

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	06/03/2019
Planning Development Manager authorisation:	SCE	07.03.19
Admin checks / despatch completed	ERZ	07/03/19

Application: 18/01446/FUL **Town / Parish:** Clacton Non Parished
Applicant: Punch Partnerships (PML) Limited
Address: The Ship Inn 2 Valley Road Clacton On Sea

Development: Erection of a terrace of three 3no. bedroom two storey houses with landscaping, parking, and fencing with new access onto Old Road.

1. Town / Parish Council

Clacton – No Town Council

2. Consultation Responses

ECC Highways Dept

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority based on the additional information received in the transport statement, report no. 1803-31/TN/01 and revised Proposed Site Layout Plan 17,2465,110 - P8 and subject to the following mitigation and conditions:

1. Prior to first occupation of the development, the proposed vehicular access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2 metres by 43 metres to the north and 2.4 metres by 43 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.
2. Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be constructed to a width of 6m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
3. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6 metres of the highway boundary
4. There shall be no discharge of surface water from the development onto the Highway of Valley Road.
5. Prior to first occupation the vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times.
6. Each vehicular parking space shall have minimum dimensions of 2.5 metres x 5 metres.

7. Vehicular parking spaces 1 and 6 are each bounded by walls or other construction and must therefore be provided with extra width 3 metres x 5 metres long, to allow for extra manoeuvrability and entry/exit of people to and from the vehicle.

8. 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

9. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

10. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

11. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway/carriageway.

Natural England

Planning consultation: Erection of a terrace of three 3no. bedroom two storey houses with landscaping, parking, and fencing with new access onto Old Road

Location: The Ship Inn 2 Valley Road Clacton On Sea Essex

Thank you for your consultation on the above dated 22 February 2019 which was received by Natural England on 22 February 2019

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE - European designated sites

It has been identified that this development site falls within the 'Zone of Influence' (Zoi) of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

As you will be aware, the Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Tendring District Council, working together to mitigate the recreational impacts that may occur on the interest features of the coastal European designated sites in Essex as a result of new residential development within reach of them; the European

designated sites scoped into the RAMS are notified for features which are considered sensitive to increased levels of recreation (e.g. walking, dog walking, water sports etc.) which can negatively impact on their condition (e.g. through disturbance birds, trampling of vegetation, erosion of habitats from boat wash etc.). For further information on these sites, please see the Conservation Objectives and Information Sheets on Ramsar Wetlands which explain how each site should be restored and/or maintained

In the context of your duty as competent authority under the provisions of the Habitats Regulations², it is therefore anticipated that, without mitigation, new residential development in this location is 'likely to have a significant effect' on one or more European designated sites, through increased recreational pressure, either when considered 'alone' or 'in combination' with other plans and projects.

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We understand that you have screened this proposed development and consider that it falls within scope of the Essex Coast RAMS, and that you have undertaken a Habitats Regulations Assessment (HRA) (Stage 2: Appropriate Assessment) in order to secure any necessary recreational disturbance mitigation, and note that you have recorded this decision within your planning documentation.

We consider that without appropriate mitigation the application would:
- have an adverse effect on the integrity of European designated sites within scope of the Essex Coast RAMS

We are satisfied that the mitigation described in your Appropriate Assessment is in line with our strategic-level advice (our ref: 244199, dated 16th August 2018 and summarised at Appendix 1). The mitigation should rule out an 'adverse effect on the integrity' (AEOI) of the European designated sites that are included within the Essex Coast RAMS from increased recreational disturbance.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these mitigation measures.

UU Open Spaces

Current Position

There is currently a deficit of 41.08 hectares of play in the Clacton/Holland area.

Any additional development in Clacton will increase demand on already stretched facilities.

The nearest play areas to the proposed development are located off at Old Road

Recommendation

Due to the close proximity to the site it is highly likely that the biggest impact would be felt at these play areas. Therefore, to ensure the facilities are adequate and able to cope with the additional usage it would be necessary to increase the level of provision.

Any on contribution would be used for improvements at: Old Road Play Area

Tree & Landscape Officer

The main body of the application site is set to rough grass and brambles. There are established trees on the boundaries of the application site that make a positive contribution to the appearance of the Gt Clacton Conservation Area.

In order to show the impact of the development proposal on the trees on the land the applicant has submitted an Arboricultural Impact Assessment (AIA) and Method Statement. This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction: Recommendations

The report accurately describes the health and condition of the trees identifies the extent of the constraint that they are on the development potential of the land. The report identifies the need to fell two Sycamores (T5 and T6) and an Ash (T1).

Both of the Sycamores are self-sown, multi-stemmed specimens that are situated directly adjacent to a boundary wall and fence. Despite their amenity value the trees are not well formed and are not viable specimens in the locations in which they are growing.

The Ash is also not well formed and has extensive die-back within its crown. Decay is present at the base of the main stem.

None of the trees identified for removal warrant retention or merit protection by means of a tree preservation order.

If planning permission were likely to be granted then a condition should be attached to ensure that retained trees (T3 and G7) are protected for the duration of the construction phase of the approved development and as set out in the AIA.

There appears to be little scope for new soft landscaping although it may be possible to introduce low level planting to the front of the proposed dwellings

Building Control and Access Officer

No comments at this stage.

Essex County Council Archaeology

The Essex Historic Environment Record (HER) and Tendring Historic Environment Characterisation Project, demonstrate that the proposed development lies within an area of archaeological interest.

The proposed development lies within the historic core of Great Clacton in the former open central core area formed by the coalescence of Brook Street and Old Road The site includes The Ship Inn which is a listed building dating to the 16th century which later became a public house. The Parish Church of St John lies to the north and dates to the 12th century. The manorial hall was located north of the Church. Historic mapping depicts various outbuildings associated with the public house over the last 150 years, however the rest of the site has remained largely undeveloped. The potential for the survival of archaeological remains associated with the settlement of Great Clacton is high and these will be impacted upon by the proposed 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.

2. 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.

Reason for recommendation

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

Further Recommendations:

A professional team of archaeologists should undertake the archaeological work. The archaeological work will comprise initial trial trenching evaluation.

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.

3. Planning History

07/01191/FUL	Renovations to rear patio area and replacement fencing.	Refused	09.10.2007
07/01358/LBC	Rear patio smoking area and replacement fencing.	Refused	08.10.2007
12/01448/FUL	Form new external door and window openings and infill existing openings. New internal partitions and Part removal of internal wall. Erection of pergola following demolition of existing pergola.	Approved	04.03.2013
12/01449/LBC	Form new external door and window openings and infill existing openings. New internal partitions and part removal of internal wall. Erection of pergola following demolition of existing pergola.	Approved	04.03.2013
13/00398/FUL	Remove and replace roof coverings using existing materials	Approved	

	and replace with reclaimed equivalent.		
13/00399/LBC	Remove and replace roof coverings using existing materials and replace with reclaimed equivalent.	Approved	
13/00795/LBC	Replacement signage.	Approved	10.09.2013
13/00796/ADV	Replacement signage - 2 fascia signs, 2 projecting/hanging signs and 3 other signs.	Approved	10.09.2013
18/01446/FUL	Erection of a terrace of three 3no. bedroom two storey houses with landscaping, parking, and fencing with new access onto Old Road.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

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

EN6 Biodiversity

EN6A Protected Species

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

EN29 Archaeology

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

HG14 Side Isolation

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

COM6 Provision of Recreational Open Space for New Residential Development

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

LP1 Housing Supply

LP4 Housing Layout

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PPL4 Biodiversity and Geodiversity

PPL7 Archaeology

PPL8 Conservation Areas

PPL9 Listed Buildings

HP5 Open Space, Sports & Recreation Facilities

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 within the settlement boundary of Clacton and is set on the corner of Valley Road and Old Road where it meets St Johns Road. The Ship Inn itself is a Grade II listed building and is located to the north of the site. The site is in the Great Clacton Conservation Area.

The site itself is characterised by the large two storey Ship Inn itself which addresses the corner/roundabout to the north. A part tarmac, part gravel car park exists to the east with an enclosed pub garden to the north. The far southern part of the pub garden is separated by a detached building (in separate ownership) which leads on to an extensive fence line which directly abuts Old Road. The southern limits of the site are extensively covered by a mix of mature trees. The site slopes down gently from north to south.

Proposal

Planning permission is sought for the erection of three terraced houses on land at the Ship Inn public house on an area which presently forms additional curtilage land and a small part of the rear of the gravel car park.

The terrace of houses would address Old Road to the south of the pub with a shared access drive leading to a new parking area for the houses further to the south. Externally, the building would feature red facing brickwork under a clay tiled pitched roof. Windows and doors will be timber sash and painted/stained hardwood respectively.

The whole terrace block would measure 8.7m to pitch height, 9.5m in depth and 16.2m in width.

Appraisal

Principle of Development

The application site is located within the built-up limits of Clacton, which is designated as a principal settlement and the main focus for development in the District. The principle of development in this location is therefore acceptable.

The site constitutes previously developed land and therefore may be regarded as development on brownfield land. The proposed development comprises of the construction of three new terraced homes. This will contribute towards the supply and choice of housing in the area and help to maintain a sustainable community in accordance with NPPF provisions.

Although the area of land for the new homes forms part of an open area associated with the pub, this does not form part of the pub garden. It is set to the north of the site of the proposed houses and enclosed by fencing. The land in question is therefore effectively an unused parcel of land which largely comprises scrub and overgrown vegetation. As such the development of the site in question would not harm the viability of the Ship Inn Public House.

Design/Heritage Impact

The houses are to be of traditional appearance and simple form and will include a red brick exterior with reconstituted stone heads and cills under gabled clay tiled roof. Small frontage gardens are to be bounded by black painted metal railings and will reinforce local character and will improve key views along Old Road by replacing the existing dilapidated fencing. During the course of the application revised plans have been received securing additional features on the dwellings to enhance their appearance these include; exposed rafter feet at eaves level, pitched roof canopies to the entrance doors and arched soldier courses over the windows. The dwellings have also been moved further southwards to provide a better gap to the small building directly to the north.

The character of buildings in the area is mixed comprising of detached, semi-detached and terrace forms. Being within a conservation area the buildings are traditional in form and appearance and contain pitched roofs with a variety of exterior materials being used. The vast majority of the buildings around the site are set in close proximity to the highway/footpath it addresses.

Against this backdrop the scale, siting, appearance and massing of the proposed properties accords with the character and appearance of built form in the vicinity of the site and would suitably preserve the appearance of the Gt Clacton Conservation Area.

Paragraph 189 of the National Planning Policy Framework (2019) states that 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance'.

In terms of heritage impact, the site is set on the edge of the conservation area and the Ship Inn itself is a Grade II listed building. Additional listed buildings are also in close proximity to the site and include Church of St John the Baptist (Grade I); The Maltings and Shop on the corner of St Johns Road. The application is supported by a heritage statement addressing these issues which concludes the following;

- Due to the siting and location on part of the existing car park, the listed pub will remain visually dominant and appreciable within localised views, particularly at the roundabout junction of Old Road (B1369), and St John's Road and Valley Road (B1027). The overall impact to this significance will be negligible.
- As the topography and intervening development will ensure that an appreciation of the development proposals is obscured, there will be no impact to the St John the Baptist Church's significance.
- The impact that the development proposals will cause to the significance of listed structures in the vicinity is considered to be negligible due to the new development being of a form, scale and massing consistent with those properties and sufficiently positioned away from Old Road to follow the established pattern of development.
- The site does not make a particularly positive contribution to the conservation area given that it forms part rough grassland and gravel car park. The boundary fencing is also a negative feature. The re-development of the site will provide a new active frontage to this section of Old Road and replace the boundary fencing resulting in overall enhancement in views into the entrance of the conservation area.

Having reviewed the findings of the heritage statement it is agreed that the development would not harm the significance of heritage assets in the vicinity of the site and would preserve the character and appearance of the Gt Clacton Conservation Area.

Layout/Functional Needs

The dwellings suitably address Old Road with a slight setback for planting and to achieve the required level of visibility from the new access. The pattern of development reflects the linear nature of development on the opposite side of Old Road.

Rear gardens to the proposed dwellings would vary in size (ranging from 60 to 100 square metres) with each accommodating refuse and cycle storage facilities. Whilst one of the properties would have a rear garden below the required threshold set in saved policy HG9 the shortfall is not considered to cause demonstrable harm and would reflect the size of rear gardens in the vicinity. It must also be noted that residents would have use of the amenity area to the south of the site which accommodates several trees.

Boundaries between the proposed dwellings would include 1.8m high close boarded fencing to the rear. The homes will include two car spaces each with a further visitor space provided within a landscaped parking court which will include turning space to ensure safe exit in forward gear.

Residential Amenities

The proposed dwellings would be situated a significant distance from the recently constructed bungalows to the south-east not to cause any adverse impact upon resident's outlook and privacy.

Highways Considerations

Following an initial objection from ECC-Highways concerning the access onto Old Road and the arrangement of the parking bays amended plans have been received which overcome those concerns.

ECC-Highways now confirm no objections subject to;

- Visibility splays of 43m x 2.4m in both directions being provided to the access
- Access being constructed at right angles and to a width of 6m as per submitted plan
- No unbound materials being used in first 6m of access/parking area
- No surface water being discharged to the highway
- All parking bays being provided prior to occupation and retained as approved thereafter
- Parking bay measurements of 5m x 2.5m and 3m x 2.5m for bays 1 and 6
- Submission of CMS/Residential Travel Information Packs
- Provision of bicycle storage areas prior to occupation.

The majority of these requirements are shown on the submitted plans. The other matters will be secured via condition. Parking provision is shown to be in accordance with the current parking standards i.e. 2 spaces per property and 1 visitor bay.

Ecology/Trees

An initial ecological appraisal has been submitted which recommends the following mitigation/enhancement measures;

- Vegetation removal outside of the bird nesting season
- Soft felling of an Ash Tree with low bat roost potential
- Use of sensitive lighting to avoid impact upon foraging bats; and
- The insertion of bat boxes to the end gables of the dwellings

These measures will be secured via condition.

A Habitats Regulation Assessment has been undertaken by the Council which concludes that the development is likely to have a significant effect on one or more European designated sites through increased recreational pressure. A condition is to be included securing mitigation outlining visitor management measures. Natural England have been consulted and confirm that they have no objections subject to the appropriate mitigation being secured.

In order to show the impact of the development proposal on the trees on the land the applicant has submitted an Arboricultural Impact Assessment (AIA) and Method Statement. The report accurately describes the health and condition of the trees identifies the extent of the constraint that they are on the development potential of the land. The report identifies the need to fell two Sycamores (T5 and T6) and an Ash (T1).

Both of the Sycamores are self-sown, multi-stemmed specimens that are situated directly adjacent to a boundary wall and fence. Despite their amenity value the trees are not well formed and are not viable specimens in the locations in which they are growing. The Ash is also not well formed and has extensive die-back within its crown. Decay is present at the base of the main stem. None of the trees identified for removal warrant retention or merit protection by means of a tree preservation order.

The Council's Tree Officer has confirmed that a condition should be attached to ensure that retained trees (T3 and G7) are protected for the duration of the construction phase of the approved development and as set out in the AIA.

Public Open Space Contribution

The Council's Open Space Team has confirmed that there is a deficit of play and open space in the area. Therefore, to ensure the facilities are adequate and able to cope with the additional usage a contribution is relevant and justified to this application and would be used for improvements to the current play equipment at Old Road Play Area

A completed unilateral undertaking has been provided to secure this legal obligation and to ensure compliance with saved policy COM6.

Other Considerations

ECC-Archaeology Team have confirmed the need for a programme of archaeological evaluation, which will be secured by condition.

No letters of representation have been received in respect of this application.

6. Recommendation

Approval

7. Conditions

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers 17.2465.100 P3, 17.2465.111 P3, 17.2465.113 P3, 17.2465.110 P8 and 17.2465.112 P4

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

- 3 No development or preliminary ground-works can commence until a programme of archaeological trial trenching 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 through re-design of the development, shall be submitted to the local planning authority.

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

- 4 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.

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

- 5 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.

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

- 6 The recommendations as highlighted within Section 5 of the submitted Bat Survey shall be implemented prior to occupation of the dwelling and maintained in perpetuity thereafter.

Reason - In order to enhance the development of the site for local wildlife.

- 7 Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction.

Reason - To enhance the visual impact of the proposed works.

- 8 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details 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 enhance the visual impact of the proposed works.

- 9 No above ground development shall be commenced until samples of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason - The development is publicly visible and therefore sympathetic materials are a visually essential requirement.

- 10 Prior to first occupation of the development, the proposed vehicular access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2 metres by 43 metres to the north and 2.4 metres by 43 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between vehicles using the vehicular access and those in the existing public highway in the interest of highway safety.

- 11 Prior to the first occupation of the proposed dwellings, the proposed vehicular access shall be constructed to a width of 6m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

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 simultaneously clear of the limits of the highway, in the interests of highway safety.

- 12 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6 metres of the highway boundary.

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

- 13 Prior to the first occupation of the dwellings the vehicle parking area indicated on the approved plans, shall have been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times.

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

- 14 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.

- 15 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator for each dwelling.

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

- 16 The proposed parking area shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the site.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

- 17 The recommendations contained in the Arboricultural Impact Assessment and shown on drawing no. ECO-2 Tree Protection Plan, relating to the extent of the Root Protection Areas and the physical protection of the tree roots, shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected.

Reason - To minimise disturbance to and help to ensure the satisfactory retention of the protected trees.

- 18 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Class E and 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), no provision of buildings, fences walls or other enclosures, swimming or other pool shall be erected except in accordance with drawings showing the design and siting of such buildings/structures which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - The proposal involves a development within a conservation area and the provision of buildings, pools and enclosures will need to be carefully controlled to preserve the historic character of the surrounding area and to ensure adequate private amenity space is retained for each dwelling.

- 19 The development shall be carried out in accordance with the ecological mitigation/enhancement measures as outlined within section 5.3 of the submitted Initial Ecological Appraisal as prepared by ecosupport (Dated August 2018).

Reason - In the interest of biodiversity and to ensure the proposal does not adversely impact on the habitat of protected species.

- 20 No above ground works shall be carried out until proposals for the mitigation of the recreational impact of the development on protected Essex Coast Habitats (European) Sites have been submitted to and approved in writing by the Local Planning Authority. Such proposals must provide for visitor management measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The development shall be carried out in accordance with and subject to the proposals as may be approved prior to the occupation of the hereby approved dwellings.

Reason - In order to safeguard protected wildlife species and their habitats in accordance with the NPPF and Habitats Regulations 2017. This condition is required to be agreed prior to the commencement of any house building to ensure adequate time for any agreement to be secured and mitigation implemented prior to occupation.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ECC-Highways Informative

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.

Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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 or by post to:

Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

Cost of Works - 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.

Site Workers - Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

The applicant is reminded that this permission is linked to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

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