

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	03/07/2019
Planning Development Manager authorisation:	AN	4/7/19
Admin checks / despatch completed	KME SB	05/07/19 05/07/19

Application: 19/00731/FUL

Town / Parish: Brightlingsea Town Council

Applicant: C/o Lawson Planning Partnership Ltd

Address: Land North of Samsons Road Brightlingsea Essex

Development: Proposed residential development for 5no. dwellings (C3) with access from Samsons Road.

1. Town / Parish Council

Mrs Brightlingsea Town Council

Outside planning envelope; dangerous road/junction of Maltings Road; several serious accident spot; removal of trees and scrub will make significant visual impact; over-development; next to petrol station.

Brightlingsea Town Council will also ask a District Councillor to call in the application.

2. Consultation Responses

Essex Wildlife Trust

No comments received.

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 occupation of the development, each vehicular access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the each vehicle access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the vehicular accesses and those in the existing public highway in the interest of highway safety in accordance with policy DM1

2. Prior to the first occupation of each dwelling on the proposed development, the individual vehicular access for that dwelling shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and 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 vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1.

3. Prior to the proposed access for any dwelling on the proposed development being brought into use, a 1.5m. x 1.5m. pedestrian visibility splay shall be provided on both sides of each access and

shall be maintained in perpetuity free from obstruction clear to ground. These splays must not form part of the vehicular surface of the access.

Reason: To ensure adequate inter-visibility 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.

4. Prior to occupation of the development 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

5. No unbound materials shall be used in the surface treatment of any of the proposed vehicular accesses 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

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

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

7. Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space and each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles, retained in perpetuity.

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

8. All single garages should have a minimum internal measurement of 7m x 3m as per drawing no. 1456/p/02.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8.

9. Prior to commencement of the proposed development, details of the provision for the storage of bicycles for each dwelling, 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 and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9.

10. 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.

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 (delete as appropriate).

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

12. Prior to the first occupation of the dwellings the provision of the following:

A minimum 1.5 metre wide footway on the north side of Samsons Road in front of the proposed dwellings; as per drawing no. 1456/p/02 including the relocation/ replacement electricity poles/ lighting, removal of redundant kerbing and replacement with upstand kerb and footway, relocation/ replacement of any associated drainage works.

Reason: to facilitate access to the local footway network and public rights of way network in the interests of accessibility and highway safety.

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: 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 2: 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 3: 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 or by post to:

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

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.

3. Planning History

17/30330/PREAPP Proposed development of 5no. 2-storey dwellings.

09.01.2018

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

EN6 Biodiversity

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

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

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

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 site is located to the north of Samson's Road, opposite Malting's Road, to the north west of Brightlingsea. The site amounts to 0.26 ha in area, is generally level and comprises vacant and underused land, containing a mix of grassland and scrub, with hedgerows and trees along its boundaries.

The site is bounded by a petrol filling station and Co-op supermarket to the south east, by established residential development on the southern side of Samson's Road to the south/ south west, by a dwelling ('Oakwood') and its grounds to the north, and by the access road to 'Oakwood' and a site benefitting from planning permission granted in April 2017 for 5 dwellings (reference 17/00288/FUL) to the north west which are nearing completion.

Description of Proposal

The application seeks full planning permission for the erection of 5 no. 4 bed detached dwellings each served by a garage, parking spaces and front and rear gardens. Plot 1 has its own vehicular access whilst Plots 2 and 3 and Plots 4 and 5 have a shared double width access.

The dwellings take on a modern appearance and design using a variety of materials including grey cladding, white render, buff brick and slate roof tiles.

Assessment

The main considerations are;

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

Principle of Development

The 'development plan' for Tendring comprises the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Brightlingsea is categorised as a Town within the adopted Local Plan and as a Smaller Urban Settlement within the emerging Local Plan. These settlements provide a range of opportunities for the use of public transport, walking and cycling and because they have established town centres, employment areas and infrastructure, they provide locations where it is possible to deliver sustainable housing grown on a large scale.

The site lies outside of the Brightlingsea Settlement Development Boundary as defined within the adopted Tendring District Local Plan 2007. However, in recognition of the opportunities for growth, the Brightlingsea Settlement Development Boundary has been extended as defined within the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 now incorporating the application site.

Saved Policy HG3 of the adopted Local Plan deals with residential development within defined settlements stating that, within the defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria, as appropriate, and can take place without material harm to the character of the local area. Proposals for development of infill plots should ensure that the scale, design and intensity of any new building are in harmony with existing surrounding development.

Emerging Policy SPL2 states that within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local plan policies.

As such the principle of siting 5 dwellings on this land is acceptable as the principle of residential development in this location has been established through the extension of the settlement development boundary. This is recognised as a sustainable location for housing growth.

The site is also designated as Coastal Protection Belt in the adopted Local Plan, however this designation has been removed in the emerging Local Plan and therefore again confirms the Council's stance to release this land for development purposes.

The detailed considerations relevant to this proposal are set out below.

Layout, Scale and Impact

Paragraph 11 of the 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 including making effective use of land. Paragraph 127 of the NPPF states that developments should function well, should add to the overall quality of the area, are visually attractive as a result of good architecture and layout and are sympathetic to local character including the surrounding built environment and landscape setting,

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Emerging Plan. Saved Policy HG14 requires a minimum of 1 metre side isolation between dwellings.

The land to the west has been granted planning permission for 5 detached dwellings and to the east is a petrol filling station with a supermarket beyond. To the north is a detached dwelling and various associated outbuildings. Consequently, the development of the site in a linear arrangement as shown represents a suitable response to the character of the area and provides the acceptable infill of a piece of land that will be surrounded by development on all sides.

The contemporary design approach is considered to be appropriate and relates acceptably to the appearance of the properties approved to the west. This side of Samson's Road remains largely undeveloped and as such the two schemes would be read in conjunction with each other rather than the 60's/70's style development on the southern side of the road. The mixture of materials proposed along with the form of the openings and projecting gables adds a good degree of variety to the development.

The layout ensures that the properties maintain sufficient spacing between each other and to the side boundaries of their plots. The setback from the highway allows for sufficient replacement planting whilst allowing for private gardens areas to the rear comfortably in excess of the required 100sqm. Each property is shown to have at least 3 parking spaces according with the requirements of the current parking standards.

The retention of the vegetation to the northern boundary of the plot provides an appropriate backdrop for the development. The proposal includes a suitably designed soft landscaping scheme including new tree planting to the frontage to offset the loss of vegetation from the creation of new access and visibility splays softening views of the development from public vantage points along Samson's Road.

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'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

Due to the screening vegetation on the northern boundary of the site and the presence of a garage building to the north, it is concluded that any impact in terms of loss of privacy to the neighbours to the north would be minimal and not materially harmful.

Furthermore, the spacing between the dwellings (separated by their garages) and large amenity areas ensure that a good standard of amenity for future occupants is achieved.

Highway Safety and Parking

Paragraph 108 of the National Planning Policy Framework 2019 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally.

The proposed plans demonstrate that each property would be served by parking in excess of the requirements set out within the adopted standards and that appropriate visibility splays can be achieved.

Essex County Council raise no objection to the development subject to conditions that will be imposed where necessary.

Trees and Landscaping

In order to show the extent of the constraint that the trees on the land are on the development potential of the land the applicant has provided tree survey and report. This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations. The report provides an accurate description of the health and condition of the trees on the application site.

The trees situated at the western end of the site adjacent to the highway are primarily Elm and will succumb to Dutch Elm Disease (DED) within a few years as will the established Elm hedgerow on the boundary with the highway. Whilst the retention of the trees is biologically important in terms of the retention of the Elm species in the countryside none of these trees merit protection by means of a tree preservation order.

A single Sycamore within the group of Elm is a reasonable specimen although its visual amenity value could be relatively easily replicated by new planting.

The most prominent tree on the application site is the single Pine (T18 of the tree report) although the contribution that it makes to the amenity of the locality is only moderate and the tree does not merit protection by way of a tree preservation order.

In terms of the impact of the application site, in its current condition, on the appearance of the area and the local landscape it currently forms a pleasing gap and has a softening effect on the local environs. Therefore, it is important to secure the retention of boundary vegetation, to the north, for its screening benefit and to secure new soft landscaping, including tree planting, on the boundary with the highway as indicated on the site layout plan through the imposition of appropriately worded conditions.

Biodiversity and Ecology

Paragraph 174 of the National Planning Policy Framework 2019 requires Local Planning Authorities to protect and enhance biodiversity and geodiversity. Paragraph 99 of Circular 06/2005 states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision" it goes on to state "The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances". Paragraph 5.3 of government document 'Planning for Biodiversity and Geological Conservation: A Guide To Good Practice', states that "In the development control process, the onus falls on the applicant to provide enough information to enable the Local Planning Authority to assess the impacts on biodiversity and geological conservation. Planning applications must be supported by adequate information".

Saved Policies EN6 'Biodiversity' and EN6a 'Protected Species' of the adopted Tendring District Local Plan 2007 state that development proposals will not be granted planning permission unless existing local biodiversity and protected species are protected. These sentiments are carried forward within draft Policy PLA4 'Nature Conservation and Geo-Diversity' of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The application is accompanied by a Preliminary Ecological Appraisal together with the additional survey requirements it identified relating to Bats and Dormouse.

In summary, the Appraisal confirms that no protected species, or signs of protected species were found on site. Additionally, the proposals would not affect any protected sites within a 2km radius of the site. Recommendations state that the removal of any trees or hedges required to accommodate the proposed development should be undertaken outside of the breeding bird season. This will be secured by an appropriately worded condition.

The Potential Bat Roost Assessment was undertaken by Anglian Ecology in April 2018 and examined the trees, groups of trees and hedgerow that are scheduled for removal as part of the proposed development, and assess their potential suitability as a habitat to support roosting bats. In summary, the trees proposed for removal were assessed as having a low potential to support roosting bat species and therefore bat activity survey(s) were not required to be undertaken on the site.

A Hazel Dormouse Survey was undertaken by Anglian Ecology from April to November 2018 and involved a field survey of the presence/ absence of dormice on the site through nut searches and nest tube surveys. In summary, the associated report confirmed that no common dormice, or any signs of presence were recorded during the surveys and it is therefore concluded that it is unlikely that a breeding population of common dormice exists within the site.

With the above in mind, the proposed development is considered to be acceptable in ecological terms subject to conditions.

Financial Contribution - Open Space/Play Space

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built". These sentiments are carried forward within emerging Policy HP5.

There is currently a deficit of 13.68 hectares of play and formal open space in Brightlingsea. There are two play spaces in Brightlingsea, a Local Area for Play and Skate Park at Promenade Way, Brightlingsea and a Local Equipped Area for Play at Regent Road Recreation Ground, Brightlingsea. Any additional development in the Brightlingsea area will increase demand on already stretched play facilities and formal open space.

As the current play facilities and formal open space are not considered adequate to satisfy any additional need it is felt a contribution towards increasing the play facilities and formal open space

is relevant and justified to the planning application. The contribution would be used to at Western Promenade play area.

A completed unilateral undertaking has been provided to secure this legal obligation.

Financial Contributions - RAMS

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be a proportionate financial contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Sites.

A completed unilateral undertaking has been provided to secure this legal obligation and to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Representations

Brightlingsea Town Council object to the application on the following grounds;

- Outside planning envelope.
- Highway safety.
- Loss of trees and scrub will make significant visual impact.
- Over-development.

The principle of the development and its impact are addressed in the main report above.

Brightlingsea Town Council also state that a request would be made for the application to be referred to Planning Committee. No such call-in has been received.

No individual letters of representation have been received.

Conclusion

For the reasons set out above, the proposal is considered to represent a sustainable form of development in a location supported by national and local plan policy that will not result in any material environmental or residential harm that warrants refusal of planning permission.

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 and materials: drawing no: 1456/01, drawing no: 1456/02, drawing no: 1456/P/01, drawing no: 1456/P/02, drawing no: 1456/P/03, drawing no: 1456/P/04, drawing

no: 1456/P/05, drawing no: 1456/P/06, drawing no: 1456/P/07, drawing no: 1456/P/08, drawing no: 1456/P/09, drawing no: 1456/P/G and Drawing No. 1747/03A.

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

- 3 The development hereby permitted shall be carried out in accordance with the Tree Survey WWA/1733/Doc/601 dated September 2017 and associated Topographical Survey Plan drawing no: 1456/01, Tree Survey Drawing Number wwa_1733_AL_701 and Tree Removals and Protection Plan Drawing Number wwa_1733_AL_703 Rev P01. The methods of protection as approved shall be adhered to at all times during the construction phase.

Reason - To ensure that the trees to be retained are protected in the interests of visual amenity and landscape character.

- 4 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details Drawing Number wwa_1733_LP_301 Rev P01 and drawing no: 1456/P/03 shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the effective implementation of the approved landscaping in the interest of visual amenity.

- 5 No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

- 6 The development shall not be occupied until such time as the driveway parking areas and garaging indicated on the approved plans, have been constructed and laid out for parking. The parking and garaging areas shall be retained in this approved 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 unless otherwise agreed in writing by the Local Planning Authority.

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

- 7 All new driveways 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 curtilage of the dwelling.

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

- 8 Prior to occupation of the development, each vehicular access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before each vehicle access is first used by vehicular traffic and retained free of any obstruction at all times.

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

- 9 Prior to the first occupation of each dwelling on the proposed development, the individual vehicular access for that dwelling shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and 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 vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 10 Prior to the proposed access for any dwelling on the proposed development being brought into use, a 1.5m. x 1.5m. pedestrian visibility splay shall be provided on both sides of each access and shall be maintained in perpetuity free from obstruction clear to ground. These splays must not form part of the vehicular surface of the access.

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

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

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

- 12 Prior to the first occupation of the dwellings the following shall be provided:
A minimum 1.5 metre wide footway on the north side of Samsons Road in front of the proposed dwellings; as per drawing no. 1456/p/02 including the relocation/ replacement of electricity poles/ lighting, removal of redundant kerbing and replacement with upstand kerb and footway, and relocation/ replacement of any associated drainage works.

Reason - To facilitate access to the local footway network and public rights of way network in the interests of accessibility and highway safety.

- 13 The removal of all vegetation shall only be carried out outside of the bird nesting season (March to September inclusive).

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

- 14 Prior to any above ground works, an ecological mitigation and enhancement scheme in line with the recommendations set out within the Preliminary Ecological Appraisal dated September 2017, the Hazel Dormouse Survey Version 2 dated November 2018 and the Preliminary Bat Roost Assessment Version 1 dated April 2018 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - To preserve and enhance the biodiversity of the site in accordance with the recommendations and enhancements set out with the supporting reports.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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.

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.

Highways Informatives

Informative 1: 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 2: 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.

Informative 3: 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 4: 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 or by post to:

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

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.