

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	17/10/2018
Planning Development Manager authorisation:	AN	18/10/18
Admin checks / despatch completed	KAL SB	19/10/18. 19/10/18.

**Application:** 18/00828/DETAIL      **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Keith Bagnall

**Address:** Land North of 64 The Street Kirby Le Soken

**Development:** Proposed erection of five detached bungalows and associated parking following demolition of existing storage building (reserved matters following 16/02067/OUT allowed on appeal).

### 1. Town / Parish Council

Frinton & Walton Town Council      Object – see main report.

### 2. Consultation Responses

Building Control and Access Officer      There would appear to be insufficient turning facilities for firefighting appliances.

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

Essex Wildlife Trust      We have no comment to make on this application.

Essex County Council Archaeology      The above planning application has been identified as having the potential to harm non-designated heritage assets with archaeological interest.

A full condition was recommended for the full planning application in 2016. The proposed site lies to the rear of historic properties dating from the 16th century which lie within the historic settlement of Kirby le Soken. The area was a small field immediately adjacent to the gardens of the historic properties and lies within the extent of the Conservation Area. The Church dates to the 14th/15th century and lies to the south of The Street which was known as Lower Street on the historic mapping. There is a high probability that evidence relating to the late medieval and postmedieval settlement of the village will survive within the area of the proposed development and will be impacted upon by the development.

The following recommendations are made in line with the Department for Communities and Local Government National Planning Policy Framework:

**RECOMMENDATION:** A Programme of Archaeological evaluation

1. No development or preliminary ground-works can commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ, shall be submitted to the local planning authority.

2. No development or preliminary groundwork can commence on

those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the local planning authority.

3. Following completion of the archaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Further Recommendations:

A professional team of archaeologists should undertake the archaeological work. In the first instance a programme of trial trenching investigation will be required. A brief outlining the level of archaeological investigation will be issued from this office on request. Tendring District Council should inform the applicant of the recommendation and its financial implications.

ECC Highways Dept  
**ORIGINAL COMMENTS**

The Highway Authority raises an objection to the above application for the following reasons:

1 As far as can be determined from the submitted plans the proposal would lead to the intensification of use of a sub standard access by reason of insufficient vehicular visibility splays contrary to the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2 As far as can be determined from the submitted plans the proposed parking facilities fail to provide sufficient space between parking spaces and opposite side of the carriageway to enable efficient and convenient ingress and egress manoeuvres which is likely to lead to vehicles being left parked in the access route or adjacent highway causing conditions of danger, obstruction or congestion contrary to highway safety and Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

3 The proposal would lead to intensification of use of the site without adequate turning facilities for service and delivery vehicles and cars to Plot 6. The proposal would therefore give rise to vehicles reversing into the carriageway or conditions of danger, obstruction or congestion to the detriment of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

The proposal is therefore contrary 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  
**AMENDED COMMENTS**

The Highway Authority raises an objection to the above application for the following reasons:

1 As far as can be determined from the submitted plans the applicant does not appear to own or control sufficient land to provide the access with adequate vehicular visibility splays contrary to the recommended minimum standards for highway safety and Policy DM 1 an of the Highway Authority's Development Management Policies February 2011.

2 The proposal would lead to intensification of use of the site without adequate size 3 turning facilities for fire appliances or delivery vehicles. The proposal would therefore give rise to vehicles reversing into the highway to the detriment of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3 As far as can be determined from the submitted plans the proposal fails to provide off street parking spaces with dimensions in accord with current Parking Standards which is likely to lead to vehicles being left parked in the access route or adjacent highway causing additional conditions of danger, obstruction or congestion contrary to highway safety and Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

4 As far as can be determined from the submitted plans the proposed parking facilities fail to provide sufficient space between parking spaces and opposite side of the access road to enable efficient and convenient ingress and egress manoeuvres which is likely to lead to vehicles being left parked in the access route or adjacent highway causing conditions of danger, obstruction or congestion contrary to highway safety and Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

Informative:

1. Visibility splays should be shown clear to ground and no obstructions whatsoever shown within that splay.
2. Where parking spaces are shown constrained between structures such as walls or fences these spaces should be shown at 3.4m in width to enable circulatory space around the vehicle and for doors to be opened fully.
3. The 4.8m wide access road is unlikely to facilitate ingress and egress manoeuvres into and from a vehicular access at or less than 3.0m in width. If this is to be pursued then swept path analysis drawings should be provided to demonstrate suitable efficient and convenient access manoeuvres can be achieved.
4. Visibility splays should be shown over land within the applicants ownership or control or the highway not over third party owned land.
5. The proposed size 3 turning facility is shown undersized and would be problematic for any large vehicle attempting to use this facility.
6. It is assumed that the area shown as block paving between the access road and Number 64 is proposed off street parking for number 64. If so, the proximity to the connection to The Street will likely lead to manoeuvring in the access, obstruction to the access and vehicles waiting within the highway to turn into the site leading to additional hazards to highway users. Furthermore, as the access is 5.5m or less in width, fails to provide sufficient manoeuvring space for cars to access the hardstanding as parking spaces.

ECC Highways Dept  
2<sup>nd</sup> AMENDED PLANS  
COMMENTS

AMENDED DRAWING NUMBERED 3352-RM-10D DATED 16 OCTOBER 2018

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

- 1 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2 Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that development, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

3 All off street car parking shall be in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained 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 and 8 of the Highway Authority's Development Management Policies February 2011.

4 Prior to the occupation of any of the proposed development the internal road layout shall be provided in accord with Drawing Numbered 3352-RM-10D.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

5 Prior to the first occupation of the proposed dwellings, the proposed vehicular access shall be constructed to a width of 5.5m for at least the first 6m. within the site tapering one-sided over the next 6m. and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

6 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

7 Prior to the proposed access being brought into use, truncated vehicular visibility splays of 43m by 2.4m by 43m (as shown in the amended drawing) as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be retained and maintained free from obstruction clear to ground thereafter.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the

Highway Authority's Development Management Policies February 2011.

Informative1: It is suggested by the Highway Authority that the proposed off street parking provision for Number 64. The Street, be provided with a 4m radius on the northern side of the hard standing to ease access manoeuvres.

Informative2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

Tree & Landscape Officer  
**ORIGINAL COMMENTS**

In order to show the potential impact of the development of the land on the trees and hedgerows on the application site the applicant has provided a detailed Arboricultural Assessment (AIA) that is in accordance with BS5837 2012: Trees in relation to design, demolition and construction: Recommendations.

However the report is the same as submitted with the 2016 application and has not been updated to reflect the changes in the layout shown in the current application.

It would appear that the creation of a turning head and the proposed extension of the vehicular access may alter the impact on some of the trees on the land.

The site layout makes provision for the retention of the boundary vegetation to the north ' important for its screening value and shows the retention of some of the trees in the main body of the land situated close to the southern boundary but it does not accurately identify those trees to be removed nor the way that retained trees will be physically protected for the construction phase of the development.

Whilst it may not be necessary for the applicant to provide a complete new tree survey they will need to provide information relating to which trees are to be removed and more importantly how retained trees will be protected for the duration of the construction phase of any development that may be granted planning permission.

Should planning permission be granted then details of soft landscaping, as shown on the site layout plan and including new tree planting, should be secured by condition.

Tree & Landscape Officer  
**AMENDED COMMENTS**

In order to show the potential impact of the development of the land on the trees and hedgerows on the application site the applicant has provided an Amended Arboricultural Assessment (AIA) that is in accordance with BS5837 2012: Trees in relation to design, demolition and construction: Recommendations.

The site layout makes provision for the retention of the boundary vegetation to the north ' important for its screening value and shows the retention of some of the trees in the main body of the land situated close to the southern boundary. It also identifies those trees to be

removed or retained and the way that retained trees will be physically protected for the duration of the construction phase of the development.

The information provided ensures that the trees with the greatest visual amenity value and screening benefits are retained.

Should planning permission be granted then details of soft landscaping, as shown on the site layout plan and including new tree planting, should be secured by condition.

Tree & Landscape Officer  
**2<sup>nd</sup> AMENDED PLANS  
COMMENTS**

Additional Comments received 17th October 2018:

In terms of soft landscaping to provide screening the information provided by the applicant is sufficient to secure an adequate level of new planting.

**3. Planning History**

11/01045/TCA	1 No. Pine - fell, 1 No. Ash - pollard.	Approved	27.09.2011
16/02066/FUL	Demolition of triple garage/storage building.	Approved	28.02.2017
16/02067/OUT	Proposed erection of five detached retirement bungalows and associated parking following demolition of existing block/storage building.	Refused	18.04.2017
18/00800/FUL	Rear and side extension.	Approved	16.07.2018

**4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG9 Private Amenity Space

HG14 Side Isolation

HG13 Backland Residential Development

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

EN29 Archaeology

EN3 Coastal Protection Belt

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL1 Managing Growth

SPL3 Sustainable Design

LP1 Housing Supply

LP3 Housing Density and Standards

PPL3 The Rural Landscape

LP4 Housing Layout

LP8 Backland Residential Development

PPL2 Coastal Protection Belt

PPL7 Archaeology

PPL8 Conservation Areas

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to

address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to 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' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The application site is located on the northern side of The Street within the village of Kirby-le-Soken. The site is situated within the Kirby-le-Soken Conservation Area in an area of amenity land set to the rear of numbers 64 to 52 The Street. The site is currently largely laid to grass and contains a number of trees arranged as an informal orchard. The southern and eastern boundaries are marked by close boarded fencing apart from a small section of the southern boundary where the north facing elevation of no. 54 forms the shared boundary. The northern boundary is enclosed by vegetation and wire fencing beyond which to the north are the village allotments. The access to the site is from the western end of the site onto The Street and is currently gravelled. This access also part serves no. 66 and a field to the rear.

The dwellings to the front of the site onto The Street comprise of a predominantly rendered cottages with pitched or gambrel roofs tiled in a mixture of slate, clay and concrete tiles. No. 56 The Street to the south of the site is a listed building as is no. 44 to the east.

The site also lies within a Coastal Protection Belt designation.

### Proposal

The application seeks the approval of the reserved matters associated with the outline approval reference 16/02067/OUT allowed on appeal APP/P1560/W/17/3176998.

After some confusion over the number of dwellings allowed at appeal the application has been amended and corrected to comprise 5 detached bungalows.

### Assessment

The main considerations are;

- Principle of Development;
- Scale, Layout and Appearance;



- Residential Amenities;
- Trees and Landscaping;
- Access, Turning and Parking;
- Requirements of Outline Conditions; and,
- Representations.

#### Principle of Development

Planning permission was allowed at appeal for the erection of five bungalows and associated parking subject to the following conditions:

- 1 - 3. Standard Time Limit Conditions
4. Submission of a Construction Method Statement
5. Removal of permitted development rights for Classes A and E.

The principle of residential development on this site has therefore been established through the granting of 16/02067/OUT. The reserved matters application must therefore consider scale, layout, appearance, landscaping and access together with details required by the conditions.

#### Scale, Layout and Appearance

The site itself is not within any protected landscape designations and forms a well enclosed parcel of land to the rear of the existing frontage development onto The Street. Therefore, whilst it is acknowledged that the first two properties may be visible from the highway they would be significantly set back and softened by supplementary planting. The properties would also be single storey in height and therefore largely screened by the built form to the south and extensive vegetation along the northern and western boundaries. As such the development would not represent a prominent intrusion into open countryside and due to the inconspicuous nature of the site would have no adverse impact on the local landscape character.

As stated above the site is situated within the Kirby-le-Soken Conservation Area. Consequently the development should either preserve or enhance the special qualities of the conservation area. In this instance the development would, due to its siting at the rear of the historic frontage development onto The Street, suitably preserve historic views of the cottages and the sense of enclosure they provide this section of The Street. The development also necessitates the removal of the current triple garage which is acknowledged as a negative feature within the street scene. Its replacement with an access softened with supplementary planting and glimpses of the development to the rear would arguably enhance this section of the conservation area. As such it is considered that a single storey development of five bungalows constructed from sympathetic materials on this largely hidden site would have a neutral impact on the conservation area setting. Furthermore, important street scene views of the listed buildings to the south and east of the site would not be harmed due to the siting and single storey nature of the properties proposed.

In respect of the Coastal Protection Belt designation, Policy EN3 of the 2007 Local Plan requires that development which does not have a compelling functional need, to be located outside of the Coastal Protection Belt. The emerging plan while carrying little material weight explains that the policy is to protect the open character of the undeveloped coastline. The impact on the Coastal Protection Belt will be minimal having regard to the character of the existing settlement. The application site forms a parcel of land enclosed on all sides by vegetation and to the north by allotments. The site at present does not therefore promote the open undeveloped nature of coastal area. The development of the site with housing would not therefore significantly harm the landscape character or quality of the undeveloped coastline.

The layout of the development broadly reflects the indicative plan considered at the outline stage. The site can satisfactorily accommodate 5 bungalows whilst maintaining sufficient spacing between the properties and the adequate provision of private amenity space in excess of 100sqm. The layout in a linear manner set to the rear of the site will also allow for the provision of a communal amenity space to the south-east corner of the site incorporating the retention of the best trees. The layout plan also shows that the re-configured amenity space serving no.64 The Street would be useable and in excess of 100sqm.

The dwellings are of a similar design but vary due to the mixture of facing and roofing materials. The variation in materials consists of red bricks, buff bricks, slate tiles, red tiles and some weatherboarded and rendered elements. This approach uses a palette of materials that not only combines materials used in the locality but also adds interest to the street scene of the development.

The boundary treatments consist of post and rail/wire fencing with additional hedgerow and tree planting included within an amended landscaping scheme. The landscaping encompasses the rear and side boundaries adjacent to the open fields and standard close boarded fencing between the dwellings. This ensures an appropriate visual impact in the locality whilst ensuring privacy between the properties.

#### Residential Amenities

The NPPF, at paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Policy SPL3 of the Draft Plan carries forward the sentiments of these saved policies and states that 'the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.

The properties are single storey in scale and are situated a sufficient distance from the properties to the south to avoid resulting in any adverse impact on neighbouring amenities in regard to sunlight, daylight, outlook or privacy. Whilst no. 54 The Street is sited on the boundary of the site, this area will remain an amenity space. This together with the existing trees ensures an acceptable relationship between existing and proposed dwellings.

The donor and new dwellings are all provided with private amenity areas that accord with policy standards.

#### Access, Turning and Parking

The layout of the development has been amended and now incorporates an appropriate access, road width, turning head, individual plot accesses and driveways and parking bays. The size and number of parking spaces serving the development meets adopted standards providing 2 spaces per dwelling and retaining 2 for the donor property.

Essex County Council Highway Authority has worked with the Agent and Local Planning Authority to ensure that the visibility splays are achievable and acceptable in highway safety terms to serve the development.

The revised layout and turning areas allow for fire vehicles access also overcoming the objections raised by the Council's Building Control department.

#### Trees and Landscaping

The tree survey and report provided at the outline stages satisfies the tree and landscaping considerations. The amended landscaping scheme has been assessed by the Council's Tree and Landscaping Officer. The Council is satisfied that the proposals will provide suitable screen planting to ensure that the development sits comfortably within its surroundings and that the new planting will enhance the appearance of the development.

#### Ecology and Biodiversity

The necessary habitat survey and further protected species survey was carried out at the outline planning application stages.

An ecological enhancement scheme which seeks to secure the installation of bird and bat boxes will be secured by condition. This together with the additional planting and trees will mitigate the impact of the development and enhance the biodiversity potential of the site.

### Other Considerations

Essex County Council Archaeological Team have requested a condition securing a programme of archaeological evaluation due to the probability that evidence relating to the late medieval and postmediaeval settlement of the village will survive in the area of the development.

The Council failed to include this within their suggested conditions at the time of the appeal procedures and the necessary conditions were not therefore included as part of the outline consent.

It would therefore be unreasonable for the Council to impose these conditions as part of this reserved matters application.

### Representations

Frinton & Walton Town Council recommends refusal on the basis that the development represents overdevelopment of the site increasing the number of properties previously approved. Objections are also raised against the single access out on to a road which narrows at this end of the village.

***The application has been amended and is now in line with the number of units allowed on appeal. The Highway Authority raise no objections subject to conditions which will be imposed where necessary. No further comments have been received from the Town Council in respect of the amended plans.***

1 individual letter of support has been received from 62 The Street.

6 further letters of objection have been received. The concerns raised can be summarised and addressed as follows;

- Object to more dwellings in this area.
- Detrimental to the conservation area.
- Detrimental to the character of the area.
- Cumulative harmful impact from this and other approved developments within the conservation area.

*This is a reserved matters application. The application has now been amended to be in line with the number of units approved at the outline stage. The principle of development is not under consideration as this has been established by the granting of the outline permission at appeal. The impact on the conservation area from the development itself and this detailed application have all been addressed above.*

- Harmful impact upon biodiversity.

*The reports and surveys provided as part of the outline application satisfactorily deal with the biodiversity issues and these together with appropriate conditions regarding the timing of any clearance and the submission of an enhancement scheme will result in a development in terms of ecology.*

- Extra strain on already busy and congested road.
- Close to part of road that reduces in width.
- Insufficient turning area for larger vehicles.
- *The visibility splays encroach into land outside of the ownership of the applicant.*

*The amended access, visibility splays, road width and turning areas now meet highway requirements and the development will not result in any severe harm on highway safety or the road network overall. Any dispute over land ownership must be resolved by the parties involved. If the visibility splays cannot be achieved then the application will need to be re-submitted with amended splays for consideration.*

- Loss of mature trees.
- Insufficient planting.
- Existing planting lies outside of the site area.

*The necessary tree report and survey has been provided and the details assessed by the Council's Tree and Landscaping Officer. The amended and enhanced landscaping scheme is satisfactory.*

- Susceptible to flooding.

*The site is not within a flood zone and the scale of development does not require the submission of a surface water drainage strategy. The hard surfaced areas will be permeable.*

- No details of how waste collection will be dealt with.

*The amended road layout and turning areas now allow for access and egress of large refuse vehicles allowing the collection of refuse from each individual plot.*

### Conclusion

The application meets the requirements of the outline application and results in a well-designed, well-spaced, well landscaped development that will not result in any significant harm to the character of the area, highway safety, biodiversity, neighbouring amenity therefore preserving the character and appearance of the conservation area.

## **6. Recommendation**

Approval - Reserved Matters/Detailed

## **7. Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and materials schedule: 3352-RM-LOC, Drawing Ref. RM-10 D, Drawing Ref. RM-20, Drawing Ref. RM-21 and Drawing Ref. RM-22.

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

- 2 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes B 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), there shall be no additions or alterations to the roof of the dwellings except in accordance with drawings showing the design and siting of such additions which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - It is necessary for the Local Planning Authority to be able to consider and control further development in order to ensure that visual impact on this edge of settlement, conservation area location is acceptable and to ensure that no harm to neighbouring amenities will occur.

- 3 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A 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), other than those boundary treatments shown on the approved plans, no provision of fences, walls or other enclosures, shall be erected on the perimeter of the site or forward of the front elevation of the dwellings hereby approved.

Reason - In the interests of visual amenity to retain a spacious appearance and in the interests of the character and appearance of the edge of settlement location and conservation area location.

- 4 All changes in ground levels, hard landscaping, planting, seeding or turfing shown the approved landscaping details Drawing Ref. RM-10 D shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the

Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the implementation of the approved scheme and adequate maintenance of the landscaping for a period of five years in the interests of the character of the conservation area.

- 5 The removal of any vegetation shall only be carried out outside of the bird nesting season (March to August inclusive).

Reason - To ensure the protection of birds potentially nesting on site.

- 6 The development shall not be occupied until such time as the road, turning, driveways and parking bays have been provided in accordance with the approved plans and shall be retained in this approved form thereafter.

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

- 7 Prior to the commencement of the development, a detailed ecological management scheme, mitigation plan and enhancement methods in accordance with the recommendations of the Preliminary Ecological Assessment Including a Protected Species Assessment dated January 2017 (which also has regard to the findings of the Reptile Survey Report dated March 2017) submitted with the outline application 16/02067/OUT shall be submitted to and approved in writing by the Local Planning Authority. The scheme, which shall include a timetable for its implementation, shall be implemented in accordance with the approved works before occupation of the hereby approved development.

Reason - To preserve and enhance the biodiversity of the site.

- 8 Prior to the first occupation of the proposed dwellings, the proposed vehicular access shall be constructed to a width of 5.5m for at least the first 6m. within the site tapering one-sided over the next 6m. and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason - To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety.

- 9 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 10 Prior to the proposed access being brought into use, truncated vehicular visibility splays of 43m by 2.4m by 43m (as shown in the amended drawing) as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be retained and maintained free from obstruction clear to ground thereafter.

Reason - To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

## **8. Informatives**

### **Positive and Proactive Statement**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Agent and 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.

#### Conditions Precedent

The applicant is reminded that the detailed planning consent is subject to conditions attached to the outline permission for this development reference 16/02067/OUT. Please refer to the outline planning permission to ensure full compliance with all conditions.

Please note that pre-commencement conditions remain outstanding from the outline consent. Condition 5 of 16/02067/OUT requires the submission and approval of a Construction Method Statement prior to the commencement of the development. A discharge of condition application for the conditions attached to this permission should include the construction method statement required by 16/02067/OUT.

#### Highways Informatives

1. It is suggested by the Highway Authority that the proposed off street parking provision for Number 64, The Street, be provided with a 4m radius on the northern side of the hard standing to ease access manoeuvres.

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

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

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