

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	JR	24.05.2023
Planning Manager / Team Leader authorisation:	JJ	24/05/2023
Planning Technician final checks and despatch:	ER	25/05/2023

**Application:** 22/00034/FUL **Town / Parish:** Bradfield Parish Council

**Applicant:** Mr John and Catriona Wood

**Address:** Plot Between Alcha and Kings Lodge King Street Bradfield

**Development:** Proposed construction of a three bedroom residential bungalow.

### **1. Town / Parish Council**

Bradfield Parish Council  
1<sup>st</sup> Consultation

Bradfield Parish Council objects to this planning application for the following reasons:

The planning application which is for a four bedroom chalet style bungalow does not allow enough provision for parking and is not considered to be in line with design guidance;  
The full Local Plan has been approved for Tendring with Bradfield not being identified as an area needing additional development;  
There is no further need for infill development within Bradfield;  
There are several nearby newbuild development sites in the area and as such another newbuild housing development within Bradfield is considered to be excessive.

Bradfield Parish Council  
2<sup>nd</sup> Consultation following  
amended plans

Bradfield Parish Council previously objected to this planning application on the 7th February 2022 and continue to object to the recently amended application for the following reasons:

1. The block plan does not show a sufficient area available for vehicular turning and forward exiting. This is contrary to planning rules.
2. Adequate off-road parking cannot be provided on site for a three-bedroom dwelling.
3. The visibility splay cannot be adequately constructed and maintained in the available space.
4. There is not sufficient Garden/Amenity space provided to be compliant with the Essex Design Guide.

### **2. Consultation Responses**

UU Open Spaces  
01.03.2022

There is currently a deficit of 0.83 hectares of equipped play in Bradfield. There is one play area located in the village of Bradfield. The play area is classified as a Local Equipped Area for Play.

Recommendation

Due to the significant lack of provision in the area a contribution to increase the play provision is both justified and relevant to the planning application and that this money would be spent at the closest play area which is The Street Bradfield.

Tree & Landscape Officer 26.01.2022 There are no trees or other significant vegetation on the application site.

There is a medium sized Silver Birch (*Betula pendula*) situated within the curtilage of Kings Lodge that is close to the front boundary of the application site. The tree is in reasonable condition and makes a moderate contribution to the character of the area.

Taking into account the proposed position of the new drive serving the property the roots of the tree will not be adversely affected by the development of the application site.

ECC Highways Dept 11.02.2022

King Street forms part of a cul-de-sac which serves several exiting properties. It is noted that the plot was previously used for the storage of coal, this use appears to have ceased around 1982. When compared with the previous use, the level of activity will be on a par or possibly reduced. It appears that the proposed dwelling will provide adequate off-street parking and turning, taking these factors into consideration:

From a highway and transportation perspective the impact of the proposal is acceptable subject to mitigation and conditions in regards to visibility splays, vehicle turning facility and parking, use of unbound materials and vehicular access construction, boundary planting, surface water, cycle parking, travel packs and storage of materials.

### **3. Planning History**

None

### **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  
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  
HP5 Open Space, Sports & Recreation Facilities  
DI1 Infrastructure Delivery and Impact Mitigation  
LP1 Housing Supply  
LP2 Housing Choice  
LP3 Housing Density and Standards  
LP4 Housing Layout

PPL4 Biodiversity and Geodiversity  
PPL5 Water Conservation, Drainage and Sewerage  
PPL10 Renewable Energy Generation  
CP1 Sustainable Transport and Accessibility

## **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**

### **Site Description**

The application site comprises of a vacant overgrown plot of land, some 502sqm, on the eastern side of King Street in Bradfield Heath. This part of King Street is unadopted by the Highways Authority. The site is currently bordered by residential properties and their respective boundaries on all three sides. To the north of the site there is a bungalow known as Kings Lodge and to the south a further bungalow known as Alcha and to the rear of the site, on the eastern boundary is Fairwinds – a bungalow that fronts on to Windmill Road.

The application form states that the site was used to store coal on a concrete hardstanding until the early 1980's, but this use has ceased. The application site is located within the defined Settlement Development Boundary for Bradfield in the adopted Local Plan. The site is also within Flood Zone 1 which has a low risk of flooding.

### **Proposal**

This full application seeks planning permission for the erection of one 3-bedroom bungalow with parking and access. Vehicular and pedestrian access would be from King Street. A driveway is shown leading to the front of the house from the road which is shown to be finished in pea grit.

It is proposed that the bungalow would be finished externally with off-white roughcast render and natural slate roof tiles. Windows would be a grey Anthracite uPVC and an oak front door is also proposed. The gross internal floor area of the new dwelling is proposed as 117.8 sqm.

Amended plans were received during the course of the application, as the original proposal was for a 4 bed chalet bungalow and concerns regarding overlooking and loss of privacy were raised by both the case officer and neighbouring residents. The proposal was revised to a single storey 3 bed bungalow. Therefore the proposal is considered on the basis of the amended plans.

## Assessment

### Principle of development

The comments of the Parish Council are noted, however Local Plan policies SPL1 and SPL2 are supportive of the principle of residential development within defined settlement development boundaries. Whilst these smaller villages are considered to be the least sustainable locations for growth and there is a concern that encouraging too much development in these areas will only serve to increase the number of people having to rely on cars to go about their everyday lives, these villages are still under pressure to grow. Therefore the Settlement Development Boundaries have been drawn flexibly, where practical, to accommodate a range of sites both within and on the edge of the villages and thus enabling them to be considered for small-scale residential 'infill' developments. provided that it does not detrimentally impact the historic and natural environment.

The application site is situated within the defined Bradfield Settlement Development Boundary in the adopted Local Plan. The site is not subject to any other land use designation on the Local Plan proposals map. The principle of a new infill dwelling at this location is considered acceptable against Policies SPL1, SPL2, of the adopted Local Plan, subject to the proposal complying with other relevant adopted Local Plan policies and NPPF advice relating to detailed design, layout, highways, parking and other relevant considerations.

### Design and Layout

The proposed bungalow would have 3 bedrooms, one with an en-suite bathroom; a kitchen/dining room, main bathroom, utility room and lounge area. The accommodation would be arranged in an "r" shape with a front porch on the return between the two elements. The porch design and the use of external materials (off-white render; slate roof and anthracite UPVC windows) and a large feature glazed window in the front gable the building collectively contribute towards a slightly more modern appearance than that of the surrounding dwellings, however this approach is considered appropriate given the mixed surrounding development and the context of the site.

The dwelling complies with the Nationally Described Space Standards providing 117sqm of internal floorspace, exceeding the required 95 sqm which is the minimum required for a 3-bedroom 6-person dwelling. Bedroom sizes and storage space are also considered to meet with the NDSS standards. Furthermore all habitable rooms would receive adequate natural daylight and a usable area of private amenity space is provided.

The Parish Council objection includes reference to the private amenity space not complying with the Essex Design Guide. For a 3-bed dwelling this would be a minimum of 100 sqm. Policy LP4 of the Council's adopted Local Plan requires that new dwellings are provided with private amenity space of a size and configuration that meets the needs and expectations of residents and which is commensurate to the size of dwelling and the character of the area. The Local Plan does not require compliance with the Essex Design Guide. To respect the building line the proposed dwelling is set back from the Highway, and broadly follows the building line of the adjacent properties, resulting in a relatively deep front garden. This does result in the rear garden being shallower despite the size of the plot.

The rear garden is however a regular shape and is considered to be a fully usable space of approximately 91sqm. Although this is marginally below the standards contained with the Essex Design Guide, recently adopted Policy LP4 states that the Council will take a view on whether this meets the needs and expectations of future residents and does not require prescriptive sizes to be

complied with. The rear gardens of some of the properties fronting Windmill Road also have relatively shallow back gardens. Overall it is considered that the residential amenity of future occupants of the bungalow would not be unduly compromised by the level of amenity space proposed.

The proposed development would therefore have a sympathetic form, scale and appearance within its immediate residential setting and no design or layout objections are therefore raised under Policies SP7, SPL3, LP3 and LP4 of the adopted Local Plan.

### Highways and Parking

Paragraph 110 of the NPPF states that when assessing applications for development the local planning authority must ensure, amongst other things, that a safe and suitable access to the site can be achieved for all users. Policy CP1 states that 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.

The Council's adopted parking standard requires a minimum of two parking spaces for each dwelling with two or more bedrooms. Standard parking spaces should measure 5.5m x 2.9m.

It is proposed that the new dwelling would be accessed off King Street, which is a narrow lane running from a priority junction off Windmill Road. King Street is a single carriageway and currently serves four residential dwellings. There are no footways along the road, but there are narrow grass and pea shingle verges to either side. Approximately 70 metres from Windmill Road, King Street turns through 90 degrees with the application site a further 20 metres down the road, on the eastern side.

The Highway Authority, Essex County Council, have been consulted on the application and they have referenced that the plot was previously used for the storage of coal, although this activity ceased several decades ago. When compared with the previous use, the level of activity associated with a single dwellinghouse would be on a par or possibly reduced with the historic commercial use. The Highway Authority are satisfied that the proposed dwelling would provide adequate off-street parking and could be provided with appropriate access arrangements. They raise no concerns in respect of highway capacity or safety objections given the scale of the proposed development subject to a set of highway conditions. The proposal therefore accords with Policies CP1 and CP2 of the adopted Local Plan.

The Council requires that new developments provide parking in accordance with the Council's adopted Parking Standards. The new dwelling would have three bedrooms and the standards require the development to provide a minimum of 2 no. on-site parking spaces. The plans show that there would be a driveway leading to the front of the house which would be approximately 17 metres long. The parking standards require bay sizes to be a minimum of 5.5m x 2.9m. The driveway would provide sufficient space for two cars to be parked off the road. One representation received from a local resident claims that the parking arrangements are not acceptable as vehicles cannot enter and leave the site in forward gear. The Highway Authority have recommended a condition requiring the provision of a turning facility within the site. Given the small scale nature of the development, i.e. one dwelling and the fact that this part of Kings Street serves the site and one other dwelling, it is not considered imperative that cars enter and leave in forward gear. The frontage of the site is considered to be large enough to accommodate 2 car parking spaces and there is room for a turning area if the occupants so wish.

It is indicated that the driveway is to be surfaced with pea grit. The use of unbound materials is not supported as this can track out on the carriageway. This can be both unsightly and the deposition of loose material in the carriageway can be detrimental to highway safety. Details of an alternative material can be secured by condition and can be submitted as part of the landscaping plan for the development.

Therefore there are no objections raised on highways safety or parking grounds.

### Impact on residential amenity

Paragraph 130 of the NPPF states that planning decisions should 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 residents.

Policy SP7 also specifies that the amenity of existing and future residents is protected. Policy SPL3 states development should not have a materially damaging impact on privacy, daylight and other amenities of occupiers of nearby properties.

The application originally proposed the erection of a four bed chalet bungalow with two of the bedrooms being provided within the roofspace. An objection was raised by a neighbouring resident of an adjoining site that the new dwelling would give rise of overlooking and a loss of privacy to the neighbouring properties. As the surrounding properties are all bungalows the case officer was also concerned that this layout could have the potential to result in a loss of privacy with the existing neighbouring dwellings not currently overlooked.

The applicant has revised the scheme and submitted amended plans and it is now proposed that a three bedroom bungalow is built with no living accommodation within the roofspace. This change removes the issue of overlooking and loss of privacy to the neighbouring occupiers.

The new dwelling would be built close to the site boundary, being just 1.5 metres into the site. Neighbours have raised concerns about the disruption and inconvenience this would cause. It is inevitable that the construction of a new dwelling would result in disruption, however this would not be grounds to refuse the application as the construction work would be over a relatively short period.

Given the sites close proximity to a number of residential properties, prior to the commencement of development a Construction Method Statement (CMS) should be submitted and approved by the Local Planning Authority, outlining measures to minimise potential nuisance to nearby existing residents caused by the construction works. The CMS should have due regard to noise control, vehicle movements and working hours, use of machinery and mobile plant, piling works and both emission and dust control. These details can also be secure by way of a condition to any grant of planning permission.

Given the location and orientation of the dwelling and its relationship to the adjoining properties it is not considered that the new single storey dwelling would have any other significant adverse impact on the adjoining dwellings. No residential amenity objections are therefore raised under Policies SP7 and SPL3 of the adopted Local Plan.

### Trees and Landscaping

There are no trees within the application site. The Council's Tree and Landscape Officer has advised that whilst the Silver Birch situated within the curtilage of Kings Lodge is close to the front boundary of the application site the roots of the tree will not be adversely affected by the proposed development. Given the limited information submitted with the application, a condition requiring the submission of a full hard and soft landscaping plan is considered reasonable in this case, particularly in order to retain the hedge to the front of the site.

### Ecology and Biodiversity

Policy PPL4 seeks to protect and enhance the local biodiversity and geodiversity. The site is a vacant plot within a residential area and is not of any specific designation. However there is scope within the site to include wildlife friendly, native planting and habitat boxes for roosting bats and nesting birds. These measures will contribute to biodiversity net-gain in accordance with Paragraph 174(d) of the NPPF (2021).

These measures can be adequately secured by suitable conditions to any grant of planning permission.

## Environmental Protection

The application site is largely overgrown, although the vegetation appears to have been subject to periodic clearance as it has not reached any significant height. The application form states that the plot was previously used for the storage of coal on a concrete base, until that use ceased around 1982. The site is not recorded as being contaminated land on the Council's records.

As the previous use is stated as storage of coal on a concrete base it is considered that there is potential for low levels of contamination within the site and therefore a condition in respect of actions to be taken if any contamination is found during the construction of the development, by way of a watching brief is considered necessary and reasonable in this case.

## Water Conservation, Drainage and Sewerage

Paragraph 174 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 185 of the Framework states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment.

Policy PPL5 states that all new development must make adequate provision for drainage and sewerage. Private sewage treatment facilities will not be permitted if there is an accessible public foul sewer. Where private sewage treatment facilities are the only practical option for sewage disposal, they will only be permitted where there would be no harm to the environment, having regard to preventing pollution of groundwater and any watercourses and odour.

The application form accompanying the application has stated that the development would be connected to the existing public foul sewer. This is in accordance with the above policy requirements and is therefore considered to be acceptable.

## Renewable Energy

Policy PPL10 addresses renewable energy generation and energy efficiency measures for residential development involving the creation of one or more dwellings. Measures including electric car charging points should be considered. Paragraph 112 e) of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

As such a condition seeking a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development is considered reasonable and necessary and can be added to any grant of planning permission.

## Recreational Disturbance Avoidance and Mitigation Strategy (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.

This new residential development lies within the Zone of Influence. The site is not within or directly adjacent to one of the European designated sites but is approximately 1953 metres from the Stour and Orwell Estuaries RAMSAR and SPA.

The Council's Habitats Regulation Assessment has concluded that, with the proposed mitigation, the project would not have an adverse effect on the integrity of the sites included within the Essex Coast RAMS and therefore the proposal is in accordance with the Essex Coast RAMS SPD.

However, new housing development within the Zol would be likely to increase the number of recreational visitors to Colne Estuary; and, in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

In accordance with Natural England's advice there is no requirement to consult them due to the specified mitigation.

A unilateral undertaking has been completed to secure this legal obligation. Therefore the Council is satisfied that the development would not adversely affect the integrity of European Designated Sites in accordance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

### Financial Contributions – Open Space and Play Space

Paragraph 54 of the National Planning Policy Framework (2021) states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 56 of the NPPF states planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly relate to the development and fairly and reasonably relate in scale and kind to the development.

In line with the requirements of Section 2 Policy HP5 the Council's Open Space Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution toward public open or play space.

The outcome of the consultation is that there is currently a deficit of 0.83 hectares of equipped play in Bradfield. There is one play area located in the village of Bradfield. The play area is classified as a Local Equipped Area for Play.

### Recommendation

Due to the lack of provision in the area a contribution to increase the play provision is both justified and relevant to the planning application and that this money would be spent at the closest play area which is The Street Bradfield. A unilateral agreement has been completed in regards to this contribution.

### Third Party Representations

Two representations have been received following a public consultation which included a site notice posted at the site, press notice and neighbouring consultation letters sent to the adjoining properties.

### Summary of Matters Raised

- A dormer bungalow will result in overlooking and loss of privacy for the neighbouring properties.
- Construction work to build the new dwelling will be a huge disruption and inconvenience neighbours.
- All properties surrounding the site are single storey so consideration must be given to privacy and light deprivation as a two storey development is proposed.
- Access along King Street is difficult as the road is narrow and involves a ninety degree bend. Construction traffic should be required to park within the development site. Parking restrictions along King Street should be implemented



All material planning considerations raised have been taken into account within the assessment section of this report.

## **Conclusion and Planning Balance**

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval.

## **6. Recommendation**

APPROVAL – FULL

## **7. Conditions**

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

CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

### **2. APPROVED PLANS & DOCUMENTS**

CONDITION: 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 (except for Listed Building Consents). 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.

Site Location Plan – Rec'd 07/01/2022

Proposed Site Plan – Rec'd 06/12/2022

Drawing No: SF31117.2.P1 Rev B - Proposed Elevations and Floor Plans

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already

approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

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

CONDITION: 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 loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
- c) Details of how construction and worker traffic and parking shall be managed. This shall include routing of all traffic and any directional signs to be installed and where.
- d) Details of any protection measures for footpaths and trees surrounding the site.
- e) Details of any means of access to the site during construction.
- f) Details of the scheduled timing/phasing of development for the overall construction period.
- g) Details of measures to control the emission of dust and dirt during construction, and including details of any wheel washing to be undertaken, management and location it is intended to take place.
- h) Details of the siting of any on site compounds and portalos.
- i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
- j) Site waste management plan (that shall include reuse and recycling of materials)
- k) Scheme for sustainable construction management to ensure effective water and energy use.
- l) Scheme of review of complaints from neighbours.
- m) Registration and details of a Considerate Constructors Scheme
- n) Details on the provision, location and management of any show home/s or reception, including opening times, parking and advertisements (including flags and directional signs).

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.

#### NOTE/S FOR CONDITION:

You are strongly advised to discuss this condition with the Local Planning Authority and if possible/available local residents likely to be affected by this development prior to submission of details.

#### 4. APPROVAL REQUIRED: LANDSCAPING SCHEME

CONDITION: No development above slab level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels. The landscaping scheme should include wildlife friendly, native planting and habitat boxes for roosting bats and nesting birds.

REASON: In the interests of visual amenity and the character and appearance of the area and to contribute to biodiversity net-gain in accordance with Paragraph 174(d) of the NPPF (2021).

NOTE/S FOR CONDITION:

Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

Should the landscape works include any new hedgerow, please consider the following planting for a native hedge. Native hedge: 50% hawthorn, 25% blackthorn (but beware - this can spread into adjacent fields), 15% field maple, 2% holly, 2% wild privet, 2% guelder rose, 2% dog rose, 2% buckthorn.

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

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

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

#### 6. WATCHING BRIEF – CONTAMINATION

Prior to and during construction, if any unexpected ground conditions are encountered during the following processes must be followed:

- a. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.
- b. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
- c. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will

involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.

- d. The contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.
- e. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
- f. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
- g. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
- h. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.
- i. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.
- j. A photographic record will be made of relevant observations.
- k. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be:
  - re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or
  - treatment of material on site to meet compliance targets so it can be re-used; or
  - removal from site to a suitably licensed landfill or permitted treatment facility.
- i. A Verification Report will be produced for the work.

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

## 7. AGREEMENT OF MEASURES TO IMPROVE SUSTAINABILITY OF DEVELOPMENT

CONDITION: No development shall commence above slab level until a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme such include as a minimum to achieve:-

- An electric car charging point per dwelling
- A Water-butt per dwelling
- Compost bin per dwelling
- Agreement of heating of each dwelling/building
- Agreement of scheme for waste reduction

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

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

NOTE/S FOR CONDITION:

Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually

above ground level or seek confirmation from the Local Planning Authority for your development.

The greatest threat to our planet is the belief that someone else will save it and also forgetting that small acts, when multiplied by millions of people, can transform the world. Developments will provide buildings/homes to thousands/millions of people over their lifetime. A well designed sustainable development in the beginning will restrict the contribution each person makes to that threat and help enable them to transform the world.

#### 8. VISIBILITY SPLAYS

CONDITION: There should be no obstruction above ground level within a 2.4m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety

#### 9. DRIVEWAY SURFACE TREATMENT

CONDITION: No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety

#### 10. VEHICULAR ACCESS

CONDITION: Prior to occupation of the dwelling hereby approved the vehicular access shall be constructed at right angles to the highway and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 4.5 metres (equivalent to 5 drop kerbs), shall be retained at that width for 6 metres within the site

REASON: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety

#### 11. BOUNDARY PLANTING

CONDITION: All boundary planting shall be planted a minimum of half a metre back from 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

#### 12. PARKING AREA

CONDITION: The dwelling hereby approved shall not be occupied until such time as the vehicle parking area indicated on the approved plans, 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

### 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.

## Highways

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

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

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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

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.

## RAMS

### Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017. Please note that any subsequent variation/removal of condition applications (s73 applications) will require a new legal agreement to secure this obligation unless the development has commenced (subject to all necessary condition discharges) and the contribution has already been paid.

## Open Space

### Legal Agreement Informative - Open Space/Play Space Contribution

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: Public Open Space financial contribution in accordance with Policy HP5 and Policy DI1 of the adopted Tendring District Local Plan 2013-2033 and Beyond. Please note that any subsequent variation/removal of condition applications (s73 applications) will require a new legal agreement to secure this obligation unless the development has commenced (subject to all necessary condition discharges) and the contribution has already been paid.

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