

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	20/05/19
Planning Development Manager authorisation:	AN	23/5/19
Admin checks / despatch completed	ER SB	24/5/19 24/05/19

**Application:** 18/01348/FUL

**Town / Parish:** Thorpe Le Soken Parish  
Council

**Applicant:** Ms L Jones

**Address:** Land adjacent The Coach House Colchester Road

**Development:** Proposed erection of no.2 houses.

### 1. Town / Parish Council

Thorpe-le-Soken Parish  
Council

Recommend Refusal:

- Overdevelopment of site
- Dangerous access onto a heavily used highway
- Concerns over parking for the size of property
- Impact on neighbouring property

### 2. Consultation Responses

UU Open Spaces

Current Position

There is currently a deficit of 2.43 hectares of play and formal open space in Thorpe-le-Soken.

Any additional development in Thorpe-le-Soken will increase demand on already stretched play facilities. Currently there is only one play area in the village located at Lady Nelson Playing Fields, Station Road. This play area is classified as a Local Equipped Area for Play but is limited in size and would struggle to cope with any additional need.

The Parish Council have plans to provide additional facilities and create a trim trial at Lockyers Wood in Thorpe which is owned by the parish council. Lockyers Wood is situated approx. 0.9 miles from the proposed development site.

Recommendation

Due to the significant lack of provision in the area it is felt that a contribution, in line with the current policy, is justified and relevant to the planning application and that this money would be used towards developing Lockyers Wood.

ECC Highways Dept

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 first occupation of the proposed dwellings, the proposed vehicular access shall be constructed to a width of 5.5m 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.

2 No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

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.

3 Prior to the proposed access being brought into use, a 1.5m. x 1.5m. pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be retained and maintained free from obstruction clear to ground thereafter. These splays must not form part of the vehicular surface of the access.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and pedestrians 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.

4 The existing access shown on the submitted plan shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new access is brought into use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on 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.

5 The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing Numbered JJCR-01 REV A. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking 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 and 8 of the Highway Authority's Development Management Policies February 2011.

6 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.

7 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.

Informative1: 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

Natural England

Consultation is not required as the scheme falls below the threshold.

**3. Planning History**

00/00823/FUL	Extensions and change of use from coach house into granny annexe - Renewal of consent No. TEN/94/1142	Approved	03.08.2000
94/01142/FUL	(Coach House, Culver House, Colchester Road, Thorpe le Soken) Minor alterations and change of use from coach house into granny annexe	Approved	17.05.1995
11/01035/LUEX	Residential use as a single dwelling (C3 use) so that two single dwellings are comprised in The Coach House and Culver House (in non-compliance with Condition 4 of planning permission 00/00823/FUL)	Approved	24.10.2011
16/30141/PREAPP	Proposed erection of a detached wood cabin/summer house to be used as an annexe to the main house.	Approved	

#### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

EN1 Landscape Character

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

COM6 Provision of Recreational Open Space for New Residential Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

LP1 Housing Supply

LP4 Housing Layout

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

HP1 Improving Health and Wellbeing

PPL4 Biodiversity and Geodiversity

Local Planning Guidance

### **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 supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

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

### **Site Description**

The application relates to the land to the side of The Coach House, Colchester Road, Thorpe-le-Soken. The Coach House is a modest two storey detached building which as its name suggests, has the appearance of a former coach house or mews type building. It is located on the north-eastern side of Colchester Road with a vehicular access serving the dwelling positioned at the southern end of the site frontage. The remainder of the frontage is enclosed by a low brick wall on



the back edge of the footway, with an area of hardstanding behind followed by a close boarded fence and garden to the northern side of the house.

The area subject of this application extends approximately 0.07 hectares and is sited to the north-western side of The Coach House being the side garden area currently enclosed by fencing.

#### Description of Application

The application seeks full planning permission for the erection of 2 no. detached 4 bedroom dwellings and the creation of a new central access to serve all 3 dwellings (closing off the existing access). The area of hardstanding to the front will provide 4 parking spaces with 2 further parking spaces located between The Coach House and Plot 1.

Following concerns with the scale, design and finish of the dwellings, amended plans have now been received.

#### Assessment

The main considerations in this instance are;

- Relevant Planning and Appeal History;
- Principle of Development;
- Residential Amenities;
- Access and Parking;
- Financial Contributions - RAMS;
- Financial Contributions - Open Space, and;
- Other Considerations.

#### Relevant Planning and Appeal History

##### *- Site Specific History*

The Coach House was subject of an application for a lawful development certificate under planning reference 11/01035/LUEX for:

'Residential use as a single dwelling (C3 use) so that two single dwellings are comprised in The Coach House and Culver House (in non-compliance with Condition 4 of planning permission 00/00823/FUL).'

On the evidence submitted the application satisfied that, on the balance of probability, the site had been used as a separate residential unit and in breach of Condition 4 of planning permission 00/00823/FUL for four years prior to the date of the application.

##### *- Nearby Site History*

There have been a number of appeal decisions on sites to the west and north-east of the application site, these being farther from the edge of the defined settlement of Thorpe-le-Soken than the application site. Most recently is an appeal relating to Springfield, Golden Lane, Thorpe Le Soken CO16 0LD under appeal reference APP/P1560/W/18/3194253 (application reference 17/00933/OUT). The application was refused due to its location outside of the defined settlement. The decision concluded the adverse impacts of the proposal on the Council's ability to manage growth through the plan-led approach, were not outweighed by the benefits. The appeal was allowed and outline planning was granted.

Whilst it is recognised that the site location and characteristics are not wholly comparable to the application being considered here, some points relating to the principles of sustainable development and the approval of housing outside development boundaries are considered material to the determination of this application. These are summarised below;

- Thorpe settlement includes an array of day to day facilities. There would be an appropriate level of services, facilities and infrastructure nearby to serve the scale of the development proposed.
- There is a continuous footpath along Colchester Road and the High Street from the junction with Golden Lane. Bus stops are also within a short walking distance. The number of trips by private car associated with a single dwelling would be low and

- journeys by car would be short. Travel patterns generated by a single dwelling in this location would not cause environmental harm.
- The site falls within the general definition of previously developed land, the development of which is supported in local and national planning policy.
  - Contribute to a small contribution to the maintenance of the vitality of rural communities as well as economic benefits during construction and from future occupants.
  - Accepted that the site is not in a preferred location for growth and there would be some conflict with QL1 but this would not result in social, economic or environmental harm.
  - There is nothing substantive to suggest that Council's ability to manage growth through the plan-led approach would be undermined.
  - The existence of a 5 year housing land supply is not a ceiling on development.

#### Principle of Development

The site is located outside of the Thorpe-le-Soken Settlement Development Boundary as defined within both the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

The National Planning Policy Framework 2019 (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 report, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination in Public of the Local plan. There are therefore significant doubts about the validity or extent of any housing supply 'deficit', albeit the tilted balance applies. This minimises the reduction in weight to conflict with Policy QL1, as per the Hallam Land judgement, especially in view of the fact that the Council has considerably increased its housing delivery figures in recent years.

Whilst it is recognised that there would be conflict with Saved Policy QL1 and Emerging Policy SPL1 in terms of the site being sited outside the settlement development boundary, as stated above, in the context of the 5 year housing land supply paragraph 11 d) of the NPPF requires applications for housing development to be assessed on their merits, whether sites are allocated for development in the Local Plan or not and it is important to consider whether any circumstances outweigh this conflict. Therefore, at this present time, it is correct to assess the housing development on its merits against the sustainable development objectives set out within Paragraph 8 of the NPPF. The economic objective, a social objective and an environmental objective are therefore assessed below.

#### Economic:

Officers consider that the proposal would contribute economically to the area, for example by providing employment during the construction of the development and from future occupants utilising services within the district, and so meets the economic arm of sustainable development.

#### Social:

Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger urban areas. Thorpe-le-Soken is defined as a Rural Service Centre due to its size and services and is one of the preferred locations for growth.

The site is located in close proximity to the main High Street area and centre of Thorpe-le-Soken less than 100 metres from the edge of the defined settlement boundary. Thorpe settlement includes an array of day to day facilities. There would be an appropriate level of services, facilities and infrastructure nearby to serve the scale of the development proposed.

There is a pedestrian footway along Colchester Road leading to the High Street. There is a bus stop with a good service to Clacton, Walton-on-the-Naze, Colchester and Harwich also within walking distance of the site.

The number of trips by private car associated with 2 dwellings would be low and journeys by car would be short. Travel patterns generated by the development in this location would not cause environmental harm.

#### Environmental:

The environmental role is about contributing to, protecting and enhancing the natural built environment.

The dwellings are to be sited in line with The Coach House being set back from the highway by approximately 9 metres. The dwellings constitute an infill development appearing as part of the existing linear built form therefore sitting comfortably within the immediate street scene.

The wider street scene impact will be minimal with the neighbouring properties Culver House and Mulberries being sited further forward within their plots therefore screening views of the development from the south east and north west.

The plot sizes are considered sufficient to accommodate each dwelling in a manner which would not result in a particularly cramped development. Ample private amenity space is provided for the properties whilst retaining ample space for the donor dwelling (also having regard to the dwelling approved to the rear of the site under planning application 18/01349/FUL).

The character of the immediate neighbouring properties are fairly modest, cottage style dwellings. However, this is not the predominant character and there are examples of larger scale dwellings just beyond the application site.

In conclusion, there would be no harm to the aims and objectives of Policy QL1 other than the basic conflict with it insofar as the location outside of a settlement boundary is concerned. The location of the proposal is supported by the NPPF, it appears as previously developed land being a side garden area and would not result in any environmental harm. In combination with the economic and social benefits these material considerations outweigh the basic conflict. The principle of residential development for 2 dwellings on this site is therefore considered acceptable.

#### Residential Amenities

The NPPF, 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 adopted Tendring District Local Plan (2007) 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'.

Plot 1 sits adjacent to The Coach House but is separated by the tandem parking spaces serving the new dwelling resulting in a gap between the properties of over 4 metres. The depth of the new dwelling does extend somewhat beyond The Coach House. However, the south west orientation of



the site, the distance between the dwellings and their staggered rear elevations ensures that the development will not appear oppressive or overbearing to the occupiers of The Coach House or result in any loss of sunlight and daylight. There is only one first floor window serving the landing area within the facing flank of the proposed dwelling. Any views from this window would not amount to a harmful level of overlooking or a material loss of privacy. The rear facing windows serve bedrooms only where time spent would be limited and any views towards the main sitting out area of The Coach House would be obliquely angled and again not materially harmful to privacy.

Plot 2 sits adjacent to the Mulberries but is separated from the dwelling by its driveway and side access amounting to a gap of over 5 metres. The proposed dwelling is set back within its plot and the outbuilding serving Mulberries is sited adjacent providing some screening and emphasising the feeling of spaciousness between the properties. The distance between the dwellings and their juxtaposition ensure that the amenities of the occupiers of the Mulberries will not be compromised by the development and impact on sunlight and daylight would be minimal. Again the side and rear facing windows do not serve main living areas and are not positioned as such that any material overlooking or loss of privacy will result.

The proposed dwellings and their individual plots provide sufficient spacing between the properties that accord with saved Policy HG14 of the adopted Tendring District Local Plan (2007).

Ample private amenity space in excess of that required by saved Policy HG9 of the adopted Tendring District Local Plan 2007 is provided for both the new and donor dwellings.

#### Access and Parking

The existing access onto the highway is to be closed off and the new development and existing The Coach House served by a shared central access with sufficient parking and turning the frontage and to the side of Plot 1.

The Highway Authority raise no objection to the application subject to a number of conditions.

Officers are satisfied that the site can provide parking and turning in accordance with parking standards and are satisfied that the road network could accommodate the development of 2 dwellings without causing material harm to pedestrian or vehicular safety.

#### Financial Contributions - RAMS

This application is accompanied by a unilateral undertaking securing a proportionate financial contribution in line with the Essex Coast RAMS requirements to ensure that this proposal will not have an adverse effect on the integrity of the nearby European sites from recreational disturbance, when considered 'in combination' with other development.

#### Financial Contributions - Open Space

The Council's Open Space Team have been consulted in accordance with the requirements of Saved Policy COM6 of the adopted Tendring District Local Plan 2007 and Draft Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

There is currently a deficit of 2.43 hectares of play and formal open space in Thorpe-le-Soken.

Any additional development in Thorpe-le-Soken will increase demand on already stretched play facilities. Currently there is only one play area in the village located at Lady Nelson Playing Fields, Station Road. This play area is classified as a Local Equipped Area for Play but is limited in size and would struggle to cope with any additional need.

The Parish Council have plans to provide additional facilities and create a trim trail at Lockyers Wood in Thorpe which is owned by the parish council. Lockyers Wood is situated approx. 0.9 miles from the proposed development site.

Due to the significant lack of provision in the area it is felt that a contribution, in line with the current policy, is justified and relevant to the planning application and that this money would be used towards developing Lockyers Wood.

This application is accompanied by a unilateral undertaking securing a financial contribution towards the identified need and project.

### Representations

Thorpe-le-Soken Parish Council recommend refusal of the application on the following grounds;

- Overdevelopment of the site.
- Dangerous access onto a heavily used highway.
- Concerns over parking for the site of the property.
- Impact on neighbouring property.

No further comments have been received in respect of the amended scheme.

*The amended proposal is considered acceptable and the objections raised by the parish council are addressed above.*

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

- Outside the development boundary.
- Results in more urban sprawl.
- Sets a harmful precedent for further development outside defined boundaries.
- Over development.
- Loss of agricultural land.
- Too high.
- Too close to adjacent cottage.
- Loss of light.
- Overbearing.
- Harmful to highway safety from new dwellings and associated construction vehicles.

*These objections have been addressed in the main report above. The land is not agricultural land and forms part of residential curtilage of The Coach House.*

- Construction of site will result in noise disturbance.
- Exacerbate existing problems from the impacts of development in the area.

*This is an inevitable part of the building process and for a limited time only. This cannot form a reason for refusal. Any noise of a statutory nuisance can be controlled by Environmental Health Legislation. A condition requiring a construction method statement will form part of this permission.*

- No details of sewage or surface water drainage.

*Surface water drainage strategies are only required for major development in excess of 10 units. The decision includes a permeable surfacing condition. Drainage is not a planning matter and will be dealt with by building regulations.*

- No affordable housing.

*The application of a minor scale where affordable housing contributions are not a requirement.*

- Similar to refused application 17/00235/OUT.

*Application 17/00235/OUT resulted in wider landscape harm and the site and application are not comparable to the application being considered here. The Inspector concluded that 'the proposal would provide future residents with satisfactory access to services and facilities' but that the development 'would cause material harm to the character and appearance of the surrounding area. This application constitutes an infill development resulting in no environmental harm. Since this application, appeal decisions have come forward for nearer, more comparable sites. These decisions have been material to the determination of this application.*

- Application should be considered with 18/01349/FUL.

*Regard has been had to this application where necessary. Every application is assessed on its own merits.*

- Old and inaccurate plans.

*The application must be assessed on the information submitted. If any inaccuracies become apparent upon construction a variation to the approval may be necessary and this would be the responsibility of the applicant/developer.*

1 letter of support has been received stating that the development is a positive use of infill.

#### Conclusion

For the reasons set out above, the application is recommended for approval.

#### **6. Recommendation**

Approval - Full

#### **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 No JJCR-01 Revision E.

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

- 3 Prior to the commencement of any above ground works, full details/samples of the external facing and roofing materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of visual amenity as insufficient information has been submitted within the application for full consideration of these details.

- 4 No unbound materials shall be used in the surface treatment of the proposed vehicular access 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.

- 5 Prior to the first occupation of the proposed dwellings, the proposed vehicular access shall be constructed to a width of 5.5m 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.

- 6 Prior to the proposed access being brought into use, a 1.5m. x 1.5m. pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be retained and maintained free from obstruction clear to ground thereafter. These splays must not form part of the vehicular surface of the access.

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

- 7 The existing access shown on the submitted plan shall be suitably and permanently closed in a manner to be previously approved in writing by the Local Planning Authority,

incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new access is brought into use.

Reason - To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety.

- 8 The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing No JJCR-01 Revision E. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking 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.

- 9 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.

- 10 All new hardstanding and parking areas 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.

- 11 The removal of any vegetation for site access/site clearance 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.

- 12 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), no provision of fences, walls or other enclosures, shall be erected on the boundaries of the site or any part of the site forward of the front elevation of the dwelling hereby approved except in accordance with details that shall previously be approved in writing by the Local Planning Authority.

Reason - To retain the open aspect of the locality in the interests of visual amenity.

- 13 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 - In order to enhance the visual appearance of the proposed dwellings.



- 14 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 ensure that the landscaping scheme is suitably implemented within an appropriate timescale.

- 15 Prior to the commencement of any above ground works, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the Local Planning Authority. The approved boundary treatments shall be implemented before the dwellings hereby permitted are occupied.

Reason - In the interests of providing adequate privacy for occupiers of the development and neighbouring residential properties and in the interests of visual amenity.

## **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, 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 Informative

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

### Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

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

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: Public Open Space financial contribution in accordance with Policy COM6 of the adopted Tendring District Local Plan (2007) and Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.