

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	27/06/2019
Planning Development Manager authorisation:	GLS	28/6/2019
Admin checks / despatch completed	WNE SB	28/06/19 28/06/19

Application: 19/00426/FUL

Town / Parish: Thorpe Le Soken Parish
Council

Applicant: Mr N Jones

Address: Land Adj. Thorpe Green Farm Colchester Road Thorpe Le Soken

Development: Erection of one dwelling.

1. Town / Parish Council

Thorpe Le Soken Parish Council No objection.

2. Consultation Responses

ECC Highways Dept

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal is to utilise one of the two existing vehicle accesses for Thorpe Green Farm which is located within the 40-mph speed limit on Colchester Road. Outline planning application was granted (18/01305/OUT) back in August 2018. The application provides adequate room and provision for off street parking and turning, for the proposed dwelling therefore:

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

1. Prior to occupation of the dwelling a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

2. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8

3. 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.

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

4. Prior to occupation of the proposed dwelling, 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 free of charge.

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

5. 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.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1:

For the existing vehicle access being retained for Thorpe Green Farm it would be beneficial if no unbound material is present in the surface treatment of the vehicular access within 6 metres of the highway boundary. To avoid displacement of loose material onto the highway in the interests of highway safety.

Informative 2:

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

Informative.

Informative 3:

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

Informative 4:

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

Informative 5:

Any 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:

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

3. Planning History

09/00428/FUL	Erection of detached two storey dwelling (following demolition of existing dwelling).	Approved	06.07.2009
10/01030/FUL	Proposed entrance canopy.	Approved	25.10.2010
10/01031/FUL	Detached garden store (retention of)	Approved	25.10.2010
11/00751/FUL	Proposed detached dwelling.	Refused	30.08.2011
16/01123/OUT	Proposed detached dwelling to rear of Thorpe Green Farm.	Refused	09.01.2017
17/01011/FUL	Continued use of land for the temporary storage of vehicles, vehicle parts, containers and related equipment.	Approved	15.09.2017
18/01305/OUT	Erection of one dwelling.	Approved	03.10.2018

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

HG1 Housing Provision

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN6 Biodiversity

COM6 Provision of Recreational Open Space for New Residential Development

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

LP4 Housing Layout

PPL4 Biodiversity and Geodiversity

PPL3 The Rural Landscape

HP5 Open Space, Sports & Recreation Facilities

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

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 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 adjacent to Thorpe Green Farm located on the south eastern side of Colchester Road within the parish of Thorpe-le-Soken. The application site extends approximately 0.2 hectares and is located on the edge of the built-up area of Thorpe with dwelling to its north and open fields to the south and beyond.

The site is effectively a side/rear garden area to the existing property Thorpe Green Farmhouse. The site is laid to grass with a gravelled track leading to outbuildings to the rear of the site. The site has relatively good screening on the north-west boundary facing the highway (B1033) and the south boundary facing the adjacent agricultural land. A vehicular access is located onto the B1033 which currently serves the existing dwelling.

Thorpe Green Farm comprises a former farm house which has been extended and modernised together with land to the rear containing a number of outbuildings and indoor swimming pool.

Description of Application

The application seeks full planning permission for the erection of 1no. 4-bedroom detached dwelling with associated parking and turning. Access to the dwelling will be via the existing access from Colchester Road.

Assessment

The main considerations are;

- Planning and Appeal History;
- Principle of Development;
- Layout, Scale and Impact
- Residential Amenities;
- Highway Safety and Parking;
- Trees and Landscaping;
- Financial Contribution - Open Space;
- Financial Contributions - RAMS; and,
- Representations.

Relevant Planning and Appeal History

- Site Specific History

The site was subject of a previous application for 1 detached dwelling to the side of Thorpe Green Farmhouse (red lined site area very similar to this current application) under planning application reference number 11/00751/FUL which was refused and dismissed at appeal for the following reasons;

'would lead to the consolidation of ribbon development outside of the defined settlement limits in an unsustainable rural location with regard to access to facilities such as employment and education, which would be detrimental to visual amenity, the open character of the area and the principles of sustainable development'

More recently the site was subject of an application for outline planning permission under application reference 16/01123/OUT. The red lined site area extended behind the existing dwelling therefore constituting backland development. This application was also refused on the basis that the site is socially unsustainable and the environmental harm of the further urbanised appearance as a result of the development is this backland, edge of settlement location. The application was dismissed at appeal. The Inspector concluded that;

'while the harm caused by the development in social and economic terms would be relatively limited, the benefits, equally, would be small. There would also be harm caused in environmental terms due to the effect on the character and appearance. The benefits would not therefore be sufficient to outweigh that harm and the conflict with development plan policy and the Council's plan-led approach to achieving sustainable patterns of growth, which is advocated by the Framework and to which I attach considerable weight.'

- Nearby Site History

There have been a number of appeal decisions on sites to the north east of the application site, these being closer to the edge of the defined settlement of Thorpe-le-Soken. 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 relevant 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

Based on the above approach taken by appeal inspectors, application 18/01305/OUT was approved on this site on 3rd October 2018 and remains extant.

Although this application is for a slightly larger red lined site area and seeks full planning permission (not the reserved matters subsequent to 18/01305/OUT) the principle of residential development for 1 dwelling on the site has been established in principle through the granting of 18/01305/OUT.

For the avoidance of doubt, the principle of residential development on the site can be assessed as follows.

The site lies outside of any 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. 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.

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.

- Assessment of Sustainable Development

While the NPPF advocates a plan-led approach, it is important to consider whether any circumstances outweigh the conflict. Development should be plan led unless material considerations indicate otherwise and it is accepted that the site is not in a preferred location for growth.

In line with Paragraph 8 of the National Planning Policy Framework (2018), achieving sustainable development means meeting an economic objective, a social objective and an environmental objective. These are assessed below.

The sustainability of the application site is therefore of particular importance. In assessing sustainability, it is not necessary for the applicant to show why the proposed development could not be located within the development boundary.

- Economic

It is considered that the proposal would contribute economically to the area, for example by providing employment during the construction of the properties and from future occupants utilising local services, 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 therefore being in line with the aims of the aforementioned paragraph 17 of the NPPF. 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 and to within development boundaries as defined within the Local Plan.

The site is located on the edge of 'Thorpe Green' approximately 0.6 miles from the main High Street area and centre of Thorpe-le-Soken. Thorpe settlement includes an array of day to day facilities and is categorised as a Rural Service Centre in recognition of its amenities. 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 on the opposite side of the road 450 metres to the east. There is a bus stop with a good service to Clacton, Walton-on-the-Naze, Colchester and Harwich within walking distance of the site.

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.

- Environmental

The environmental role is about contributing to protecting and enhancing the natural built environment addressed under Layout, Scale and Impact below.

Layout, Scale and Impact

Paragraph 8 of the National Planning Policy Framework 2019 (NPPF) sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment. Furthermore, Paragraph 127 of the NPPF requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes on to say that local distinctiveness should be promoted and reinforced. Saved Policy QL9 and EN1 of the Tendring District Local Plan (2007) and Policy SPL3 and PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape.

The application site is not isolated in nature being bounded by residential development on 3 sides. The dwelling would be a continuation of the linear development on this side of the road and be viewed against a backdrop of the existing dwellings and built form. The boundary screening would soften the visual impact of the development with the hedgerow acting a natural divide between the development and open countryside beyond. Landscaping will be retained and enhanced through the imposition of an appropriately worded condition. For these reasons, the proposal would physically and visually appear part of the existing built-up area and would not result in any wider landscape harm. Within its context, the proposal would be environmentally sustainable.

The plot size is considered sufficient to accommodate 1 dwelling in a manner which would not result in a cramped development. Ample private amenity space could be provided for the new dwelling whilst retaining ample space for donor dwelling.

Following concerns with the height, depth, scale and grandiose design of the dwelling in this edge of settlement, semi-rural location, amendments were sought. The overall scale and proportions of the dwelling have been scaled back and the detailed design and finish has also been simplified. The height of the proposed dwelling and its siting are now both in line with Thorpe Green Farm House. The dwelling has a fully hipped roof, a symmetrical frontage, rendered elevations and external chimney feature all being very similar to the host property.

Residential Amenities

The NPPF, in 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 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'. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) supports these objectives.

The amendments have also incorporated changes to the design, position and internal accommodation within the rear projection of the dwelling in the interests of the amenities of the occupiers of Thorpe Green Farm House.

The development provides ample spacing around the dwelling and to the neighbouring property. The side facing and rear facing first floor windows serve a bathroom and bedroom. Any overlooking will therefore be minimal.

Furthermore, the private amenity areas serving both the new and donor property are in excess of the requirements of saved Policy HG9 of the adopted Local Plan.

For these reasons, the proposal will not be harmful to residential amenities and therefore accords with the aims of the afore-mentioned national and local policy.

Access and Highway Safety

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

Officers are satisfied that the plot size is sufficient to provide parking and turning in accordance with parking standards.

The development is for a single dwelling served by an existing access. Officers are satisfied that the road network could accommodate the development without causing material harm to pedestrian or vehicular safety.

In the absence of any harm to highway safety as a result of the development, a refusal based on highway grounds cannot be justified in this instance.

Trees and Landscaping

There are no trees or other significant vegetation on the application site that would be affected by the development proposal. There is a young Willow situated on the eastern boundary of the land that is shown as retained. In terms of soft landscaping it appears that there is an opportunity for new tree planting to be carried out either side of the proposed vehicular access to the new dwelling. This would help to soften and screen the development and assist with its assimilation into its setting. A soft landscaping condition is therefore considered necessary in this instance.

Financial Contribution - Open Space

There is currently a deficit of 2.43 hectares of play and formal open space in Thorpe-le-Soken. However, due to the location of the development site to the nearest play and open space area and the proposal being for a single dwelling only, it is unlikely that these facilities will see a significant impact. Therefore, no contribution is being sought on this occasion.

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.

Representations

Thorpe-le-Soken Parish Council raise no objection to the application.

No individual letters of objection have been received.

Conclusion

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 and appeal decisions. The site constitutes previously developed land and the proposal would not be materially harmful to the landscape character, character of the area, residential amenity or highway safety. In combination with the economic and social benefits these material considerations outweigh the conflict.

The application is therefore 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 plan: Drawing Number: E1 Revision: J, Drawing Number: E2 Revision: J, Drawing Number: FF Revision: J, Drawing Number: GF Revision: J, Drawing Number: SEC Revision: J and DWG. No. 18/099/101 REV. C.

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

- 3 No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any 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 the interest of visual amenity and the character of the area.

- 4 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 - In the interest of visual amenity and the character of the area.

- 5 No above ground works shall be commenced until precise details 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 - In the interests of visual amenity as insufficient details have been provided with the application.

- 6 No unbound materials shall be used in the surface treatment of the proposed 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.

- 7 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C and E 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 dwelling or its roof, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions and/or building(s) which shall previously have been submitted to and approved, in writing, by the local planning authority.

Reason - In the interests of visual amenity and residential amenities.

- 8 No above ground level works shall take place until precise details of the provision, siting, design and materials of screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be erected prior to the occupation of the development and thereafter be retained in the approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the development is appropriate within its setting in the interests of visual amenity.

- 9 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, gates or other means of enclosures, shall be erected along the southern side boundary of the site or 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 - In the interests of visual amenity and the semi-rural character the locality.

- 10 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the highway.

Reason - To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest 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 Applicant and 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.

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.

Highways Informatives

Informative 1:

For the existing vehicle access being retained for Thorpe Green Farm it would be beneficial if no unbound material is present in the surface treatment of the vehicular access within 6 metres of the highway boundary. To avoid displacement of loose material onto the highway in the interests of highway safety.

Informative 2:

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

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

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

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Any 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:

SMO1 ' Essex Highways
Colchester Highways Depot
653 The Crescent
Colchester
CO4 9YQ

Informative 6:

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 to ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.