Amended Block A Shop and Units 417-422 Floor Plans)
- 21/33/21 A (Amended Block A Shop and Units 417-422 Elevations Plan)
- 21/33/22 A (Amended Outbuildings Plan)
- 21/33/24 A (Amended House Type A Floor and Elevations Plan)
- 21/33/25 A (Amended House Type B Floor and Elevations Plan)
- 21/33/26 A (Amended Block B - Flats 423-431- Floor Plans)
- 21/33/27 A (Amended Block B - Flats 423-431 - Elevations Plan)
- 21/33/28 A (Amended Block C - Flats 432-435 - Floor Plan and Elevations Plan)
- 21/33/29 (Cycle/Bin Store Plan)
- 21/33/32 A (Amended Refuse Strategy Plan)
- 21/33/33 A (Amended Parking Plan)
- 21/33/34 A (Amended Boundary Treatment Plan)
- 21/33/37 A (Public Open Space Plan)
- 9499-D-AIA (Tree Protection Plan)
- Circular Walk Plan (Dated 21/11/2022)

- JBA 19/163 - SK02 B (Amended Landscape Masterplan)
- JBA 19/163-07 B (Amended Detailed Soft and Hard Landscaping Plan)
- JBA 19/163-08 B (Amended Detailed Soft and Hard Landscaping Plan)
- JBA 19/163-09 B (Amended Detailed Soft and Hard Landscaping Plan)
- JBA 19/163-10 B (Amended Detailed Soft and Hard Landscaping Plan)
- K297-003 A (Access Plan)
- Phase 2 Ground Investigation - Report no. 19-2817r

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

- 3 No development/works 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 sympathetic to the character of the existing building(s) in the vicinity and in the interests of visual amenity and the character and appearance of the area.

- 4 Unless previously agreed in writing with the local planning authority, all changes in ground levels, soft/hard landscaping shown on the approved landscaping details (Drawing no's - JBA 19/163 - SK02 B, JBA 19/163-07 B, - JBA 19/163-08 B, JBA 19/163-09 B and JBA 19/163-10 B) 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.

- 5 Prior to the commencement of development details of the construction methodology 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 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 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 portals.
- 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) Details that follow the principles established by the 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).

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.

- 6 The dwellings shall not be occupied and the shop use shall not commence until the area within the site relevant to that dwelling and the shop, as shown on approved drawings, for the purposes of manoeuvring and parking (including garage spaces as applicable and cycle storage facilities) of vehicles/bicycles have been provided and made functionally available. The parking areas and cycle storage facilities shall then be retained and remain free of obstruction thereafter.

Reason - To ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would otherwise be detrimental to highway safety.

- 7 The proposed site access shall be completed in all respects in accordance with the principles of the approved drawing (Drawing no. K297-003 A) and be available for use prior to the first occupation of the 75th dwelling and the opening of the convenience store. The access shall then be retained in its approved form thereafter.

Reason - In the interests of highway safety to ensure the access is properly designed and constructed and made available for use.

- 8 No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least basecourse level or better in accordance with the approved details.

Reason - To ensure that satisfactory access is provided for the safety of residents and the public.

- 9 Prior to first use/occupation of a dwelling or the convenience store, or in accordance with an alternative timetable for provision as may be agreed in writing by the Local Planning Authority, the areas to be provided for storage of refuse/recycling bins for that dwelling or the convenience store as shown on the approved drawings shall be provided and then retained.

Reason - In the interest of highway safety to ensure that refuse recycling bins do not cause any obstruction or danger on the highway.

- 10 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment & Detailed Foul and Surface Water Drainage Strategy, ref 66201006-SWE-P4-XX-RP-C-0001 Rev 01 by SWECO, dated 22/04/2022 and the following mitigation measures detailed within the FRA:

- Infiltration testing in line with BRE 365, and confirmation that each individual cellular infiltration tank will be founded in an appropriate soil stratum
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective treatment of surface water runoff to prevent pollution.

- 11 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented 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.

- 12 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of all features of the surface water drainage system, including cellular infiltration tanks and silt-traps, and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided. The approved maintenance arrangements shall be adhered to thereafter.

Reason - To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

- 13 Within the hereby permitted development, no dwelling shall be occupied until a highspeed broadband connection is installed utilising resistant tubing to that dwelling, all in accordance with details that shall be submitted and approved, in writing, by the Local Planning Authority. If the applicant is unable to achieve this standard of connection, and can evidence through consultation that this would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 24mbps) wireless service will be considered acceptable.

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

- 14 No development shall commence above slab level until a Renewable Energy Generation Plan (REGP) has first been submitted to and approved in writing by the local planning authority. The REGP shall provide for electric vehicle charging points within the proposed parking areas and set out the measures that will be incorporated into the design, layout and construction, aimed at maximising energy efficiency and the use of renewable energy. Thereafter, the development shall comply with the REGP and any approved measures shall be implemented prior to first occupation.

The scheme shall be fully implemented prior to the first occupancy of each dwelling 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 - In order to ensure that the development contributes towards reducing carbon emissions in addressing climate change, in accordance with Policy PPL10 and SPL3.

- 15 Before any machinery/plant is first used on the convenience store as hereby approved as part of this permission, it shall be enclosed with sound insulating material and mounted in a way which will minimise transmission of structure borne sound in accordance with a scheme to be approved, in writing, by the Local Planning Authority. The scheme shall thereafter be maintained as may be approved.

Reason - To protect the amenity of nearby/future nearby residential properties and to reduce the likelihood of nuisance complaint relating to noise.

- 16 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 be adhered to therein after.

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

- 17 The hereby approved convenience store shall only be open to the general public between the following hours;

Monday to Sunday - 7am to 11pm

Reason - In the interests of residential amenity.

- 18 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Phase 4 and 5 - Updated Ecological (Geosphere Environmental, September 2021) and Badger Survey (Geosphere Environmental, December 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

- 19 Prior to the commencement of development a Skylark Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss or displacement of any Skylark territories identified as lost or displaced. This shall include provision of offsite compensation measures to be secured by legal agreement, in nearby agricultural land, prior to commencement.

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

- a) Purpose and conservation objectives for the proposed compensation measures
- b) detailed methodology for the compensation measures
- c) locations of the compensation measures by appropriate maps and/or plans;
- d) persons responsible for implementing the compensation measures.

The Skylark Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.

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

- 20 Prior to the commencement of development a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason - To conserve 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 Prior to any works above slab level 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).

- 22 Prior to the first occupation of the development 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 contour plans,

Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

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

8. 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 Deed of Variation to secure the necessary planning obligations.

Highways Informative

1: All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

2: 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

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

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

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

5: 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 and schools are also available.

<p>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</p>	<p>YES</p>	<p>NO</p>
<p>Are there any third parties to be informed of the decision? If so, please specify:</p>	<p>YES</p>	<p>NO</p>