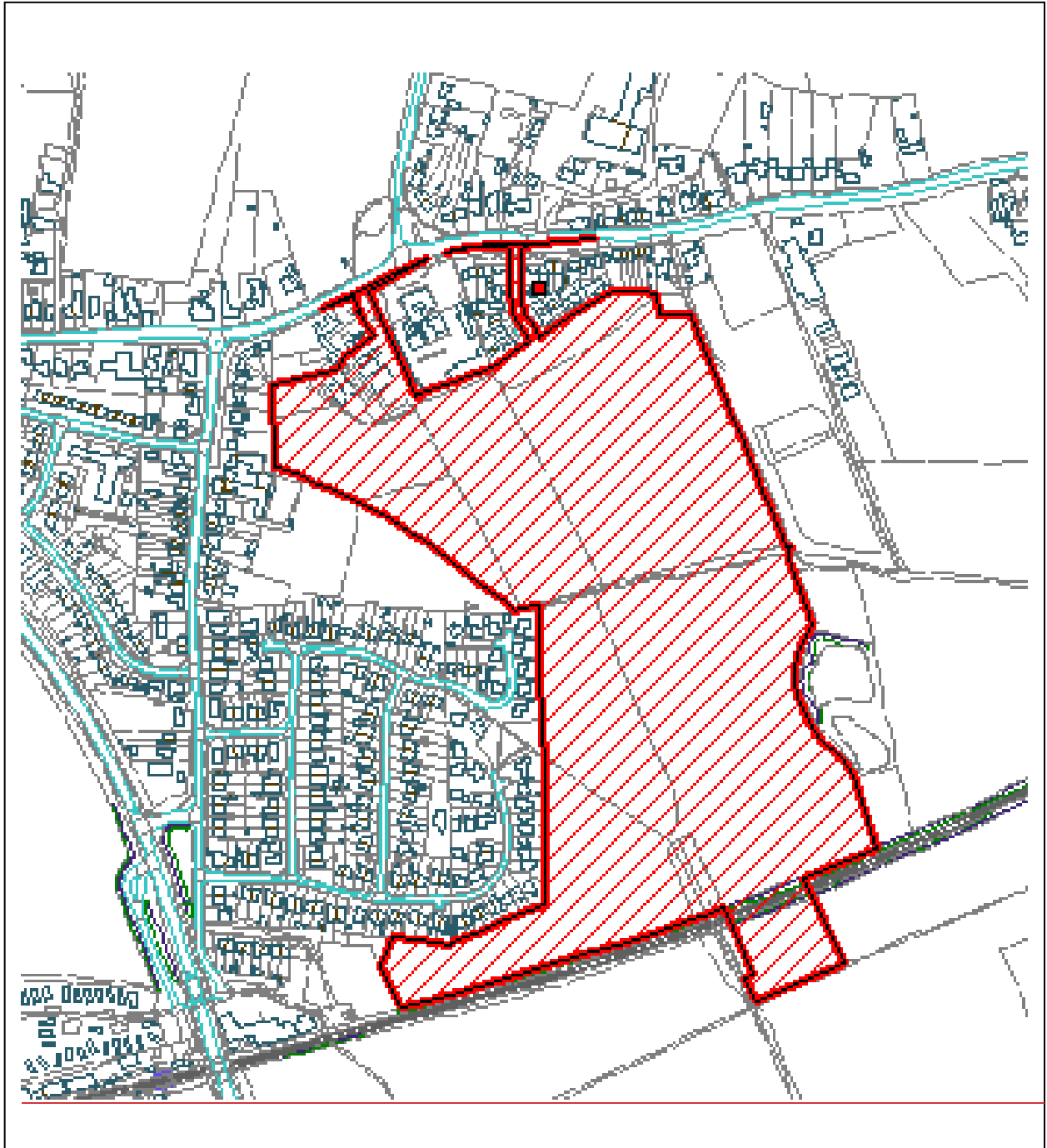


PLANNING COMMITTEE

28th September 2023

REPORT OF THE DIRECTOR OF PLANNING

**A.2 PLANNING APPLICATION – 22/00979/DETAIL – LAND TO THE SOUTH OF THORPE ROAD
WEELEY CO16 9AJ**



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Application:	22/00979/DETAIL	Expiry Date:	23rd September 2022
Case Officer:	Alison Newland	EOT Date:	24th February 2023
Town/ Parish:	Weeley Parish Council		
Applicant:	Mr Lumber and Mrs Weeley		
Address:	Land to The South of Thorpe Road Weeley CO16 9AJ		
Development:	Reserved matters application with details of appearance, landscaping, layout and scale for the development of 277 dwellings, 1,910m ² commercial floorspace (B1 Uses), railway footbridge, attenuation basins, open space, play equipment and associated infrastructure pursuant to outline permission 19/00524/OUT (Outline planning application with all matters reserved, except for access, for 280 dwellings, a 2 Form of Entry primary school, 56 place early years nursery, up to 3000 sqm of office (B1) buildings on 1 hectare and associated ancillary buildings, drainage systems, boundary treatments and hard surfacing as well as public open space, vehicular access from Thorpe Road a pedestrian footbridge and the closure of existing level crossing and formal diversion of public footpath No 5 - Weeley, over the new railway bridge) including minor alterations to public footpaths No.3 and No. 4 to allow for the proposed layout.		

1. Executive Summary

- 1.1 This application is referred to Planning Committee as when Outline planning permission was granted Members of the Committee agreed that the Reserved Matters application(s) would be referred back to the Planning Committee for determination and Cllr Peter Harris has requested that the application be 'called in' to Planning Committee, having raised concerns about the provision of Open Space within the development; concerns about the surface water drainage scheme; the design of the railway footbridge; and concerns over traffic management and the proposed vehicular access for the site.
- 1.2 The current application seeks approval of the reserved matters relating to outline planning permission 19/00524/OUT which granted outline planning permission for the erection of up to 280 dwellings, a potential new primary school and children's nursery, up to 3,000sqm of office (B1) floorspace and associated infrastructure and development including the provision of Public Open Space. The development approved through the outline planning permission includes a pedestrian footbridge over the railway line to the south of the application site.
- 1.3 When the outline planning permission was approved it included approval of the vehicular access to the site – a single road leading from a modified priority junction on Thorpe Road. Whilst the access details were approved all other matters were Reserved. This application includes details of appearance, landscaping, layout and scale, of the whole of the application, excluding the education land and a relatively small parcel of land immediately to the south of Verity Gardens, as these details were not included as part of the outline and are included for consideration in current application 22/01332/FUL.
- 1.4 As established through the granting of outline application 19/00524/OUT the principle of a mixed use, residential led development for up to 280 dwellings, with new education facilities, commercial office space, and pedestrian footbridge have all been found to be acceptable by the Council.

1.5 The detailed design, layout, landscaping, and scale are considered acceptable. The proposal would result in no material harm to residential amenity or highway safety and the application is therefore recommended for approval subject to the planning conditions listed.

Approval (no S106 requirements)

Recommendation: Approval

- 1) That the Head of Planning and Building Services be authorised to grant reserved matters approval subject to the conditions as stated at paragraph 8.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
- 2) The informative notes as may be deemed necessary.

2. Planning Policy

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

National:

National Planning Policy Framework July 2023 (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
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 Boundaries
SPL3 Sustainable Design
HP1 Improving Health and Wellbeing
HP2 Community Facilities
HP3 Green Infrastructure
HP5 Open Space, Sports and Recreation Facilities
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
LP5 Affordable Housing
PP12 Improving Education and Skills
PPL1 Development and Flood Risk
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage

PPL9 Listed Buildings
PPL10 Renewable Energy Generation and Energy Efficiency Measures
CP1 Sustainable Transport and Accessibility
CP2 Improving the Transport Network
CP3 Improving the Telecommunications Network
SAMU5 Development South of Thorpe Road, Weeley
DI1 Infrastructure Delivery and Impact Mitigation

Local Planning Guidance

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

Status of the Local Plan

2.2 Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

2.3 In relation to housing supply:

The Framework requires Councils boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

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

Neighbourhood Plans

2.5 The site is located within an area that is not subject of any emerging or adopted Neighbourhood Plan.

3. Relevant Planning History

14/00082/OUT	Erection of 20 dwellings with associated garages and single access point to Thorpe Road.	Approved	20.06.2014
14/01841/DETAIL	Erection of 20 dwellings with associated garages and single access point to Thorpe Road.	Approved	14.04.2015
15/01443/DISCON	Discharge of condition 8 (details of estate roads and footways), 12 (vehicular turning) and 13 (construction method statement) of planning permission 14/01841/DETAIL.	Approved	20.11.2015
16/00370/DETAIL	Variation of condition 10 of planning permission 14/01841/DETAIL to change wording, removing requirement of construction of estate roads to base course level prior to commencement of dwellings, to allow construction of houses to commence sooner, reducing the period of disruption to neighbours.	Approved	01.06.2016
17/02162/OUT	Outline planning application with all matters reserved, except for access, for 280 dwellings, a 2 Form of Entry primary school, 56 place early years nursery, up to 3000 sqm of office (B1) buildings on 1 hectare and associated ancillary buildings, drainage systems, boundary treatments and hard surfacing as well as public open space, vehicular access from Thorpe Road a pedestrian footbridge and the closure of existing level crossing and formal diversion of public footpath No 5 - Weeley, over the new railway bridge.	Refused	19.11.2018
19/00524/OUT	Outline planning application with all matters reserved, except for access, for 280 dwellings, a 2 Form of Entry primary school, 56 place early years nursery, up to 3000 sqm of office (B1) buildings on 1 hectare and associated ancillary buildings, drainage systems, boundary treatments and hard surfacing as well as public open space, vehicular access from Thorpe Road a pedestrian footbridge and the closure of existing level crossing and	Approved	14.08.2019

	formal diversion of public footpath No 5 - Weeley, over the new railway bridge.		
21/00039/DISCON	Discharge of condition 15 (Archaeology) of approved planning application 19/00524/OUT.	Approved	01.03.2021
21/01143/DISCON	Discharge of condition 4 (Layout and Phasing Plan) of approved application 19/00524/OUT.	Approved	03.09.2021
21/01464/DISCON	Discharge of condition 15 (written scheme of investigation) of application 19/00524/OUT.	Part discharged	01.03.2022
22/01301/DISCON	Discharge of conditions 17 (External lighting), 18 (Refuse collection), 19 (Hard and soft landscaping), 21 (External materials), 23 (Landscape and ecology management plan), 26 (Boundary treatments), 27 (Demolition plan), 36 (On site ecology mitigation), and 38 (Local recruitment strategy) of application 19/00524/OUT.	Current	
22/01332/FUL	Proposed 3 dwellings and associated ancillary buildings, drainage systems, boundary treatments, hard surfacing with vehicular access from Thorpe Road.	Current	

4. Consultations

- 4.1 Below is a summary of the comments received from consultees relevant to this application proposal. Where amendments have been made to the application, or additional information has been submitted to address previous issues, only the latest comments are included below.
- 4.2 All consultation responses are available to view, in full (including all recommended conditions and informatives), on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

Anglian Water Services Ltd

16.03.2023 & 20.02.2023

Thank you for your consultation. Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments.

Building Control and Access Officer

07.07.2022

In respect of this application details should be provided to show compliance with Parts B5 and M in respect of access to the buildings

Essex County Council Archaeology

20.07.2022

A programme of archaeological investigation has been completed for the above site and no further fieldwork is required. There will be no requirement for any further archaeological conditions on this application.

Essex County Council Ecology

02.08.2022

No objection subject to securing biodiversity mitigation and enhancement measures

Summary

We have reviewed the submitted information relating to the likely impacts of development on designated sites, protected species and Priority species & habitats and identification of appropriate mitigation measures.

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

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.

We note that the information contained within S106 - Ecology Land Specification And Management (Geosphere environmental, October 2021) provides enhancements and appropriate long term aftercare of habitat for bats reptiles, and breeding birds in the specified "Ecology land" shown in the report Drawing No.- D940-OS-002 (Rose, June 2019). This includes the creation of scrub, species rich grassland, wildflower areas, scrapes, reptile hibernacula and log piles. This has been submitted to partially in support of condition 23, which has already been secured by condition of any consent, outlined by the original outline application - 19/00524/OUT.

To ensure that the onsite enhancements, shown within the S106 - Ecology Land Specification And Management (Geosphere environmental, October 2021) remain suitable for foraging/commuting bats, as targeted by the document, it is recommended that if any external lighting is to be proposed, 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.

We further note that the proposed Land Plan (Liz Lake Associates, October 2021), demonstrates circular walking routes, dog bin locations and green open space in order to meet the daily recreational needs of the residents as outlined in condition 36 of the original application -19/00524/OUT.

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

If external lighting is to be proposed

1. 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 Green Infrastructure

30.03.2023

Thank you for your email which provides Essex County Council (ECC) with the opportunity to assess and advise on the proposed landscape and green infrastructure (GI) strategy/plans for the aforementioned planning application.

A summary of the key points:

Background: ECC has been providing advice on green infrastructure schemes for major developments since 2018, driven by the 25 Year Environment Plan and the Environment Act. Although there are no statutory requirements for green infrastructure, it is essential for enhancing accessibility and achieving biodiversity net gain.

Guiding Documents: ECC's advice is aligned with various documents, including:

Local Planning Authorities (LPA) Green Infrastructure Strategy or equivalent.

Essex Green Infrastructure Strategy (2020), aimed at enhancing urban and rural environments.

Essex Green Infrastructure Standards (2021), offering guidance on planning policy and application processes.

ECC's Position: ECC withdrew its previous objection to the planning application and welcomes the proposed additional green space, citing the importance of sustainable design.

ECC recommends sustainable design elements such as green roofs/walls, wildlife bricks, and dual street furniture to connect urban and rural areas.

Essex Climate Focus Area: The planning application is within Essex Climate Action Commission's (ECAC) recommended Climate Focus Area, aiming for climate action and natural green infrastructure. It emphasizes net zero carbon, biodiversity net gain, improved soil health, and urban greening.

Biodiversity Net Gain: ECC mentions the upcoming mandatory biodiversity net gain law, effective from November 2023, which includes specific requirements for habitat preservation and creation.

Climate Change Priority: ECC underscores the importance of mitigating and adapting to climate change, aligning with national and council priorities for net-zero carbon development and climate action.

Recommended advisory conditions

Condition 1

No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a Construction Environmental Management Plan (CEMP). Ideally, strategic elements of the Green Infrastructure (GI) framework are brought forward in phase one of the development, to create a landscape structure or evidence is shown that substantive GI is secured as early as possible in initial phases of delivery to allow early establishment. Therefore, a Construction Environmental Management Plan (CEMP) will be required to set out how retained GI, such as trees, hedges and vegetation, as well as any nature designated sites (e.g. SSSI's etc.) will be protected during construction.

Reason: The phased implementation of new GI of the development construction will allow for the GI to mature and it will provide further benefit of reducing/buffering the aesthetic impact from the construction work.

Condition 2

No development shall take place until there has been submitted to and approved, in writing, by SuDS and landscape specialists at the Local Planning Authority a landscape ecological management and maintenance plan and work schedule for a minimum of 10 years. The submitted amended landscape management plan references a 'minimum five-year period', we recommend a landscape ecological management and maintenance plan and work schedule for a minimum of 10 years. We would also expect details on how management company services for the maintenance of Green Infrastructure (GI) assets and green spaces shall be funded and managed for the lifetime of the development to be included.

Reason: To ensure appropriate management and maintenance arrangements and funding mechanisms are put in place to maintain high-quality value and benefits of the GI assets.

Failure to provide the above required information before commencement of works may result in reducing the value of the development, becoming an undesirable place to live that may increase the impacts from climate change, such as flood risk or air pollution from the site.

Condition 3

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 Green Infrastructure (GI) 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 the high-quality and multi-functional benefits of GI assets.

Part of the proposal site lies within the curtilage of Grade II Listed Ash Farmhouse. The proposal also includes the demolition of the existing 20th century farm buildings associated to the designated heritage asset.

The principle of development has already been discussed and approved with outline planning consent 19/00524/OUT, which established that the development would not affect the setting of Ash Farmhouse. It is noted that we were not consulted within the outline planning process, and I do not agree with this conclusion. The proposed development would indirectly affect the significance of Ash Farmhouse by permanently changing the rural character of its wider setting from farmland to residential/mixed use, affecting those elements of the setting that make a positive contribution to the identified heritage asset or which better reveal its significance (paragraph 206 of the NPPF is relevant here).

However, I believe there is the potential here to agree a more sympathetic site layout which minimises or mitigates the impact of the development on the setting of Ash Farmhouse, while delivering high quality design to make a positive contribution to local character and distinctiveness, as set out in Paragraph 197c of the NPPF.

It is noted that the initial layout for the employment area (as proposed in the outline application), which is adjoining the curtilage of Ash Farmhouse, has now been revised to include part of the residential development and therefore increasing the density of the area. The previous proposal was for the construction of office buildings only within the area currently occupied by the existing farm buildings, retaining most of the western side of Parcel A as an open area.

The current proposal further increases the use of land of parcel A and the need for more urban infrastructures, and considerably reduces the landscaped and open area which still contributes to the rural setting of the designated asset. As such, this solution is not considered to mitigate the impact of the development on the setting of Ash Farmhouse as designated heritage asset.

I would advise that alternative solutions are investigated for Parcel A in order to retain this area for employment only as initially proposed and include a landscaped area which serves as a buffer between the Farmhouse and the new development.

Design and materials

As the buildings within Parcel A would be within the setting of Ash Farmhouse, high quality materials and design would be required in order to positively contribute to the local character and distinctiveness and preserve those elements of the setting which positively contribute to the asset or better reveal its significance.

The proposed office units, particularly Units A and C, are considerably larger than the existing buildings and seem out of scale and predominant compared to Ash Farmhouse. Sections and street views which include the designated asset would be required in order to illustrate the relationship between the existing building and the proposed development and assess any potential impact.

Also, I generally do not support the use of concrete roof tiles, cement slates, fibre cement weatherboarding and UPVC windows and fittings as proposed and I advise that more traditional materials are used instead.

Essex County Council Heritage

21.04.2023

This follows my previous letter dated 20th September 2023.

Part of the proposal site lies within the curtilage of Grade II Listed Ash Farmhouse. The proposal also includes the demolition of the existing 20th century farm buildings associated to the designated heritage asset.

As previously advised, the proposed development would result in less than substantial harm to the significance of Grade II Listed Ash Farmhouse due to the intensified use of the site and the introduction of a built form within a historically undeveloped land, which would permanently change the rural character of the wider setting into residential. As per Paragraph 202 of the NPPF, this harm shall be balanced against the public benefits of the proposed development.

The revised layout, which sets back the office units, now of reduced scale and mass, from the curtilage of the listed building, represents an improvement from the previous scheme. It is noted that the proposed building would still intrude the open views from Ash Farmhouse towards the open countryside and that the intensified use of this area (which will be residential and commercial) would result in the loss of most of the open space that was initially retained in the outline proposal.

ECC Highways Dept

12.05.2023

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

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

1. Prior to the occupation of any phase of the development the internal road layout, public right of way, parking and associated improvements shall be provided in principle and accord with Drawing Numbers:

- 21/12/02 B General layout and phasing plan
- 21/12/04 D Amended proposed block plan parcel A
- 21/12/05 D Amended proposed block plan parcel B
- 21/12/06 D Amended proposed block plan parcel C
- 21/12/07 D Amended proposed block plan parcel D
- 21/12/51 D Amended parking plan
- 21/12/39 D Amended proposed outbuildings
- 21/12/69 D Cycle and pedestrian access
- 21/12/67 D Public Right of Way plan

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. Prior to occupation, a 1.5 metre x 1.5 metre clear visibility, 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.

3. Prior to the first use of each side road within the development, fronting the cycleway, a 2.4 m x 17 m cycle visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the road junction/ access. Such visibility splays shall thereafter be retained free of any obstruction at all times and must not form part of the vehicular surface of the access.

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

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

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

5. No phase of the development shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive right of way (within that phase) to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority and Highway Authority.

Reason: To ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with Policies DM1 and DM11.

6. The public's rights and ease of passage over public footpath nos. 3,4 and 5 (Weeley_182) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

7. The Cycle parking shall be provided for those dwellings without a garage in accordance with the EPOA Parking Standards and drawing detail: 21/12/39 Rev. D. and provided prior to first occupation and retained at all times.

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

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

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

9. Prior to first occupation of the proposed development and school, the Developer shall submit a residential travel plan and school travel plan, respectively to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall then be actively implemented for a minimum period from first occupation of the development until 1 year after final occupation. It shall be accompanied by an annual monitoring fee of £1,690 per annum, index linked, (80-449 dwellings = £1,690 per annum) - dependant on size of development to be paid to Essex County Council. All fees are index-linked with the Government's Consumer Price Index (CPI).

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

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.

ECC Highways Dept

Comments on amended plans to be updated at the meeting/via the update sheet.

ECC Schools Service

17.10.2022

The amendment to the Illustrative Masterplan previously reviewed at the Outline stage is noted, including the revised shape for the education site.

The requirements for the Education Site are set out in Schedule 5 of the s106 dated 13th August 2019. Further reference can be found in the Essex County Council Developer's Guide to Infrastructure Contributions (Revised 2020). The proposal has been reviewed and ECC consider the submitted plan(s) do not fully meet the requirements of Schedule 5 and the following points should be addressed:

- (i) Section 1 requires the Education Site to be 2.1 hectares of useable land. Confirmation is required to ensure the proposed Education Site area meets this requirement.
- (ii) Section 1 also requires an Education Site Suitability Checklist to be submitted with the first Reserved Matters application to show that the Education Site complies with the Education Site Specification as set out at Annex 1 to the Schedule. At the time of writing, ECC have not had sight of a Checklist and are therefore not in a position to confirm this aspect of the suitability of the Education Site.
- (iii) Section 2 Para 4.4 requires an Education Site Utility Plan and an Education Site Access Plan to be submitted and agreed prior to the RESM application being submitted. Section 2 Paras 5.1 & 5.2 reiterate the requirement for the utilities and access to be provided as set out and agreed in the Education Site Utility Plan and an Education Site Access Plan. ECC have not had sight of either of these plans and have therefore not had an opportunity to provide input into the proposed access arrangements.
- (iv) The submitted Proposed Block Plan (Dwg No.21/12/03 Rev A) sets out an indicative school layout with access points on the north, south and east boundaries. The access points and associated public realm have not been agreed with ECC and do not currently meet the requirements of Schedule 5 of the S106 Agreement nor guidance set out in the Essex Developers Guide (Appendix D).

The following points should be addressed:

- Section 1 requires the provision of a 'pedestrianised public area of at least 100 square metres abutting the boundary of the Education Site' whilst the Education Site Specification Checklist requires the provision of 'suitable areas of public realm for congregation at ingress and egress' adjacent to the Education Site. This should be used to create as much separation as possible between the employment access road and the school boundary.
- It is noted that a pedestrian square is indicated on the submitted Proposed Block Plan, however, the proposed ingress and egress vehicular access conflicts with the purpose of the pedestrianised public area.
- It is noted that the pedestrianised public area is shown within the Education Site boundary. This should be located outside of the Education Site area and does not form part of the Education Site.
- The proposed ingress / egress access arrangement between the employment area access road and the school buildings is unacceptable and must be removed.

- The access road to the employment area should be designed to discourage parents from using it for drop-off and consideration should be given to traffic calming methods including provision of wider footways.
- The school car park should be accessed from the eastern boundary, rather than the north, to avoid conflict with pedestrians.
- Any parental drop-off by car must be directed to the public roads to the east of the school site, and 3-metre-wide footways should be provided between these areas and the school as required under Section 2 Para 5.4. This requirement is also set out in the Essex Developer's Guide (p39)
- A separate vehicular access to the EY&C facility should be provided from the western boundary to avoid conflict with the pedestrianised area at the frontage of the school.
- The grounds maintenance /emergency access to the south of the school site is noted and welcomed.

Ultimately, the access points are not considered to be in the correct positions to facilitate the traffic free school frontage that EEC strives to deliver, and furthermore, do not provide for the requirements as set out in Schedule 5 of the s106 dated 13th August 2019. ECC therefore object to the Reserved Matters application currently before us on the basis that the application prejudices agreement of the Education Site Access Plan.

ECC welcome further engagement with the applicant to address the issues raised above and thank you for consulting this authority in respect of this application.

ECC Schools Service

Comments on amended plans to be updated at the meeting/via the update sheet.

ECC SuDS Consultee

09.08.2022 & 28.03.2023

The documents available in respect of this site provide no information whatsoever on drainage proposals, so we have nothing to comment on. We await the necessary information in order to provide an informed response.

Officer Note: As detailed in the report below drainage is addressed by conditions on the outline planning permission.

Environmental Protection

14.07.2022

I have reviewed the application and have no comment to make.

Essex Police, Designing Out Crime

11.08.2022

Security forms a key part of a sustainable and vibrant development and Essex Police considers that it is important that this site is designed incorporating the maximum achievable benefit of crime prevention through environmental design for which Secured By Design (SBD) is the preferred enabler.

SBD is the national official police security initiative that works to improve the security of building and their immediate surroundings to provide a safe and secure environment to help reduce the opportunities for crime and minimise the fear of crime, as referenced in the NPPF,

'Promoting Healthy and Safe Communities' and the Tendring Local Plan policy LP4, which requires developments are safe, secure places to live.

Whilst there are no apparent concerns with the layout of this site, Essex Police has had positive discussions with the developer who is considering applying for Secured by Design accreditation in respect of all relevant aspects of this proposed development. Achieving the SBD award will demonstrate to residents that their security has been considered and incorporated "by design" to the current approved, and therefore proven effective, standard.

We would welcome continued consultation with the developer to provide a safe and secure environment for this development and would invite them to contact us via designingoutcrime@essex.police.uk.

Additional comments

25.04.2023

Essex Police wish to offer comment with regard the above planning application.

Following the previous planning comment response submitted by Essex Police on 22nd March 2023, the applicant and Essex Police have had constructive consultation and Essex Police is content the ethos of NPPF, sec 12, para 127(f) and the Tendring Local Plan policy PL4, which requires developments that are safe, secure places to live, e.g. appropriate levels of natural surveillance within the residential, commercial, school and ecological area and satisfactory lighting of the public realm, promoting safe and accessible environments.

The applicant has expressed interest in applying for Secured by Design accreditation for this development, Essex Police would welcome this.

Essex Police, Arch. Liaison Off.

22.03.2023

The Essex Police Designing out Crime team welcomes the Opportunity to make comment on planning application 22/00979/Detail.

We recognise that communities where safety and security has been addressed and 'designed in' at the earliest planning stages, will enhance the health and wellbeing of its residents. Perception of crime and fear of crime can be an influential factor in Determining the synergy and ongoing sustainability of a community.

Security forms a key part of a sustainable and vibrant development and Essex Police considers that it is important that this site is designed incorporating the maximum achievable benefit of crime prevention through environmental design (CPTED) for which Secured by Design (SBD) is the preferred enabler.

SBD is the national official police security initiative that works to improve the security of buildings and their immediate surroundings to provide a safe and secure environment to help reduce the opportunities for crime and minimise the fear of crime, as referenced in the NPPF, 'Promoting Healthy and Safe Communities'.

An integrated approach to crime prevention at an early stage is necessary to all significant components of its design, planning, and layout. Good design and early co-ordination, incorporating CPTED can avoid the conflicts that may be expensive or impossible to resolve once the construction is complete.

Upon review of the available documentation, Essex Police would recommend further information and consideration of the below:

Movement Strategy (Access and Egress)

Essex Police would request further information regarding the access and movement proposals of the site ensuring that security cannot be easily compromised. This will mitigate the potential to design in 'crime and ASB generators,' which could breach the integrity, safety and compromise the suitability of the development.

Landscape plan

Public realm spaces are designed where safety and security are subliminal to the user of that space. We would welcome the opportunity to liaise regarding the green architecture and appropriate landscaping plan, especially with regards to the use and management of the proposed public realm spaces.

Lighting Considerations

Lighting plays a pivotal role in deterring criminal activity but also promotes a feeling of safety within that space. When designing both public and private space, (and when applied and designed correctly), lighting can reduce the potential for crime. We would wish to seek further clarity regarding the lighting proposals as it is imperative that the lighting provision must provide uniform illumination with due consideration given to the spill of light and ecological considerations.

Management and maintenance

We recommend that there is a management and maintenance plan in place at the very early stages of design for the various components of this site. The rationale for this is to prevent key areas from becoming crime and anti-social behaviour hot spots or increasing the perception and fear of crime.

We would welcome the opportunity to consult with the developer to provide a safe and secure environment for this development and would invite them to contact designingoutcrime@essex.police.uk.

Housing Services

01.09.2022

I am happy with the level of affordable housing provision proposed on the site, the proposed house types and layouts and the distribution of the affordable homes throughout the site.

The Affordable Housing Plan is satisfactory and meets the requirements of the s106 agreement.

Natural England

18.07.2022 & 20.02.2023

Natural England has no comments to make on this reserved matters application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland, ancient and veteran trees which you can use to assess any impacts on ancient woodland or trees.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on

statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise local planning authorities to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our Site of Special Scientific Interest Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>.

Network Rail

09.08.2022

Thank you for consulting Network Rail (NR) regarding the above planning application. Please see below the informative suggested by our Asset protection Team (ASPRO);

A summary of the key points:

1. Contacting Asset Protection Team: Network Rail recommends that the developer contacts the Asset Protection Team (AssetProtectionAnglia@networkrail.co.uk) before commencing any work on the site. They also suggest agreeing on an Asset Protection Agreement for detailed works approval. More information can be found on Network Rail's website.
2. Item 1 - Level Crossing: The developer must consult with Network Rail at least one month (28 days) before issuing a 7-day notice of commencement of works if the proposed works are within 200 metres of a level crossing. Written confirmation of agreement with Network Rail's conditions should be provided one month before work commences.
3. Item 2 - Bridges over Rail Lines: New bridges over Network Rail operational lines should meet specific requirements related to electrical clearance, design standards, and tolerances. Developers should aim for a reinforced insulation of 600mm and consider constraints like stations or level crossings.
4. Item 3 - Collapse of Lifting Equipment: The operation of mobile cranes and tower cranes should comply with specific guidelines. The collapse radius of cranes should not fall within 4 metres of the railway boundary unless possession and isolation on Network Rail lines have been arranged.
5. Item 4 - Train Drivers' Vision: A glint and sunlight glare assessment should be conducted to ensure that the proposed development does not obstruct train drivers' visibility of signals.
6. Item 5 - Artificial Lighting and Human Factors: Lighting associated with the proposed work should not interfere with signalling apparatus or train drivers' vision. Detailed lighting proposals should be approved by Network Rail's Asset Protection Engineer.
7. Item 6 - Structural Stability and Movement: Any proposal that may affect the "track support zone" must be identified, and consultation with Network Rail is required. A track monitoring plan may be necessary to mitigate risks to the operational railway.

8. Item 7 - Maintenance Impact: Future maintenance should not pose risks to the operational railway. It is recommended that all works be situated at least 4 metres from Network Rail's boundary fence/wall.

9. Item 8 - Proximity to Overhead Live Electricity (OLE): No works can be carried out within 3.5 metres of the Overhead Live Electricity (OLE). An electromagnetic compatibility (EMC) assessment should be conducted to assess potential impacts on residents and electromagnetic fields.

10. Item 9 - Construction at Height: Works at height or within 3.0 metres of OLE infrastructure require isolation of overhead lines and possessions. The use of scaffolding in close proximity to Network Rail assets is discouraged.

11. Item 10 - EMC Consideration Near Boundary: Projects within 20 metres of the operational railway or involving transmitters within 100 metres should undergo an Electromagnetic Compatibility assessment to assess the impact on Network Rail.

12. Item 11 - Stability of Railway Infrastructure: The proposed development should not load existing railway infrastructure, including embankments, without agreement from Network Rail. Increased surcharge on railway embankments can risk instability.

13. Item 12 - Buried Services: The developer is responsible for conducting a detailed services survey to locate utility services, including buried services, near the railway and development site. Network Rail may specify measures for their protection.

14. Item 13 - Trespasses and Unauthorised Access: Where necessary, the developer should provide and maintain a substantial trespass-proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. Network Rail's existing fencing/wall should not be removed without agreement.

This email outlines Network Rail's concerns and requirements related to the planning application and emphasizes safety and compliance with railway standards and regulations.

Officer note: In relation to Item 13 fencing details are provided on drawing number 21/12/71 Rev E (Network Rail Fencing Plan) and a condition is imposed to ensure this is provided and maintained.

Network Rail

23.06.2023

On the 8th of August 2022, Network Rail provided a response in relation to planning application 22/00979/DETAIL. The purpose of this letter is to provide you with Network Rail's updated position and feedback on the proposed development.

Network Rail is supportive of the proposed development which will deliver a new footbridge and facilitate the closure of a level crossing. This will improve the safety of the railway network and provide a number of benefits.

Network Rail and Applicant (Rose Builders) have been working collaboratively in relation to the proposed development, and a Basic Asset Protection Agreement is in place. To ensure the safe operation of the railway, the applicant will be required to enter into additional Basic Asset Protection Agreements relating to additional phases of the development process.

We have provided a list detailing several Asset Protection related matters that the applicant will need to consider and comply with as part of the Basic Asset Protection Agreement, which

is being provided as informatives to the applicant. The list informatives can be found in the attached document named " Network Rail ASPRO Informatives for application 2200979DETAIL - Weeley ".

In particular, the applicant must comply with the following drainage requirements.

Flood risk and/or saturation of the railway track bed and subbase. Any change to the way in which surface water is presented at the railway boundary, from the adjoining land must consider how the surface water will be efficiently passed to the other side of the railway and onwards to a suitable outfall. Network Rail reserves the right to review and approve as appropriate drainage designs proposed by the developer that affect Network Rail infrastructure. This is to safeguard against any potential flooding or maintenance problem due to drainage issues caused by the developer's design.

If you have any questions about this update and Network Rail's position in relation to the proposed development, please let me know.

Tree & Landscape Officer

21.07.2022 and 29.07.2022

The detailed information provided in relation to soft landscaping is comprehensive and contains a wide and varied selection of tree, shrub, hedge and other plant species. The level of soft landscaping proposed is sufficient to satisfactorily enhance the appearance of the development.

In terms of tree protection it is noted that at the outline planning stage; 19/00524/OUT a Tree Constraints Assessment (TCA) was submitted that contained a Tree Constraints Plan (TCP). This document enabled an analysis of the impact on the development on existing trees to be carried out.

Subsequently it was determined that the development proposal made provision for the most important trees on the application site to be retained.

However, the TCA stated that at the detailed planning stage a full Arboricultural Impact Assessment containing a Tree Protection Plan (TPP) would be provided to show how retained trees would be physically protected for the duration of the construction phase of the development ' this plan does not appear to have been provided.

It will be necessary for a TPP to be provided prior to the determination of the application.

UPDATE 29/07/2022. The applicant has provided a Tree Protection Plan (TPP) to show how retained trees will be physically protected for the duration of the construction phase of the development.

The information is sufficient to ensure that retained trees will not be harmed by the implementation of the development proposal.

Tree & Landscape Officer

23.03.2023

In order to show the how retained trees will be physically protected for the duration of the construction phase of any development the applicant has provided amended Tree Protection

Plans and associated Method Statements. This information is in accordance with BS5837 2012 Trees in relation to design demolition and construction. Recommendations.

The tree protection and method statements that have been provided will reduce the risk of direct and indirect development related damage that may otherwise occur to the retained trees. If the method statements and tree protection measures are implemented as part of the development, the proposal can be constructed with reduced disturbance to retained trees.

In terms of soft landscaping the detailed information provided is comprehensive and contains a wide and varied selection of tree, shrub, hedge and other plant species. The level of soft landscaping proposed is sufficient to satisfactorily enhance the appearance of the development.

Tree & Landscape Officer

21.04.2023

The changes shown on the drawing entitled amended detailed planting proposals - 2 of 17 to show the retention of the existing boundary hedgerow are desirable and acceptable.

Urban Design Advisor - ECC

15.08.2022

OFFICER NOTE

In summary the Urban Designer response recommended:-

Layout:

Explore options to resolve layout issues, possibly by relating the housing to the bottom of the site.

Address potential overlooking problems, particularly for specific plots.

Consider the role of topography in house type/design and housing across steeper parts of the site.

Encourage pedestrian movement towards the train station and simplify the change between different areas.

Ensure the cycle route connects to the proposed pedestrian/cycle bridge over the railway line to the south.

Primary School:

Improve traffic management, drop-off areas, and pedestrian safety.

Reconfigure the school design to align with Essex County Council's best practices.

Use the section 106 agreement to create separation between the employment access road and the school boundary.

Landscape & Amenity:

Add more easily accessible green infrastructure and open space to support the housing layout.

Explore options for an additional open space area to the north of the site and enhance connectivity with trim-trails or pathways.

Consider amenities for employees around the office buildings.

Review garden sizes across the development to comply with guidelines.

Parking:

Include cycle parking and electrical vehicle charging points in the layout. Adjust visitor parking numbers in line with Essex Design Guide recommendations. Avoid impractical parking arrangements and aim to relocate residential parking between dwellings where possible.

Architectural Detailing & Materiality:

Ensure house designs reflect local character and provide context appraisal. Address design issues with specific house types to improve functionality and aesthetics. Submit coloured house type drawings to demonstrate material exploration.

Urban Design Advisor - ECC

11.05.2023

OFFICER NOTE

Here's a summary of the key differences in the responses from Urban Design.

- 1. General Layout: The general layout remains unchanged. The suggestion to create a dedicated commercial area in the northwestern corner has been justified but not implemented.**
- 2. PROW Amendments: Amendments to public rights of way (PROW) offer access to a bridge, enhancing connectivity, which is supported.**

Differences and Resolutions:

1. Connections & Road Hierarchy:

Wide paths buffered by green space and raised tables have been implemented, enhancing pedestrian movement conditions. Some areas of the layout create indirect routes for pedestrians due to cul-de-sacs. It's recommended to provide permeable pedestrian connections to complete loops.

2. Primary School: Concerns about small and impractical parking/dropoff areas remain. Suggestion to move school parking eastward to reduce congestion on the northern road is reiterated..

3. Landscape & Amenity: Overall, green public open space distribution still lacks a logical and strategic layout. The need for a connected network of green spaces is emphasized, and more tree planting is recommended in key areas. Safety and maintenance concerns about the southwest ecology area persist, and a supporting maintenance and management plan is requested.

The provision of another LEAP is suggested to create a more functional public realm and green network in the north.

4. Parking: The need for a demonstration of effective provision regarding cycle storage is requested. There is no reference to electric vehicle charging, and assurances regarding this are needed. While triple-tandem parking has been removed, suggestions to soften or remove frontage parking in specific areas for better accessibility and street quality remain.

5. Architectural Detailing & Materiality: The architectural approach is still supported, and the provision of coloured renders is appreciated. Positive modifications have been made to certain house types, such as C, D, Olivia (variation), Anna, and Willow. Additional recommendations are made, including reorienting plot 260 and providing a more subtle finish for the bridge.

OFFICER COMMENT ON FINAL SCHEME: Further revisions followed this second consultation response, but Officers have not sought advice on the final submission from Place Services. Instead, Officers have assessed the further changes that have been made to the appearance of the development (as well as the layout) and conclude that following these numerous revisions the appearance of the scheme is acceptable and is appropriate given the character of the area and the context of the site.

UU Open Spaces

29.07.2022

Response from Public Realm Open Space & Play

Current Position

There is currently a deficit of -2.18 hectares of equipped play and formal open space in Weeley.

Recommendation

No objection to the design and layout of the open space and play area. The only observation is the use of grass matting in the play area, in our experience bonded rubber mulch is longer lasting option and requires less maintenance. It is our understanding that the future maintenance of the area will be with a management company.

Waste Management

12.07.2022 & 15.03.2023

All access roads and turning heads to be constructed to suitable standard and size to allow full access and manoeuvring for 26 tonne waste and 2.5 metre wide recycling collection vehicles.

5. Representations

Parish Council

- 5.1 Weeley Parish Council were consulted on three separate occasions about this application and objected to the application on each occasion. A summary of the main issues raised in the Parish Council consultation responses is set out below:

19 July 2022

Object to the applications for the following reasons.

1) Open space provision is unsuitable – the main area will not be useable year round due to drainage and other landscaped areas are merely vehicle sightlines and not useable space. Limited tree cover.

2) Object strongly to the design of the footbridge. It should be accessible but design is unsympathetic to setting. More sympathetic design should be used or at the very least more use of soft landscaping to screen it.

Other concerns - number of vehicle movements using a single access road onto the busy Thorpe Road and surface water drainage and how it relates to the Barleyfields development.

21 November 2022

- 1) The scale of the site is positively “lilliputian” – roads, houses, gardens designed on a miniature scale. Development should not be just meeting the absolute minimum design standards.
- 2) More visitor parking required – amount of on-plot parking could be reduced.
- 3) Open space at south end of the site is unsuitable due to poor drainage which will restrict use and other landscaped areas are merely vehicle sightlines and not useable space. Limited tree cover.
- 4) Position and layout of the business units appears problematic. To get to units all vehicles will need to pass by the entrance of the proposed school and the houses located immediately to the east of the business units.
- 5) Object strongly to the design of the footbridge. It should be accessible but design is unsympathetic to setting. More sympathetic design should be used or at the very least more use of soft landscaping to screen it.
- 6) Essential (for pedestrian access) that the PROW that runs north to south along the east side of the proposed estate is protected.
- 7) WPC believe number of vehicle movements is under-estimated and remain very concerned about the number of traffic movements at a single access road onto the busy Thorpe Road
- 8) ‘Trigger points’ be set to ensure that the obligations are fulfilled before all of the housing is built.
- 9) Development must include adequate litter and dog bin provision.

28th March 2023

WPC object to this revised application for the same reasons that it objected to the original planning application (19/00524/OUT).

Parish Council members and some residents are very concerned that the plans for a school may, in time, be abandoned due to lack of interest or funds by Essex County Council and this could lead to housing supply dropping. Plans to provide improved healthcare facilities at the Silver End surgery may never happen and the same applies to the plans for the school and the business units.

Rose Builders should undertake to construct the school after 100 houses have been built and the commercial units prior to completion of the houses.

No convincing evidence that the business units are needed/wanted. Again, this plan could be abandoned, leaving more space for more homes.

Anglia Water are yet to resolve the foul water drainage issues affecting the area and no more developments should be allowed until the next batch of reports are available.

The Parish Council strongly objects to this application and hopes that it will go before the TDC Planning Committee for consideration.

Public Consultation

5.2 21 representations objecting to the planning application have been received and a summary of the main issues raised are set out below:

5.3 Principle of Development

- The development is too big for the village, doubling it in size. Weeley is the smallest of Tendring District's seven Rural Service Centres - the development will increase the village housing stock by 57%.
- The development site is currently used regularly and valued by local residents for personal exercise, dog walking. Beneficial for residents' mental health and well-being. Last large green space in the village.
- No need for this development in the village.
- New residents will be dependent on cars to access services and jobs. Few residents will end up working in the new commercial buildings.
- Given shortages of grain etc agricultural land should be protected.

5.4 Infrastructure

- Existing infrastructure and limited amenities will be inadequate for the proposed number of dwellings.
- GP surgery already operating at capacity and this development is not offering a new surgery.

5.5 Access (highway, public transport, cycling and walking)

- Local roads will need to accommodate all the traffic arising from not just the 280 homes but also the commercial development and primary school. The development could generate up to 2000 more vehicles entering and leaving by a single road from the very busy Thorpe Road. Particular problems if turning right.
- There will be significant pedestrian traffic before and after school. This will add to danger around the Thorpe Road / Barleyfield Drive junction.
- A single highway access is insufficient and a safety concern for emergency vehicle access.
- Thorpe Road is already insufficient to support current traffic levels, particularly at peak times and during summer months. The additional traffic will cause further disruption and congestion.
- No excuse to say that poor access arrangements are ok because they were agreed at the Outline Stage.

5.6 Living Conditions/Residential Amenities

- Second Avenue residents will be overlooked and will lose privacy.
- Residents will suffer loss of light; overlooking and loss of privacy; overshadowing; loss of privacy; and nuisance.
- The extra traffic generated by the development will cause air and noise pollution. Barleyfield Drive, currently a small cul-de-sac, will have a regular stream of idling vehicles queuing to gain access onto the busy Thorpe Road.
- The new bridge over the railway will cause disturbance when being built as this will need to be carried out at night.
- Inadequate parking at the school will lead to parents blocking driveways of houses.
- A new bungalow was purchased in Verity Gardens from the developer for two sons who have severe learning disabilities and require 24-hour care support. The property was chosen for specific qualities which will be lost if this application is approved and make the property unsuitable for meeting their needs.
- Local residents living conditions and health will be affected for 5 years during construction.

5.7 Landscape and Ecology

- The wildlife survey carried out is weak and doesn't accurately reflect the diversity of wildlife present. Local residents report seeing bats, barn owls and other birds of prey, woodpeckers, green woodpeckers, Yellow Wagtail (on the UK red list for endangered birds), a variety of birds, deer, foxes, on the site.

- The applicant has already destroyed the wild flower meadow on the site destroying habitat for bees and a Barn Owl.
- Loss of breeding habitat for many species of wildlife and adverse impact on trees.
- Increased levels of noise and light pollution will have a detrimental impact on local wildlife.
- Otters in Weeley Brook may need to be relocated.

5.8 Design & Layout

- The plans are the usual new build format packing in as many homes as possible to maximise the profit with tiny gardens, houses overlooked and no character.
- Not enough Open Space to meet needs of future residents.

5.9 Proposed Uses

- The proposed development adds nothing in terms of local amenities. A primary school and some industrial units are a token gesture.
- Unrealistic to expect Essex County Council to be able to fund a new school and staff it.
- The proposed development is lacking in useable green spaces and appears to maximise the space for residential homes and financial gain.
- More industrial units are not required - there are many buildings for sale and rent.

5.10 New Primary School

- Traffic to the commercial units will need to pass the school and traffic around the school will make it dangerous for children and pedestrians.
- School needs parking for 150 cars with separate in/out gates and a one way system.
- The school should not be built in the final phase (Phase 4) but in Phase 2.
- Local councillors say that ECC will not adopt the school and after 5 years there will be an application for even more homes.

5.11 Sewage/water drainage

- There are well known issues with sewage flooding around the Willow Walk area, including gardens and properties flooded with sewage. Anglian Water and Affinity Water have been unable to resolve. The new housing will connect to the Willow Walk pumping station. The currently failing sewage drainage system must be made fit for purpose before any further development is allowed.
- The applicant has not provided promised details of foul drainage with this application.

5.12 Railway Crossing / Bridge

- The pedestrian bridge is unnecessary, will not be used and is overly complicated.
- Visually intrusive and could result in light pollution.
- The bridge does not need to be disabled friendly, because of the condition of the private land on the other side.
- The money spent on the bridge would be better spent improving the bridge at the station which should be made accessible for all.
- The bridge will be in the middle of a bat flight path.

5.13 Boundary Treatment

- Unclear how boundaries will be treated – planning documents show both the retention of the hedge on the northern boundary (that borders the gardens of 1-6 Thorpe Road) with new planting to thicken this up whilst other plans show a concrete post and panel boundary replacing the existing hedge.
- The boundary to neighbouring properties run through the middle of the hedge and could only be removed with the neighbouring owner's permission.

5.14 Other Matters

- When residents bought homes on the Barleyfield estate, Rose Builders told purchasers that only 25 more houses more would be built on this development.
- The proposed play area is inadequate and needs to be improved.

- The archaeology of the site should be left for all to enjoy.
- Loss of a beautiful view.

Member Call-In

- 5.15 Cllr Peter Harris (Weeley & Tendring Ward) requested that the application is called-in to the Planning Committee for determination if Officers are not minded to refuse the application. Cllr Harris cites the following material planning considerations.
- The open space is unsuitable in that the area identified suffered poor drainage it will be practically unusable throughout most winters. In addition, the only areas of greenery on the estate are merely vehicle sightlines and do not represent practically useable areas. There appears to be limited tree cover around the estate. With the changing climate, it is felt that more cover would benefit residents.
 - The Parish Council strongly objects to the design of the footbridge. It is accepted that any new footbridge should be accessible. However, to have such an unsympathetic 'industrial style' design in what is an attractive rural setting is totally unnecessary. Different designs that would be more sympathetic with the setting are available. At the very least more use of soft landscaping to screen the monstrosity must be incorporated in the site design.
 - Poor surface drainage in terms of how it relates to the existing houses on Barleyfield.
 - Poor traffic management, excessive movement via inadequate single access into Thorpe Road.
- 5.16 All relevant material planning considerations have been taken into account in the assessment section of this report above and with the addition of relevant conditions, the amended proposal is considered to be acceptable.

6. Assessment

Site Context

- 6.1 The application site comprises 17.71 hectares of agricultural land that is situated to the south of the B1033 Thorpe Road, Weeley. The northern boundary of the site is shared with a range of land uses, including Ash Farmhouse, a grade II listed building with its farmyard that is in commercial use and forms part of the application site, the former Tendring District Council offices, a relatively modern residential development of 20 no. dwellings known as Barleyfield Drive and more established dwellings, including 1-6 Thorpe Road and a bungalow known as Emma-Dawn.
- 6.2 To the east of the site is the Tendring Hundred Riding Club showground, a pair of ponds and open farmland beyond, to the south is the railway line, with houses which front onto Second Avenue and The Street beyond the western boundary. Also, halfway along the western boundary is another recently completed development at St Andrews Close – a development consisting of 14 no. houses, garages, access, public open space and landscaping on land at the end of St Andrews Road, pursuant to 15/01750/FUL.
- 6.3 The site is relatively flat semi-improved grassland, but the site does slope gently towards the Weeley Brook, to the south, and surrounding it are hedgerows with standard trees, some previously managed as coppice and pollards. To the south of the site is small copse/woodland (through which a Public Right of Way passes down to the railway line) with evidence of previous coppicing, within the site are occasional aged trees, some with veteran associations.

Planning History

- 6.4 In 2014 the Council granted outline planning permission, on land immediately to the north of the application site, for the development of 20 dwellings accessed through a new junction off the

southern side of Thorpe Road. The Reserved Matters for this scheme were approved in 2015 and this development has now been built out and is known as the Barleyfield Drive development.

- 6.5 In 2017 an application for outline planning permission was submitted to the Council on the same site that this Reserved Matters application relates to. The application was made with all matters reserved, except for access, for 280 dwellings, a 2 Form of Entry primary school, 56 place early years nursery, up to 3000 sqm of office (B1) buildings on 1 hectare and associated ancillary buildings, drainage systems, boundary treatments and hard surfacing as well as public open space, vehicular access from Thorpe Road a pedestrian footbridge and the closure of existing level crossing and formal diversion of public footpath No 5 - Weeley, over the new railway bridge. In November 2018 the Council refused the application and the applicant lodged an appeal with the Planning Inspectorate. A public inquiry was scheduled to consider the appeal in October 2019.
- 6.6 The Council sought professional legal and planning advice in preparation for the appeal and on receipt of this legal opinion it was resolved to advise the Planning Inspectorate (by way of the Council's 'Statement of Case' March 2019) that the Council '*...wishes to withdraw its opposition to the Appeal and therefore do not wish to further defend the Appeal at the Public Inquiry.*'
- 6.7 The Council advised the applicant of this change in position, and it was agreed that the applicant would submit a duplicate planning application to the one that was refused in November 2018. Outline planning permission was approved by the Council in August 2019 (19/00524/OUT), subject to 39 planning conditions and planning obligations contained within a Section 106 agreement. Details of access were approved as part of this planning permission but all other matters (Appearance; Landscaping; Layout; and Scale) were reserved. A table summarising the conditions and the current status of each condition is set out below.

OUTLINE PLANNING PERMISSION CONDITIONS – 19/00524/OUT		
		Timing & Status
1	Time frame for submission of Reserved Matters application	Submit application for approval of the Reserved Matters within 3 years of Outline Planning Permission being granted
2	Time frame for commencement of development	Development shall commence within 2 years from the date of approval of the last of the Reserved Matters to be approved
3	The Reserved Matters – Appearance; Landscaping; Layout and Scale	Compliance
4	Approval of a Layout and Phasing Plan	Prior to the submission of the first Reserved Matters (Approved 21/01143/DISCON)
5	Scope of the Planning Permission	Compliance
6	Residential Travel Information Packs	Prior to occupation of the development
7	Provision of vehicular parking	Prior to occupation of the development
8	No surface water discharging to the highway	Compliance
9	Environmental Construction Management Plan	Prior to commencement of development
10	Surface Water Drainage Scheme	Prior to commencement of development

11	On-Site Foul Drainage Works	Prior to construction above damp proof course
12	Surface Water Drainage during construction	Prior to commencement of development
13	Surface Water Drainage Scheme maintenance	Prior to commencement of development
14	Record of Surface Water Drainage maintenance	Compliance
15	Archaeological Investigation	Prior to commencement of development (21/00039/DISCON – Partial Discharge – Written Scheme of Investigation approved & 21/01464/DISCON – Partial Discharge – Scheme of Archaeological Mitigation approved)
16	Piling Method Statement	Prior to commencement of development
17	External Lighting	As part of the first Reserved Matters application (22/01301/DISCON)
18	Refuse / Recycling scheme	Prior to commencement of development (22/01301/DISCON)
19	Hard and Soft Landscaping scheme, incl. changes in ground levels and tree protection	As part of each Reserved Matters application (22/01301/DISCON)
20	Tree & Hedge Protection	Compliance
21	External Materials	Prior to commencement of development (22/01301/DISCON)
22	Implementation of ecological mitigation measures	Compliance
23	Landscape and Ecology Management Plan	Prior to the commencement of development (22/01301/DISCON)
24	Highway Works (Off-Site – Various)	Prior to the first occupation of the development
25	Cycle Storage	Prior to commencement of development
26	Means of Enclosure	As part of each Reserved Matters application (22/01301/DISCON)
27	Details of conversion of redundant listed buildings and / or demolition of non-curtilage listed buildings	As part of the first Reserved Matters application (22/01301/DISCON)
28	Existing and Proposed Levels	Prior to commencement of development
29	Bus Stop Improvements (Thorpe Road)	Prior to commencement of development
30	Visibility Splay – Crow Lane	Compliance

31	Visibility Splay – Barleyfield	Compliance
32	Visibility Splay – Homestead	Compliance
33	Highway Works – traffic calming feature (B1033)	Prior to the first occupation of the development
34	Contaminated Land	Prior to commencement of development
35	Acoustic Mitigation	Prior to commencement of development
36	RAMS – On-Site Mitigation	Prior to the commencement of above ground works (22/01301/DISCON)
37	Broadband	Prior to the first occupation of the development
38	Local Recruitment Strategy	Prior to commencement of development (22/01301/DISCON)
39	Public Right of Way Improvements (On-Site)	Prior to first occupation of the development

- 6.8 As set out in the table the majority of the conditions either require details to be approved prior to the commencement of development or first occupation, or are compliance conditions which specify that the development must be carried out in a specified manner.
- 6.9 Condition no.1 and no.4 require action prior to commencement of development. Condition 4 required that prior to the submission of the Reserved Matters application a layout and phasing plan/programme to include details of market and affordable housing provision, employment provision, identification of the physical extent of each proposed phase of development, the layout and an indicative timescale for implementation of each phase, shall be submitted to and agreed by the Council. An application to discharge the condition was submitted in June 2021 and approved in September 2021 (ref. 21/01143/DISCON). The details submitted for approval in this Reserved Matters application follow the approved scheme.
- 6.10 Condition no.1 required that an application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date the planning permission was granted. This application was validated on 24th June 2022, before the outline expiration date of 14.08.2022, complying with the requirements of Condition no.1.
- 6.11 The Section 106 agreement which forms part of the planning permission secured the following planning obligations:
- On-site Affordable Housing (30% of the overall development);
 - Education – 2.1ha of land which could be used by the County Council to provide a 2 form entry primary school and early years nursery;
 - Education contributions for Primary, Secondary School Places and for Secondary School transport;
 - Financial contribution towards increased Healthcare capacity;
 - Provision of Public Open Space, equipped play area and Ecology Land on-site – to be laid out to approved specification and then transferred to management company;
 - Ecology (off site) – Financial contribution towards off-site ecological mitigation – to improve access within Weeley Hall Wood SSSI;
 - Financial Contribution towards RAMS;

- Highways and Transport – A financial contribution towards off-site highway improvements at the A133/B1033/services roundabout and the Frating roundabout;
- Public Rights of Way (PRoW) – Footbridge to be constructed over the railway line and transferred to Network Rail on completion with a commuted sum for future maintenance, PRoW5 to be diverted away from existing level crossing via footbridge on completion.

Proposal

6.12 This application seeks approval of the Appearance; Landscaping; Layout; and Scale (the 'Reserved Matters') in respect of the development of 277 dwellings; 1,910m² commercial floorspace (B1 Uses); a new footbridge over the railway line; attenuation basins; open space, play equipment; and associated infrastructure pursuant to the outline permission 19/00524/OUT.

Residential Development

6.13 The Outline planning permission allows for the development of up to 280 dwellings at the site. When the Reserved Matters application was first submitted approval was sought for 280 dwellings and mirrored the Outline application site area. This included land immediately to the south of Verity Gardens, which is part of the Barleyfield Drive development. The original application proposed that 3 no. dwellings would be constructed, with access along Verity Gardens to Thorpe Road. However, because Verity Gardens was outside of the red line site boundary of the outline planning permission and as it is not public highway the plans for these three dwellings were not consistent with the Outline planning permission. As a result, the applicant has amended the Reserved Matters application to exclude this land. A separate planning application (22/01332/FUL) has been submitted to the Council seeking a 'stand-alone' Full planning permission for Plots 1, 2 and 3. In total 280 dwellings would be constructed if both this Reserved Matters application (277 dwellings) and the stand-alone permission (3 dwellings) are approved.

6.14 The application proposes that the 277 dwellings will be erected and with the following housing mix.

	Market	Affordable Housing – Affordable Rent	Affordable Housing – Shared Ownership
1-bed apartment	-	9	4
2-bed apartment	-	5	-
2-bed bungalow	9	2	-
2-bed house	34	2	11
3-bed house	103	14	10
4-bed house	47	1	-
	193	59	25

6.15 In total 84 units will be provided as Affordable Housing. This represents 30.3% of the 277 dwellings. This is slightly higher than the Section 106 requirement to provide 30% of the dwellings as Affordable Housing, but when the three dwellings on the southern side of Verity Gardens, that are subject to a separate planning application, are included the 84 Affordable Homes would represent 30% on-site provision.

Commercial Development

6.16 The Outline planning permission allows for the development of up to 3,000sqm of B1 Office Floorspace on 1 hectare of the site. The Reserved Matters application proposes three office buildings on a parcel of land in the north-western corner of the site. It is proposed that the

buildings are predominantly two storeys, with some single storey elements. The buildings will provide a total of 1,909sqm of floorspace, made up of buildings containing 491sqm, 577sqm and 841sqm respectively.

Footbridge

- 6.17 The application also includes details of a footbridge that would replace a level crossing on the railway that runs along the southern boundary of the site. The top deck of the footbridge will span 24.67m with ramps leading up to it on the northern and southern side of the railway line. The bridge needs to cross above the level of the electric overhead lines, so the underside of the bridge is approximately 7.2m above the level of the track. The bridge is designed without steps, so as to be accessible. The structure utilises long ramps with landings for a 180 degree turn. Due to the difference in level between the two sides of the railway line there are three ramps on the northern side, each approximately 45m in length, whilst on the southern side there are four ramps, each approximately 58m in length. The ramps leading up to the bridge deck will be enclosed by metal railings with a handrail on either side. The majority of the ramps would be uncovered but the bottom run of the ramps on each side will be covered by a canopy, to reduce the risk of people accessing the underside of the structure.

Open Space & Play Areas

- 6.18 Three main areas of public open space are proposed within the site; the main one being at the southern end of the site adjacent to the railway line, with additional smaller areas of Public Open Space proposed towards the centre of the site on the eastern side and the third on land at the northern end of the Education Land. The area of Open Space on the eastern site boundary and by the Education Land both include a Local Equipped Area of Play.
- 6.19 The Open Space includes land that will be set out to promote ecology and also contains attenuation basins and swales which form part of the Surface Water Drainage System.
- 6.20 It should be noted that the application does not seek approval of the Reserved Matters for the whole of the application site. The Outline planning permission included 2.1 hectares of land which can be used to provide a 2-Form of Entry Primary School and 56 place early years Nursery. If this application is approved, it will dictate the location of the Education Land but it does not include any details of the Appearance; Landscaping; Layout; and Scale of development that may come forward on the Education Land.

Principle of Development

- 6.21 The principle of residential development at this location has already been established by the granting of outline planning permission 19/00524/OUT which allows for up to 280 dwellings with vehicular access from Thorpe Road; a new Primary School and Early Years Childrens Nursery; up to 3000 sqm of office (B1) buildings; Public Open Space; a new footbridge over the railway line; and associated development.
- 6.22 The site lies within the Settlement Development Boundary (SDB) for Weeley and is also designated for a Mixed-Use development in the adopted Tendring District Local Plan 2013-2033 and Beyond (TDLP). These facts further emphasis that the Council have assessed the suitability of the site and found that the principle of development is acceptable.
- 6.23 The site and allocation were the subject of a specific policy. Policy SAMU5 of the TDLP specified that the site would provide for a mix of residential development, employment, a Primary School and public open space. The policy contains specific requirements in relation to housing numbers, educational facilities, healthcare provision, highways and open space.

6.24 Policy SAMU5 states: “Land south of Thorpe Road, Weeley, shown on the Map SAMU5, is allocated for mixed use development as follows:

- a. at least 280 new homes of a mixed size and type to include affordable housing as per the Council’s requirements;
- b. 1 hectare of land for employment (potentially utilising buildings at Ash Farm);
- c. 1 hectare of public open space;
- d. 2.1 hectares of land for a new primary school with co-located 56 place commensurate early years and childcare facility (D1 use) as required by the Local Education Authority through Section 106 Planning Obligations;
Proposals must accord with the following:
- e. the principal point of vehicular access will be off Thorpe Road;
- f. capacity and/or safety enhancements to the local highway network where necessary;
- g. where necessary, enhancements to public transport, cycle and pedestrian infrastructure;
- h. provision of a pedestrian/cycle bridge over the railway line, as a replacement for the existing level crossing prior to the occupation of the one-hundredth dwelling;
- i. the design and layout of the development must have regard to the surrounding landscape, seeking to minimise visual impacts through the inclusion of mitigation measures;
- j. delivery of opportunities for the protection and enhancement of the historic environment including the built and archaeological environment;
- k. early engagement with Anglian Water to secure upgrades to both treatment infrastructure and network and to formulate a water and drainage strategy to serve the new development;
- l. a financial contribution to early years and childcare, primary and secondary education provision, as required by the Local Education Authority through Section 106 Planning Obligations;
- m. financial contributions towards other community facilities such as health provision as required by the NHS/CCG either through the Community Infrastructure Levy or Section 106 Planning Obligations.”

6.25 This application seeks approval of the Reserved Matters for a residential development of 277 dwellings, a commercial development providing 1,909sqm of office floorspace, a pedestrian footbridge over the railway line, Public Open Space as well as preserving 2.1 hectares of land which could be used by the County Council to provide a new primary school and early years children’s nursery. The detailed uses are all consistent with the outline planning permission. An assessment of the Reserved Matters for each element of the scheme is set out below with reference to relevant development plan policies.

Scale including Housing Mix and Affordable Housing Provision

6.26 The details of the housing mix and tenure split is outlined under the ‘Proposal’ section of this report.

6.27 In accordance with the Section 106 agreement the Reserved Matters scheme provides details confirming that 30% of the dwellings are to be provided as Affordable Housing, with a mix of tenures consisting of Affordable Rent and Shared Ownership. The mix of Affordable Homes consists of properties ranging in size from 1-bed apartments to a 4-bed house. TDLP Policy LP5 states ‘...to avoid an over-concentration of council housing in one location, no single group of council houses will exceed ten dwellings’. The General Layout / Phasing Plan identifies the size of the affordable housing clusters, and these range from a group of 3 through to five groups of 10 units. The appearance of these dwellings is not dissimilar to the market dwellings on site. The Councils Housing team have also confirmed that the tenure, distribution and mix of affordable housing is acceptable.

6.28 TDLP Policy LP2 states that major developments should provide a mix of dwelling size and type that broadly reflects the housing need identified in the District’s latest Strategic Housing Market Assessment. On review the SHMA identifies a need for approximately 8% of new market dwellings to be 1-bed units and no 1-bed market units are proposed in this scheme. The

percentage of 2-bed and 4-bed homes being proposed (22.3% & 24.3% respectively) is broadly consistent with the need identified in the SHMA (27.9% & 22.8%). The number of 3-bed units proposed is however more noticeably higher at 53%, against the assessed need expressed in the SHMA of 40%.

- 6.29 Officers consider that the mix of homes proposed in the reserved matters application is appropriate for the location and context and is broadly consistent with the identified needs set out within the latest Council's Strategic Housing Market Assessment.
- 6.30 Having regard to the scale of the development in this rural edge of settlement location and the character and scale of the housing neighbouring the site, the scheme that is proposed consists of houses and flats that are predominantly 2-storey with a relatively small number of bungalows and one and half storey houses. Both private and market housing have internal floor areas which are equal to, or in excess of, the minimum requirements in the Nationally Described Space Standards. Given all these factors it is considered that the scale of development proposed is acceptable.

Office Buildings

- 6.31 The proposed Office buildings were also designed initially as two-storey buildings but the bulk and mass of those buildings was not acceptable by Officers. This part of the development appeared cramped and appeared to represent over-development. The applicant amended the design of the office buildings reducing the floorspace from 2,550sqm to 1,910sqm. The span of the buildings was also reduced, and single storey element added, replacing a two storey projection. Internally the same design approach has been taken, which is to create spaces which could be used either entirely by a single company, or which could be sub divided allowing the buildings to be used by more than one company but sharing communal areas and facilities.
- 6.32 The smaller buildings have a more traditional scale and appearance and are more appropriate for this location, being within the setting of a listed building and within a mixed residential / commercial area.

Railway Footbridge

- 6.33 One of the policy requirements for the development of this site, specified in TDLP Policy SAMU5, is that a pedestrian/cycle bridge must be provided over the railway line, as a replacement for the existing level crossing. The applicant has entered a contract with Network Rail to construct the new bridge at their expense.
- 6.34 As a result of the policy and the obligations imposed in the Outline planning permission, the applicant has designed an accessible bridge, without steps, to be constructed over the railway line.
- 6.35 A number of representations made to this application have cited the bridge in their grounds for objecting. It is argued that an accessible bridge is unnecessary and that it is unnecessarily large. The bridge in terms of need and principle is established by the Outline, it is the appearance, scale and layout only that the planning authority can now only consider.

The height and mass of the structure it is argued will harm visual amenity. It is noted that TDLP Policy SAMU5 states that the design and layout of the development must have regard to the surrounding landscape and seek to minimise visual impacts through the inclusion of mitigation measures. Representations received provide that there are more sympathetic bridge designs which could be used, but no further details are provided of what these are and these are not the design put forward with this application to be determined on its merits.

- 6.36 The policy requirement to provide a pedestrian / cycle bridge means that it is inevitable that the structure will feature ramps leading up onto and back down from the bridge and this significantly adds to the mass of the structure. The bridge would also appear more prominent by virtue of its height, with the deck over 7 metres above the track, because of the need to clear the overhead electric lines by Network Rail's safety design standards. The requirement for the bridge to be accessible means that ramps will be required.
- 6.37 Whilst local concerns about the scale of the bridge structure are understood, it is not considered that the extent of harm is so significant to warrant refusal, Officers consider its scale to be necessary to achieve the policy objective of accessibility and create the opportunity and wider public benefit to close the level crossing, with its inherent safety concerns, but retain the ability for all users to be able to continue to use the Public Right of Way.

Appearance

Residential

- 6.38 The mix of housing is varied with 1 and 2-bed apartments, 2-bed bungalows and 2 – 4-bed houses.
- 6.39 Externally the apartments are designed to have a similar appearance to the houses, as opposed to more traditional apartment blocks. The buildings are mostly semi-detached and detached houses with one terrace. With the exception of the bungalows most of the houses are two-storey but there is one house type which is a one and a half storey house. The design of the housing has been shown to take design cues from the adjacent Barleyfield Drive development and the Millers Green development in Weeley Heath, both recently completed by the applicant, but also other elements of good design within the village. The architecture is of a traditional vernacular design with a higher than average level of detailing which include features such as brick plinths, flat gauge brick arch window headers, bay windows, stone cills, door surrounds and porches, brick chimney stacks, stone gable vents, and string courses. The roofscape would be varied including a mixture of half dormers, gables and hipped roofs with chimneys adding further visual interest. The scheme contains a reasonable mix of house types and styles and further variation will be provided by joining some of the different house types together to provide additional visual interest.
- 6.40 The application indicates a range of materials would be used across the site with a mix of red, orange and buff stock bricks, a range of coloured horizontal weatherboarding and renders (which were requested by the Councils Urban Design consultant) and roofs covered with red plain tiles, red and black pantiles and natural and artificial slates. These materials are found in the surrounding areas and will help the development assimilate into the area and help create a 'sense of place'. The proposed mix will ensure variety and visual interest across the development. An external material plan is included with the application documents, and this specifies named materials but the plan is also annotated to say that the actual materials will be as listed or a material of a similar appearance. The Council will need to be clear what materials are being used so the submitted materials plan and schedule cannot be approved. Condition 21 of the Outline planning permission requires details of the external materials to be agreed with the Council prior to commencement of development in a phase. This condition will ensure that the required details are submitted for approval.
- 6.41 The application contains a number of streetscenes which demonstrate that the development will provide attractive and varied streets, with subtle variations in character.

Office Buildings

- 6.42 The appearance of the office buildings is acceptable following the receipt of the revised plans. The reduction in floorspace has allowed the buildings to have more traditional proportions and

character with the single storey elements and projecting midstreys helping to break up the mass of the buildings. The appearance of the office buildings takes design cues from traditional Essex Barns, through the hipped roof and being clad in black horizontal weatherboarding under a pantile roof.

Railway Footbridge

- 6.43 The detailed design of the bridge has been the subject of extensive discussions between the applicant and Network Rail. Plans have been revised to reflect Network Rail design standards, which include consideration of matters such as “sun glint” and overhead powerline clearance to earthing and construction technique, however it should be noted that the Outline planning application included a drawing which showed a structure very similar in nature to the more detailed design now presented for approval.
- 6.44 The applicant is only able to provide the bridge if the design meets Network Rail’s requirements, and this limits the extent to which the design and appearance of the structure can be altered, or the visual impact mitigated. It is proposed that the bridge is a dark green colour (not red as indicated on the plans), which is considered appropriate for the context. There are some existing trees to the south of the bridge and a woodland block to the north-west which would help soften the prominence of the structure in some views. Whilst the proposed landscaping scheme shows some limited planting to the north, around the edge of the SUDS basin, it is considered that this new planting could be augmented to further help soften the appearance of the structure.
- 6.45 Concerns have been raised that the bridge will be illuminated, further increasing its visual impact, but this is not the case, and a condition is recommended that the bridge should not be illuminated for the avoidance of doubt.
- 6.46 Finally in respect of appearance, Members will note that the consultee section of this report lists two responses from the Urban Design team at Place Services. The team provided advice on the original application and the earlier revised scheme. Their comments included recommended revisions to a number of aspects of the scheme including changes to some of the house types and office buildings, and improvements to the layout.

As can be seen from the second response Place Services acknowledged that the first revisions to the scheme started to address many of the issues that they had raised. Further revisions followed their second consultation response, but Officers have not sought advice on the final submission from Place Services. Instead, Officers have been able to assess the changes that have been made to the appearance of the development (as well as the layout) and to conclude that following these numerous revisions the appearance of the scheme is acceptable and is appropriate given the character of the area and the context of the site.

Layout

- 6.47 Although there were no parameter plans listed as approved plans on the Outline planning permission, the outline planning permission did establish a number of important aspects of the layout.
- Access was approved as part of the outline planning permission so the design of the vehicular access off Thorpe Road, via Barleyfield Drive is already fixed. Additionally, it was agreed that there will be a footway/cycleway along the existing Ash Farm entrance to serve the development.
 - The Section 106 agreement contains a plan which identifies indicatively and for illustrative purposes the location of the principal areas of Open Space (at the southern end of the site adjacent to the railway line and a smaller block in a central location on the eastern site boundary), Ecology Land (at the south western corner of the site between Second Avenue and the railway line), and the Education Land (in the north-western quadrant of the site).

- The Council has also approved 'a layout and phasing plan to include details of market and affordable housing provision, and employment provision' in September 2021 to discharge Condition No. 4 of outline permission 19/00524/OUT. This approved plan has been a key factor the applicant has relied upon to design the scheme layout.

- 6.48 The submitted scheme contains some variations to the illustrative layout that was presented as part of the Outline planning application with the uses to the rear of Ashes Farmhouse being altered. The shape and location of the employment and education land has changed, and an additional residential parcel added. It must be noted that a requirement of Condition 4 of the Outline planning permission is that the Reserved Matters application must be consistent with the layout and phasing plan that is approved, and the applicant has done this.
- 6.49 The principal site access was approved by the outline planning permission, with access from Thorpe Road through an improved Barleyfield Drive to a new mini roundabout at the entrance to the main body of the site. The western arm of the roundabout would provide access to the Education Land, Offices and a small residential parcel to the rear of Ashes Farm. The other principal street would continue to run in a southerly direction through the heart of the site, thereby creating a central spine road off which secondary vehicular access routes would be formed. The two main areas of Open Space, at the southern end of the site and the Green on the eastern side of the centre of the site, are included with a number of smaller, but still important, incidental areas of Open Space added at key locations.
- 6.50 The road and footway widths are all accepted by ECC Highways, ensuring that the internal road layout can safely and comfortably accommodate emergency services, waste collection services etc. Streets are generally intelligently laid out and allow for passive surveillance of roads, paths and play areas. There are a limited number of instances where resident's car parking is provided in parallel bays off the carriageway, in front of the properties. Where this is done landscape strips and street trees have been added between bays to help soften the appearance and reduce the prominence of car parking in the streetscene. The car parking to the office buildings is dispersed in areas which are landscaped in an appropriate manner.
- 6.51 Paragraph 131 of the NPPF requires that all new developments should provide tree lined streets. Due to the need to widen the carriageway and footways there is insufficient land to add street trees to Barleyfield Drive but upon entry to the body of the application site street trees are shown. Along the principal streets – the main north-south spine road and the road leading to the Education and Employment land – grass verges are provided on both sides of the road and street trees planted rhythmically on one side. Streets on the perimeter blocks are also tree lined, with the trees planted in the open space allowing space for them to grow and mature. The approach to tree planting on secondary streets is more varied. On these streets smaller trees are shown and planted less frequently. The applicant has selected locations, such as to the side of rear gardens or corner plots at the ends of streets, as locations where street trees can be added. As noted above where parallel parking is provided in front of dwellings street trees have also been added. The applicant also relies on views of trees (established and new) at the end of the streets to give the sense of trees predominating. This will all help to soften the streetscene as trees mature and provide a pleasant suburban feel.
- 6.52 The Council have received representations expressing concern about the size of the Equipped Play Area being provided. The application originally proposed the provision of one Local Equipped Area of Play (LEAP) in a central location within the site. The plans show five play experiences within the area along with paths, benches and bins. The Council's Open Space team were consulted on the application, and they confirmed there continues to be a shortfall in the provision of play facilities in the village, but that they were satisfied with the range and quality of the proposed play experiences. They offered an advisory comment regarding the use of bonded rubber mulch over grass matting, but this was not an objection, and the play area will be transferred to a Management Company so will not be the Council's responsibility to maintain.

- 6.53 To address Officer and consultee comments about the distribution of Open Space a second LEAP is proposed next to the Education Land. It is intended that the area would form part of the pedestrian entrance to the school site. The provision of two LEAPs within the site is considered acceptable and Officers do not object to the proposals.
- 6.54 The majority of dwellings are designed to address the street, to create an active street frontage and provide natural surveillance, and this includes properties occupying corner plots. However, there is an instance where there is a front to back relationship, in the north-western corner in the residential block opposite the Education Land. As the Council's Urban Design consultant notes buildings fronting onto one another is a strong urban design principle. It is however accepted that residential use of this parcel was approved when the Council discharged Condition 4 of the Outline planning permission. If the land is to be developed in an efficient manner this arrangement cannot be easily avoided. Whilst not ideal there would be around 15m from the front elevation of the houses to the rear boundary of the houses in front and the landscaping scheme shows trees being planted in the public realm which help soften the relationship as they mature. Officers consider residents of these houses would not have an unacceptable standard of amenity.

Commercial Buildings

- 6.55 The footprint has been reduced during the course of the application and the position amended. These changes have successfully addressed concerns that the buildings appeared cramped and the area over-developed. Parking is now provided with landscaped areas and is not located hard against the boundaries and future office users will also be able to enjoy landscaped amenity areas around the buildings. As previously noted, the design and selection of materials have created buildings which would not appear inappropriate in a mixed use development such as this.

Education Land

- 6.56 The shape and location of the Education Land has varied since the illustrative layout was produced to support the outline planning application, however Officers are satisfied that the amendments are acceptable. The land identified is 2.1ha as required and has a broadly regular shape, which is necessary to design an efficient school.
- 6.57 The applicant has shown entrance points to the school and nursery site and has provided grounds maintenance / emergency access to the south of the site. Whilst the Education Authority are keen to encourage traffic free school frontage the reality is that within settlements such as Weeley some children attending the school will need to be driven and it is appropriate to plan for this. The applicant will provide a car parking area for parents to drop off children, without having to stop on surrounding roads. A play area is also shown by the front gates which will be an attractive feature for families waiting to leave or pick up children from the school gate.
- 6.58 The plans also demonstrate that pedestrian and cycle connections through the site will be provided, and these will provide attractive routes for children and families to walk and cycle to school. Officers are satisfied that further discussions between the applicant, County Council and District Council can take place to further refine the proposals as and when the Education Land is bought forward by Essex County Council.

Open Space

- 6.59 The Green Infrastructure (GI) team at Essex County Council initially registered a holding objection to the proposed scheme layout. They noted that there was unequal access to Open Space across the development. Planning Officers supported this position, and the applicant revisited the layout to improve the distribution of Open Space through the development and in particular within the north of the development. In addition to the large area of Open Space across

the southern end of the site and the more central Green, with the play area, additional Open Spaces have been provided in front of the Education Land and amenity space around the commercial buildings. The ECC GI team confirmed that they withdrew their holding objection following the submission of the revised layout, and whilst the Councils Urban Design consultant remains concerned that the space in front of the Education Land will not feel as if it is part of the public realm Officers are content with the quantum and distribution of Open Space across the scheme.

- 6.60 Some concerns have also been expressed about the Open Space in the southwestern part of the site, between the railway line and the rear boundaries of houses on Second Avenue. The area forms land which will be managed for ecological purposes, as well as operate as functional Open Space for public use. The applicant has amended the landscaping scheme to add hostile planting along the rear boundaries of the Second Avenue houses, so their boundaries are not left exposed to the public realm. A concern has also been raised that the space is not overlooked by housing and therefore will not enjoy natural surveillance. This area has always been shown to be open space, in both the illustrative layout at Outline stage and in the phasing / layout plan to discharge Condition 4. The applicant has added a seating area, which would be overlooked by new housing, which will provide some passive surveillance of the south western corner of the site. As the area has previously been accepted as being suitable for use as Open Space, Officers are satisfied with the proposed arrangement.

Heritage Impact

- 6.61 Part of the proposal site lies within the curtilage of Grade II Listed Ash Farmhouse. The proposal also includes the demolition of the existing 20th century farm buildings associated to the designated heritage asset. When assessing the Outline planning application, the Council considered that the development would not adversely affect the setting of Ash Farmhouse.
- 6.62 The Council's current Historic Buildings advisers have been consulted on the Reserved Matters application and they have stated that they disagree with that initial assessment. In their view the development would indirectly affect the significance of Ash Farmhouse by permanently changing the rural character of its wider setting from farmland to a development with the approved mix of uses.
- 6.63 Having assessed the layout and design initially proposed the Council's Historic Buildings consultant advised that a more sympathetic layout, design and materials could minimise or mitigate the impact of the development on the setting of the listed building. Planning Officers shared some of these concerns, particularly regarding the scale and mass of the proposed office buildings and their siting.
- 6.64 As noted previously the applicant has reduced the scale and mass of the office buildings and finessed the layout, setting the offices slightly further back from the curtilage of the listed building. Whilst the Historic Buildings consultant acknowledges that the revised scheme represents an improvement from the original scheme, they still conclude that the development would result in less than substantial harm to the significance of Grade II Listed Ash Farmhouse due to the intensified use of the site and the introduction of a built form within historically undeveloped land. Paragraph 202 of the NPPF states that when harm to heritage assets is identified this harm should be balanced against the public benefits of the proposed development.
- 6.65 Officers have undertaken this heritage balance weighing heritage harm against public benefits. Officers consider that the public benefits of the scheme include the provision of 277 new homes, with 30% of the homes (84) being provided as much needed affordable housing. As well as the new homes, the scheme includes proposals for the development of three new office buildings providing over 1,910sqm. These buildings would provide employment opportunities and the resultant social and economic benefits for the community. The Section 106 agreement also secures the provision of 2.1ha of land that could be used to provide a new primary school and

nursery. By providing this land the applicant is providing the opportunity for some of the educational requirements of the local community to be met close to their homes. There will be economic benefits arising from construction activity and once occupied the new homes and offices will generate additional trade for local businesses. The provision of a new footbridge over the railway line will provide social benefits by enabling the closure of the level crossing which Network Rail highlight will improve the safety of those wanting to cross the railway line using the public right of way. Officers consider the public benefits of the scheme carry significant weight and cumulatively outweigh the relatively low level of less than substantial harm to the setting of the Grade II listed Ash Farmhouse.

Highway Safety/Parking

- 6.66 TDLP Policy SAMU 5 states that the principal point of vehicular access for the development will be off Thorpe Road. The Outline planning permission sought approval for details of Access to the development and one vehicular access point into the site, through Barleyfield Drive, was approved. The approved details show that the existing junction and carriageway in Barleyfield Drive will be improved with the existing 5.5m wide carriageway widened to 6.75m with a 3m wide footway on one side and 2m footway wide footway on the other to ensure strong connections are formed for pedestrians and cyclists. The footway on the south side of Thorpe Road near the junction will also be widened to 3m and the carriageway widened to create a right-hand turn into the Barleyfield Drive, with a further right hand turn lane to the east, into Homestead Lake Park. Concerns have been expressed about the volumes of traffic on Thorpe Road, the safety of motorists and pedestrians, particularly for vehicles leaving the site and turning right. The Highway Authority were satisfied that these works would ensure that junction would operate safely, efficiently and effectively and the Access details were approved as part of the Outline planning permission.
- 6.67 It is noted that many objectors cite concerns about increasing traffic on the local highway network. The impacts of the proposed development on the network were assessed as part of the Outline planning application and the Section 106 agreement secured a financial contribution which can be used by the Highway Authority to help mitigate the impact on junctions where capacity issues were identified.
- 6.68 Whilst the objectors concern about highway safety and capacity are noted both these matters have already been assessed and the planning permission approved subject to conditions and planning obligations. These matters cannot be reconsidered as part of this Reserved Matters application.
- 6.69 Paragraph 104 of the NPPF (2023) states that transport issues should be considered from the earliest stages of development proposals, so that amongst other things opportunities to promote walking, cycling and public transport use are identified and pursued; and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
- 6.70 The Outline planning permission established that the existing access that serves the dwelling and farm buildings at Ash Farm would be upgraded to provide a 3.5m wide footway/cycleway. This link will provide an attractive and convenient route for pedestrians and cyclists from Thorpe Road into the development, and in particular the part of the site that has been safeguarded for a potential new primary school and nursery.
- 6.71 Strong pedestrian / cycle connectivity continues through the development. A shared pedestrian / cycle path continues from the improved Barleyfield Drive west towards the education site and south down the spine road. The path is separated from the carriageway by new trees planted in a grass verge. The path continues as far as the western boundary where Public Right of Way Weeley 4 lies. The public right of way provides a connection to St Andrews Road and improves the permeability of the site, further improving connectivity with the existing settlement. To further

encourage walking and cycling, the estate roads are designed for a 20mph speed limit, and the carriageway construction will give pedestrians and cyclists using the pedestrian / cycle path priority across internal junctions.

- 6.72 In total three Public Rights of Way (PROW) cross the site. While for the most part the proposed layout allows the routes to follow their current alignments, the application proposes minor amendments to the footpaths so that they would better align with nearby pavements and road crossing points. The Highway Authority have raised no objection in principle to the revisions subject to development not commencing in a phase until such time as an Order securing the diversion of the existing public right of way in that phase has been agreed. It is proposed that the applicant will make a separate application under section 257 of the Town and Country Planning Act. The other change to the PROW network is at the railway line. The current PROW alignment crosses the tracks at the level crossing. An order to formally divert the public footpath over the new footbridge has already been agreed as part of an application under section 119a of the Highways Act. The issuing of the order is dependent on the construction of the bridge over which the diverted footpath will pass.
- 6.73 TDLP Policies SPL3 and LP4 state that the Council will require that suitable provision is made for vehicle and cycle parking, including in residential areas sufficient provision of on-street parking for use by visitors and delivery vehicles.
- 6.74 Commercial Buildings Parking – The Council's adopted parking standards state that the maximum vehicle parking standard for use class 'B1-Business' is 1 space per 30sqm of floorspace. The 1,910sqm of commercial floor space would therefore mean a maximum of 64 parking spaces. The parking plan shows 63 formal car parking spaces being provided, with additional 'informal' parking available within the courtyard area. The level of parking is considered to be appropriate in this context.
- 6.75 Each commercial building is shown to be provided with 8 cycle parking spaces in a lean to store on the side of the buildings. The proposals are for five fewer cycle parking spaces than are required under the Council's adopted parking standards which require a total of 29 spaces, however it is accepted that the provision is very likely to be adequate for the number of cyclists who would be cycling to work. It is also considered that in the event that there were insufficient spaces available cyclists could park their bikes within the overlooked courtyard between the buildings.
- 6.76 Residential Development Parking – the Council's adopted parking standards require a minimum of one vehicle parking space per 1-bed dwelling and two vehicle parking spaces per dwelling with 2 or more bedrooms. Each new dwelling also needs to be provided with one secure cycle parking space.
- 6.77 All the dwellings are shown to be provided with off-street allocated parking which meets the minimum standards and provides one or two parking spaces, usually to the side or in front of the dwelling.
- 6.78 The adopted parking standards require the provision of a minimum of 70 visitor vehicle parking spaces for a residential development of this size. Initially the applicant proposed that a limited number of visitor spaces would be provided in the public realm with on-plot parking being provided above the level required by the parking standards, negating the need for on-street visitor parking. Officers did not support this approach and the applicant amended the scheme which now provides 68 on-street vehicle parking bays, resulting in a shortfall of 2 visitor parking spaces within the residential areas (visitor spaces within the commercial parking area should not be counted). The applicant is however still over-providing parking on a significant number of the market dwellings. It is accepted that this over-provision on-plot will reduce the need for visitor parking in the public domain in some parts of the site. Officers consider that the level of visitor parking provision is acceptable and should not result in problematic ad-hoc visitor parking.

- 6.79 The Council require appropriate cycle parking is provided for both new office developments and residential dwellings. The submitted plans show covered cycle parking built into the new office buildings. Condition 25 of the Outline planning permission requires that the developer provides details of cycle storage for each dwelling in each phase prior to commencement of development in each phase.

Landscaping/Biodiversity

- 6.80 Objectors have raised concerns that the development will have an adverse impact on wildlife and reference that numerous species have been seen to use the site. The ecological value of the site was thoroughly assessed when the Outline planning application was considered. A suite of ecological surveys and reports were submitted including a Preliminary Ecological Appraisal (PEA); Barn Owl Mitigation report; Bat Activity Survey; Breeding Bird Survey; and Reptile Survey and Outline Mitigation Strategy. Of note, the site was found to support a wide assemblage of birds, bat foraging activity was observed around field boundaries and hedgerows, and the grassland supports a good population of slow worms. An Ecological Impact Assessment (EclA), was submitted which set out the mitigation measures required to ensure compliance with nature conservation legislation, including the effective protection of protected species and other wildlife, including hedgehogs, and to address any potentially significant ecological effects. The Council's Ecological Consultant was satisfied that planning condition and obligations contained in the Section 106 agreement would provide suitable mitigation measures and raised no objection to the development.
- 6.81 The Reserved Matters application includes an updated Protected Species report which was produced following updated site surveys. Having already established that there is no ecological objection to the development of the site the Council's Ecologist is satisfied that there is also sufficient ecological information available for determination of this Reserved Matters application. The application includes details about how part of the Open Space at the southern end of the site will be set out to provide the Ecology land required by the Section 106 agreement. The Open Space will be enhanced to provide habitats for bats, reptiles, and breeding birds. This includes the creation of scrub, species rich grassland, wildflower areas, scrapes, reptile hibernacula and log piles. The Council's Ecologist has confirmed that the space can be multi-functional - i.e. it can provide ecological mitigation whilst still allowing the public access to the space. The Council's Ecologist has noted that external lighting needs to be designed sensitively to ensure that the Ecology land remain suitable for foraging/commuting bats. A planning condition is recommended to require the submission and approval of an external lighting scheme, but this is not required as the outline planning permission included a condition to submit and obtain approval for an external lighting scheme.
- 6.82 The Outline planning application included an assessment of the trees and hedges on the site which allowed an analysis of the impact of the development on existing trees. It was determined that the development made provision for the most important trees on the application site to be retained.
- 6.83 A Tree Protection Plan has been provided detailing how retained trees and hedges will be protected. The landscaping scheme has been amended to show the retention of additional sections of boundary hedgerow. The Council's Tree and Landscape Officer has reviewed the landscaping scheme and has confirmed that this is a comprehensive scheme that contains a wide and varied selection of tree, shrub, hedge and other plant species. The level of soft landscaping proposed is sufficient to satisfactorily enhance the appearance of the development.
- 6.84 In addition to the equipped play area proposed by the central green the applicant now proposes the provision of a second equipped play area in front of the Education Land. This second play area would be attractive to families before and after school and would also mean that a greater number of families will be located within a short walk of an equipped play area.

Impact on Residential Amenity

- 6.85 Objections have been raised about the loss of amenity that residents of Second Avenue will suffer as a result of the development. The Essex Design Guide sets design standards that are intended to protect the amenity of residents living adjacent to new housing developments. Where new development backs on to the rear of existing housing, existing residents are entitled to a greater degree of privacy. Criteria is specified for situations where the rear faces of the new houses are approximately parallel to those of the existing homes, however the layout would not create that type of relationship on the western boundary. Five of the eight properties adjacent neighbouring gardens, on the western boundary, are also bungalows. The other three dwellings are houses but all have either blank side elevations, or only a small bathroom window at first floor level, which would be obscure glazed. Plot 248 is the closest to the neighbour's boundary, but this will be a relatively shallow side elevation which is approximately 5m from the boundary. On the northern site boundary dwellings will also be backing onto existing residents. In this location the applicant proposes three bungalows are sited. The bungalows would not give rise to overlooking, loss of outlook or be overbearing. Overall, the relationship between existing and proposed dwellings is considered to be acceptable. To ensure that this remains the case it is recommended that permitted development rights for roof alterations to the bungalows on the western boundary that back onto Second Avenue are removed to prevent loft conversions.
- 6.86 TDLP Policy LP4 states that the layout of new housing should provide for private amenity space of a size and configuration that meets the needs and expectations of residents and which is commensurate to the size of dwelling and the character of the area. The majority of dwellings will have private amenity space in excess of 100sqm, with some of the market housing having gardens +300sqm. 71 dwellings have gardens below 100sqm. but these are generally 1 & 2-bed dwellings with only 5 of the dwellings with rear gardens under 100sqm being occupied by 3-bed houses. Three of the five dwellings are only 2-3sqm under 100sqm and the other two plots are noted to be provided with large garages. With the exception of a couple of flats all private amenity spaces are in excess of 50sqm and it is noted that many of the apartments are being provided with decent sized private gardens, instead of the more usual communal amenity space. Overall, Officers consider that provision is commensurate to both the size of dwelling and the character of the area.
- 6.87 Officers consider that future occupants of the new dwellings will enjoy a good standard of amenity. Internally all dwellings meet, and the majority exceed, the National Described Space Standards. Back to back distances comply with Essex Design Guide standards to provide a reasonable sense of privacy. All dwellings are provided with some form of private or shared private amenity space. The only part of the site that will be exposed to any significant noise is the houses at the southern end of the site, due to the railway. Condition 35 of the Outline planning permission requires details of acoustic measures to mitigate potential noise prior to development commencing. With suitable measures employed all residents should enjoy reasonable noise levels in their homes and gardens.
- 6.88 Ultimately the proposed detailed layout, appearance, landscaping and scale of the development is acceptable from a residential amenity perspective and in accordance with the relevant adopted policy and local guidance. (Essex Design Guide).

Drainage

- 6.89 As part of the Outline planning application the applicant provided a strategy for dealing with surface water drainage from the development. The Lead Local Flood Authority, Essex County Council, having reviewed the strategy confirmed that, subject to the imposition of reasonable planning conditions, the proposal would provide appropriate measures to manage surface water through the implementations of SUDS and other engineered hydrological measures. Details of the Surface Water Drainage scheme are not required as part of this Reserved Matters

application as the planning conditions only require that the detailed scheme is submitted to and approved by the Council prior to the commencement of development.

- 6.90 It is noted that concerns have been expressed that the Open Space at the southern end of the site will be less attractive to use for much of the year as it gets very wet. Currently water runs / drains down the site in a natural manner as the site is not drained. As a result of the development surface water within the areas of built development, on the higher ground, will be managed through a Surface Water drainage system that will be approved by the Lead Local Flood Authority. This will collect surface water and then release it in a controlled manner and at an agreed discharge rate. The introduction of this drainage system across the developed areas should mean that less water collects on the Open Space so the area should remain reasonably attractive for use for most of the year.
- 6.91 In respect of foul water sewage, it must be noted that Anglian Water are obligated to accept the foul flows from new developments with the benefit of planning permission and take the necessary steps to ensure that there is sufficient network capacity should the planning authority grant planning permission.
- 6.92 A number of objectors to this application reference on-going issues with the foul sewage network, and in particular to foul water flooding associated with the Weeley Willow Walk Pumping Station which is located a short distance to the west of the south western corner of the application site. The reported flooding affecting both gardens and dwellings. This is clearly an unacceptable situation, but this is an existing issue that the statutory undertaker, Anglian Water, are obligated to deal with.
- 6.93 Requirement k) of TDLP Policy SAMU5 does however acknowledge that there are issues within the local waste water network. The policy requires that the developer of this site engages with Anglian Water from an early stage to secure upgrades to both treatment infrastructure and network and to formulate a water and drainage strategy to serve the new development. The Flood Risk Assessment with the Outline planning application evidenced that this engagement began a number of years ago.
- 6.94 Anglian Water have been consulted automatically on the current Reserved Matters application and they have responded to say that they have no comments as the development does not show a connection to their network. The development would connect to their foul water network and the Anglian Water Development team provided a detailed consultation response to the Outline planning application. Anglian Water raised no objection to the outline application subject to the imposition of a condition requiring a drainage strategy to address any unacceptable risk of flooding downstream. On this basis the Council had no grounds to refuse the Outline planning application due to concerns about sewerage capacity.
- 6.95 Condition 11 of the outline planning permission requires that the applicant agree a scheme of works to the foul sewage network with the Council. This scheme would be agreed in consultation with Anglian Water. The Council is aware that Anglian Water have been working with the applicant to design a solution to mitigate against the development causing an increase in the frequency or severity of flooding. This involves creating additional storage capacity in the network to reduce the volume of flows through the system at peak times. The condition requires that the scheme must be agreed prior to construction above damp proof course level, so the applicant is not required to have agreed the scheme yet. Whilst the Council can require that the developer agree a scheme that should ensure that flood risk is not increased elsewhere as a result of development, the developer cannot be required to address existing problems with the sewage network.
- 6.96 The conditions concerning foul and surface water drainage do not require details are submitted as part of the Reserved Matters application and these details will be agreed at the appropriate time. As such these matters do not fall to be considered as part of the Reserved Matters

application, however Officers felt a full explanation of the situation was appropriate given the strong views and concerns expressed by some objectors.

Section 106 of the Town and Country Planning Act 1990 and Viability Matters

- 6.97 As set out in the Planning History section of this report a Section 106 agreement secured planning obligations as part of the Outline planning permission.
- 6.98 The Highway Authority recommendation seeks to secure a residential travel plan and school travel plan, respectively and a travel plan monitoring fee. A residential travel plan and monitoring fee were secured as part of the Outline planning permission. It is not possible to add a condition and planning obligation for a school travel plan and monitoring fee at this stage, as this application is only considering approval of the Reserved Matters.
- 6.99 A number of letters objecting to the application refer to the proposed new primary school and early years and childcare facility. It is claimed that ECC have no intention of building the facilities and that the applicant should be required to build the school at an early stage in the development process.
- 6.100 The Section 106 agreement requires that the applicant identify and safeguard 2.1 hectares of land for a new primary school and nursery. The land must be offered to Essex County Council (ECC) for Education use for a period starting on the date that the 20th dwelling is occupied on the site for the first time and ending 10 years after the last dwelling on the development is occupied for the first time. If ECC exercise the option, and the land is transferred for £1, the County Council will have a further 10 years from the date of the transfer to use the site to provide an Educational facility. These obligations follow the standard ECC process for school sites within new housing developments. Whilst it is reasonable for a developer to provide land for a school site where there is an identified need and to make a contribution towards the cost of providing a new school, it would not be reasonable to require a developer to bear the full cost of building a new school when their development would only generate a fraction of the number of children who might attend the school.
- 6.101 Whilst the Education Authority have identified that there may be a need for a new primary school and early years facility in the future the Education Authority keep these matters under review. If, for example, the birth rate was to fall the need for a new school may change as a result of lower demand for school places.

Other Matters – Archaeology

- 6.102 Objectors have referenced the archaeological value of the site and that the site should not be developed as a result of archaeological finds. This application seeks approval of the Reserved Matters (Appearance, Layout, Scale and Landscaping) so archaeology is not a matter for consideration as part of this application.
- 6.103 The applicant has agreed a programme of archaeological work with the Council, in accordance with the planning condition on the Outline planning permission. This work included excavation works on the site and these did result in some interesting finds. The applicant continues to comply with the requirements of condition 15 and has been liaising with the Council and Place Services, the Council's Historic Environment Consultants, in respect of archaeological mitigation and recording.

7. Conclusion

- 7.1 The site benefits from outline planning consent and this application seeks approval for the Reserved Matters in respect of all aspects of the development with the exception of the Education Land, which will be the responsibility of Essex County Council acting as Education

Authority. The applicant has submitted a number of revisions to the scheme which seek to address many of the issues raised by Planning Officers and consultees.

- 7.2 Careful consideration has been given both to the matters which were reserved and the elements of the scheme that were previously approved – most notably the access arrangements and principal areas of Open Space which were approved by the outline planning permission and the subsequent discharge of condition 4 of the outline planning permission and the phasing and layout scheme.
- 7.3 Whilst there have been objections from the Parish Council and some local residents many of these issues relate either to the principle of development, which is already agreed, or a matter that was considered or will be mitigated through the planning conditions and planning obligations that form part of the outline planning permission.
- 7.4 With regards to the details contained within this application the applicant has built on the approved access arrangements from the outline permission and produced a permeable scheme which offers further connections to its surroundings. The arrangement includes priority measures for cyclists and pedestrians.
- 7.5 The scale and appearance of the proposal are considered acceptable and would be appropriate in character and appearance with reference to recent developments near the site and the wider village context. Opportunities should be sought to add additional landscaping in the areas around the footbridge which might further soften its appearance.
- 7.6 The concerns of consultees and Planning Officers have been largely addressed in a positive manner. It is however noted that the Council's Historic Buildings Adviser has identified less than substantial harm to the significance of the Grade II listed Ash Farmhouse. Consistent with the NPPF and Tendring District Local Plan policies Officers have weighed the relatively low level of heritage harm against the numerous significant public benefits and have concluded that the heritage harm, while it remains as harm in the planning balance, is outweighed by public benefit. and acceptable. The arrangement of the Education Land, and in particular the approach to the entrance to the site, did concern ECC Officers however the scheme has been revised and Planning Officers now consider the arrangements to be an appropriate design response to what is always a difficult area to plan in new developments. Detailed concerns raised by the Education Authority are addressed by the highly detailed criteria set out in the S106 agreement to be addressed by the developer prior to the transfer of the Education Land.
- 7.7 The scheme now presented is considered by Officers to be acceptable and the application is therefore recommended for approval subject to conditions.

8. Recommendation

- 8.1 The Planning Committee is recommended to grant reserved matters approval subject to the following conditions.

8.2 Conditions and Reasons

1. 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, with the exception of approved drawing 2467-LLA-ZZ-00DR-L-0214 P07 – Detailed Planting Proposals – Sheet 14 of 17 and 2467-LLA-ZZ-00-DR-L-0215 P09 – Detailed Planting Proposals – Sheet 15 of 17.

Prior to commencement of development above slab level a scheme for the planting of additional trees around the proposed railway footbridge shall be submitted to and approved in writing by the Local Planning Authority. The planting scheme shall include details of the timing of the planting.

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 – 21/12/01 Rev.A
General Layout & Phasing Plan – 21/12/02 Rev.C
Proposed Block Plan – 21/12/03 Rev.F
Proposed Site Plan Parcel A – 21/12/04 Rev.F
Proposed Site Plan Parcel B – 21/12/05 Rev.F
Proposed Site Plan Parcel C – 21/12/06 Rev.F
Proposed Site Plan Parcel D – 21/12/07 Rev.F
House Type Key Plan Open Market Housing – 21/12/08 Rev.F
House Type Key Plan Affordable Housing – 21/12/09 Rev.F
House Type A & B Floor Plans & Elevations – 21/12/10 Rev.D
House Type C & D Floor Plans & Elevations – 21/12/11 Rev.D
House Type E Floor Plans & Elevations – 21/12/12 Rev.D
House Type F Floor Plans & Elevations – 21/12/13 Rev.D
House Type G Floor Plans & Elevations – 21/12/14 Rev.D
House Type H Floor Plans & Elevations – 21/12/15 Rev.D
House Type J Floor Plans & Elevations – 21/12/16 Rev.D
House Type J (Variation) Floor Plans & Elevations – 21/12/17 Rev.D
House Type K Floor Plans & Elevations – 21/12/18 Rev.D
The Chloe & The Chloe (Variation) Floor Plans & Elevations – 21/12/19 Rev.D
The Bettina Floor Plans & Elevations – 21/12/20 Rev.D
The Cecilia Floor Plans & Elevations – 21/12/21 Rev.D
The Darcey Floor Plans & Elevations – 21/12/22 Rev.D
The Olivia Floor Plans & Elevations – 21/12/23 Rev.D
The Olivia (Variation) Floor Plans & Elevations – 21/12/24 Rev.D
The Georgia Floor Plans & Elevations – 21/12/25 Rev.D
The Damask Floor Plans & Elevations – 21/12/26 Rev.D
The Damask (Variation) Floor Plans & Elevations – 21/12/27 Rev.D
The Amelia Floor Plans & Elevations – 21/12/28 Rev.D
The Eleanor Floor Plans & Elevations – 21/12/29 Rev.D
The Alexander Floor Plans & Elevations – 21/12/30 Rev.D
The Ruby Floor Plans & Elevations – 21/12/31 Rev.D
The Anna Floor Plans & Elevations – 21/12/32 Rev.D
The Victoria Floor Plans & Elevations – 21/12/33 Rev.D
The Imogen Floor Plans & Elevations – 21/12/34 Rev.D
The Imogen (Variations) Floor Plans & Elevations – 21/12/35 Rev.D
The Willow Floor Plans & Elevations – 21/12/36 Rev.D
The Berkeley Floor Plans & Elevations – 21/12/37 Rev.D
The Braithwaite Floor Plans & Elevations – 21/12/38 Rev.D
The Braithwaite (Weeley) Floor Plans & Elevations – 21/12/63 Rev.D
Proposed Outbuildings – 21/12/39 Rev.D
Office Unit A Floor Plans & Roof Plan – 21/12/40 Rev.E
Office Unit A Elevations – 21/12/41 Rev.E
Office Unit B Floor Plans & Roof Plan – 21/12/42 Rev.D
Office Unit B Elevations – 21/12/43 Rev.E
Office Unit C Floor Plans & Roof Plan – 21/12/44 Rev.D
Office Unit C Elevations – 21/12/45 Rev.D
Accommodation Schedule – 21/12/49 Rev.H

Footpath Context & Site Layout – 21/12/50 Rev.A
Parking Layout Plan – 21/12/51 Rev.F
Boundary Treatment Plan - 21/12/53 Rev.H
Demolition Plan - 21/12/61
External Works Materials Plan – 21/12/62 Rev.F
Proposed PROW Plan 21/12/67 Rev.D
Cycle/Pedestrian Access 21/12/69 Rev.D
Network Rail Fencing Plan - 21/12/71 Rev E

2467-LLA-ZZ-00DR-L-0001 P07 – Landscape Masterplan
2467-LLA-ZZ-00DR-L-0201 P07 – Detailed Planting Proposals – Sheet 1 of 17
2467-LLA-ZZ-00DR-L-0202 P09 – Detailed Planting Proposals – Sheet 2 of 17
2467-LLA-ZZ-00DR-L-0203 P09 – Detailed Planting Proposals – Sheet 3 of 17
2467-LLA-ZZ-00DR-L-0204 P08 – Detailed Planting Proposals – Sheet 4 of 17
2467-LLA-ZZ-00DR-L-0205 P08 – Detailed Planting Proposals – Sheet 5 of 17
2467-LLA-ZZ-00DR-L-0206 P08 – Detailed Planting Proposals – Sheet 6 of 17
2467-LLA-ZZ-00DR-L-0207 P07 – Detailed Planting Proposals – Sheet 7 of 17
2467-LLA-ZZ-00DR-L-0208 P08 – Detailed Planting Proposals – Sheet 8 of 17
2467-LLA-ZZ-00DR-L-0209 P07 – Detailed Planting Proposals – Sheet 9 of 17
2467-LLA-ZZ-00DR-L-0210 P09 – Detailed Planting Proposals – Sheet 10 of 17
2467-LLA-ZZ-00DR-L-0211 P07 – Detailed Planting Proposals – Sheet 11 of 17
2467-LLA-ZZ-00DR-L-0212 P07 – Detailed Planting Proposals – Sheet 12 of 17
2467-LLA-ZZ-00DR-L-0213 P07 – Detailed Planting Proposals – Sheet 13 of 17
2467-LLA-ZZ-00DR-L-0214 P07 – Detailed Planting Proposals – Sheet 14 of 17
2467-LLA-ZZ-00DR-L-0215 P09 – Detailed Planting Proposals – Sheet 15 of 17
2467-LLA-ZZ-00DR-L-0216 P07 – Detailed Planting Proposals – Sheet 16 of 17
2467-LLA-ZZ-00DR-L-0217 P06 – Detailed Planting Proposals – Sheet 17 of 17

2467-LLA-ZZ-00DR-L-0301 P01 - Landscape Specification and Details
2467-LLA-ZZ-00DR-L-0401 P03 - LEAP Proposals
2467-LLA-ZZ-00DR-L-0402 P03 - Public Open Space to School Entrance Proposals
2467-LLA-ZZ-00DR-L-0002 P08 - Land Plan

65203381-SWE-ZZ-XX-DR-R-0001 Rev.B01 - Existing General Arrangement
65203381-SWE-ZZ-XX-DR-R-0002 Rev.B01 – Proposed General Arrangement
65203381-SWE-ZZ-XX-DR-R-0003 Rev.B01 – Proposed Sectional Elevations
65203381-SWE-ZZ-XX-DR-R-0004 Rev.B01 – Proposed Northern Ramp General Arrangement
65203381-SWE-ZZ-XX-DR-R-0005 Rev.B01 - Proposed Southern Ramp General Arrangement
65203381-SWE-ZZ-XX-DR-R-0006 Rev.B01 – Proposed Sectional Elevation North Side
65203381-SWE-ZZ-XX-DR-R-0007 Rev.B01 - Proposed Sectional Elevation South Side
65203381-SWE-ZZ-XX-DR-R-0008 Rev.B01 – Proposed Main Span
65203381-SWE-ZZ-XX-DR-R-0009 Rev.B01 – Proposed Main Span Details
65203381-SWE-ZZ-XX-DR-R-0011 Rev.B01 - Proposed Ramp Details – Sheet 2 of 5
65203381-SWE-ZZ-XX-DR-R-0012 Rev.B01 - Proposed Ramp Details – Sheet 3 of 5
65203381-SWE-ZZ-XX-DR-R-0013 Rev.B01 - Proposed Ramp Details – Sheet 4 of 5
65203381-SWE-ZZ-XX-DR-R-0014 Rev.B01 - Proposed Ramp Details – Sheet 5 of 5
65203381-SWE-ZZ-XX-DR-R-0015 Rev.B01 – Main Deck Trestle Supports
65203381-SWE-ZZ-XX-DR-R-0016 Rev.B01 - Ramp Trestle Supports
65203381-SWE-ZZ-XX-DR-R-0021 Rev.B01 - Proposed Ramp Details – Sheet 1 of 5

TPSar6990117TPP - Tree Protection Plan
TPSarQU0018 – Tree Protection Plan and Method Statements

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development. Details of additional tree planting on both the northern and southern side of the

railway track are required to help mitigate the visual impact of the new pedestrian footbridge.

2. COMPLIANCE WITH DETAILS

CONDITION: The development shall be carried out in accordance with the approved Tree Protection Plan and Method Statements, undertaken by Tree Planning Solutions, dated 1st March 2023. No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the Local Planning Authority.

The tree protection and method statements that have been provided will reduce the risk of direct and indirect development related damage that may otherwise occur to the retained trees. If the method statements and tree protection measures are implemented as part of the development, the proposal can be constructed with reduced disturbance to retained trees.

REASON: To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.

3. 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 has been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include as a minimum:-

- 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 to reduce harm to the environment and result in wider public benefit in accordance with the NPPF.

NOTES FOR CONDITION:

Slab level 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 visualised 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.

4. FURTHER APPROVAL – ENCLOSURES TO BE AGREED

CONDITION: No development shall commence above slab level until additional drawings that show details of the proposed means of enclosure, listed on the approved Means of Enclosure plan,

have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

REASON: To ensure that the development does not prejudice the appearance of the locality.

5. COMPLIANCE WITH DETAILS – HIGHWAY WORKS

CONDITION: Prior to the first occupation of any phase of the development the internal road layout, public right of way, parking and associated improvements shall be provided in principle and accord with Drawing Numbers:

General Layout & Phasing Plan – 21/12/03 Rev.F

Proposed Site Plan Parcel A – 21/12/04 Rev.F

Proposed Site Plan Parcel B – 21/12/05 Rev.F

Proposed Site Plan Parcel C – 21/12/06 Rev.F

Proposed Site Plan Parcel D – 21/12/07 Rev.F

Parking Layout Plan – 21/12/51 Rev.F

Proposed Outbuildings – 21/12/39 Rev.D

Cycle/pedestrian access - 21/12/69 Rev. D

Proposed PROW Plan - 21/12/67 Rev. D

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.

6. ACTION REQUIRED: HIGHWAYS PROVISION OF VISIBILITY SPLAYS

CONDITION: Prior to occupation of each dwelling/flat its associated vehicular access shall be provided with a 1.5 metre x 1.5 metre clear visibility, as measured from and along the boundary, 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.

7. ACTION REQUIRED: HIGHWAYS PROVISION OF VISIBILITY SPLAYS

CONDITION: Prior to the first use of each side road within the development, fronting the cycleway, a 2.4 m x 17 m cycle visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the road junction/ access. Such visibility splays shall thereafter be retained free of any obstruction at all times and must not form part of the vehicular surface of the access.

REASON: To provide adequate inter-visibility between the users of the access and cyclists in the adjoining highway in the interest of highway safety. In accordance with policy DM1.

8. SPECIFIC ACTION: ROADS AND FOOTPATHS

CONDITION: No dwelling/flat shall be occupied until the carriageways and footways serving that dwelling/flat 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.

NOTES FOR CONDITION:

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work

within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

9. FURTHER APPROVAL – PROW DIVERSION

CONDITION: No development shall commence above slab level on any phase of the development until such time as an Order securing the diversion of the existing definitive right of way (within that phase) to a route to be previously agreed in writing by the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with Policies DM1 and DM11.

10. ACTION REQUIRED: HIGHWAYS PROVISION OF VISIBILITY SPLAYS

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

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

11. COMPLIANCE WITH DETAILS: FOOTBRIDGE COLOUR

CONDITION: The pedestrian footbridge shall be dark green in colour and permanently maintained as such.

REASON: To safeguard the visual amenities of the locality.

12. SPECIFIC RESTRICTION OF DEVELOPMENT - ILLUMINATION RESTRICTION

CONDITION: There shall be no illumination installed on or projected on to the pedestrian footbridge structure at any time, including the ramps on either side.

REASON: To minimise light pollution of the environment and to safeguard the amenities of the locality, and in the interests of protecting and enhancing biodiversity.

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

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

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

14. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS EXTENSION AND ALTERATIONS

CONDITION: Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification):- no

enlargement of, or additional windows, doors, rooflights, or dormer windows, shall be constructed/inserted on the dwellings on Plots 4, 5, 6, 166, 178, 252, 253 and 254 hereby permitted, except pursuant to the grant of planning permission on an application made in that regard.

REASON: To enable the Local Planning Authority to retain control over the development in the interest of the amenity of the occupants of adjacent dwellings, and in the interest of the visual amenity of the locality.

15. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS WINDOWS

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Class A and C of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no additional first floor side windows (facing westwards) or roof lights (facing westwards) shall be erected or installed at Plots 165, 248 or 266 except pursuant to the grant of planning permission on an application made in that regard.

REASON - In the interest of the amenity of the occupants of adjacent dwellings.

16. COMPLIANCE WITH DETAILS: NETWORK RAIL FENCING

CONDITION: The 1.8m high palisade fencing shown on drawing number 21/12/71 Rev. E shall be installed upon completion of the hereby approved footbridge and shall be retained and maintained as approved thereafter, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent trespass and unauthorised access onto the railway land in the interests of public safety.

a. 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:

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

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

2: General Note: The proposed vehicular accesses shall be constructed at right angles to the proposed carriageway and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/cycleway/highway verge.

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

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

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

5: Prior to occupation of any phase, the development shall be served by a system of operational street lighting of design approved from the Highway Authority, which shall thereafter be maintained in good repair.

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

8 Additional Considerations

Public Sector Equality Duty (PSED)

- a. In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
 - b. A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - c. B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
 - d. C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- e. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- f. The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- g. It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- h. In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a

public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.

- i. You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- j. It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

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

9 Background Papers

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