

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	09/07/2019
Planning Development Manager authorisation:	CRG	12/7/2019
Admin checks / despatch completed	SB	12/07/2019

Application: 19/00448/FUL **Town / Parish:** Great Bentley Parish Council

Applicant: Mr & Mrs Strutt

Address: Land adjacent The Moors The Green Great Bentley

Development: Proposed detached building to create 3 apartments, including 3 garages.

1. Town / Parish Council

Great Bentley Parish Council wishes it to be noted that there appears to be no right of access to the site across the village green and that the Parish Council as owner of the Green cannot give access approval.

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 at the end of a private track that currently serves three existing dwellings. The application utilises one of the vehicle accesses and retains adequate room and provision for off street parking and turning, for the existing and proposed dwellings the apartment building was previously approved under application 04/00927/FUL and the two garages under Planning Application 05/00898/FUL 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 the occupation of any of the proposed dwellings, the private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the existing track.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests 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. One additional space shall be provided at the front of the apartment block for visitors next to the existing space shown on the proposed car park layout drawing

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

3. All single garages should have a minimum internal measurement of 7m x 3m and all double garages should have a minimum internal measurement of 7m x 5.5m.

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.

4. 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.

5. 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.

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.

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/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.

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:

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 2:

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

01/01918/OUT	Detached apartment building (comprising two apartments)	Approved	01.02.2002
02/01002/OUT	Detached apartment building comprising three apartments. (with private amenity space and 3 parking bays)	Refused <i>Allowed on Appeal</i>	18.09.2002
04/00927/FUL	Erection of detached building to create three apartments (with reduced private amenity space and 5 parking bays)	Approved	09.11.2004
05/00898/FUL	Erection of detached garage to flats (approved under 04/00927/FUL) (no amenity area, 2 garages and 4 parking bays)	Approved	13.07.2005
05/01726/FUL	Re-alignment of site boundary from that approved under 04/00927/FUL	Application Not Required	07.10.2005
05/02217/FUL	Erection of additional detached garage to flats approved under 04/00927/FUL (no amenity space, 3 garages and no parking bays)	Approved	01.03.2006
09/00864/FUL	Proposed erection of detached building to create 3 apartments as previously approved under 04/00927/FUL. (plans reverted back to previous approval 04/00927/FUL – some amenity space and 5 parking bays)	Approved	13.10.2009
10/00742/FUL	Erection of detached garages to flats (approved under 04/00927/FUL). (Extension of time on previously approved application 05/00898/FUL for garages).	Approved	25.08.2010
10/00755/FUL	Erection of detached garage and summer house to serve one of the apartments approved under 09/00864/FUL (third garage alongside previously approved 2 garages).	Withdrawn	12.07.2010
13/00648/FUL	Proposed detached building to create 3 apartments, including 3 garages.	Approved	06.08.2013
16/00907/DISCON	Discharge of conditions 2 (materials), 3 (brick courses), 4 (windows), 7 (landscaping), 10 (screen walls/fencing), 11 (onsite parking/loading/turning) and 12	Approved	06.07.2016

(wheel cleaning) of planning
permission 13/00648/FUL.

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

HG3 Residential Development Within Defined Settlements

HG3A Mixed Communities

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

COM6 Provision of Recreational Open Space for New Residential Development

EN17 Conservation Areas

TR1A Development Affecting Highways

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL8 Conservation Areas

CP1 Sustainable Transport and Accessibility

PPL4 Biodiversity and Geodiversity

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 Context

The application site lies within Great Bentley Conservation Area, off Great Bentley Green and between two large 'mock Tudor style' two-storey houses. Means of access is via a single width

unmade access across The Green from Weeley Road. The application site currently comprises 0.14 hectares of open garden land within the curtilage of The Moors.

Description of Proposal

The application seeks full planning permission for the erection of a 2 storey, double fronted building accommodating 3 no. 2 bed apartments (2 on ground floor (bed 2/study), 1 on first floor (with 2 beds plus separate study and workroom)).

A materials schedule has been submitted with the application detailing Hoskins Maltings Antique brick to be used in the majority of the building together with some elements finished in Weber Monocouche render in Silver Pearl with Marley Acme Plain Red Sand Faced roof tiles.

The garage/cartlodge is to be constructed of facing brick to match the apartment building with a natural slate roof.

All windows and doors are to be timber.

Assessment

The main considerations in this instance are;

- Principle of Development;
- Planning and Appeal History;
- Design and Visual Impact (including Impact upon the Conservation);
- Residential Amenities;
- Access and Parking;
- Trees and Landscaping;
- Financial Contributions - RAMS;
- Financial Contributions - Open Space/Play Space, and;
- Representations.

Principle of Development

The site is located within the Great Bentley Settlement Development Boundary as defined within the adopted District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond 2017.

Saved Policy HG3 of the adopted Tendring District Local Plan 2007 states that within defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, highway and sustainability criteria, as appropriate, and can take place without material harm to the character of the local area. These sentiments are carried forward within draft Policy SPL2 of the emerging Tendring District Local Plan 2013-2033 and Beyond 2017.

Great Bentley is categorised as a Village within the adopted Local Plan and a Rural Service Centre within the emerging Local Plan, the pre-ambule of draft Policy SPL1 states that these settlements can accommodate a modest increase in housing stock within the plan period.

As the site is within the defined settlement limits and has not been safeguarded for an alternative use, and is essentially an 'infill' development, the principle of residential development is therefore acceptable subject to the detailed considerations below.

Planning and Appeal History

This application follows a number of previous applications for the same/similar development. The approvals have progressed including the addition of garages but the approvals have never been implemented and there are no extant permissions for the site remaining.

However, the planning and appeal history does form a material planning consideration.

This current application has been amended to allow for the creation of 40sqm metres of private amenity space for each ground floor apartment (first floor served by a balcony area) together with amended garages, cartlodge, parking and visitor parking spaces plus a cycle store and bin store.

Whilst the principle of development remains acceptable, officers felt that the previous permissions had resulted in a less than satisfactory scheme in terms of the parking and amenity space and improvements were therefore sought and secured.

Design and Visual Impact (including Impact upon the Conservation)

The National Planning Policy Framework 2019 (NPPF) attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Paragraph 127 of the NPPF states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Saved Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and will protect or enhance local character and saved Policy EN17 states that development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area. These sentiments are carried forward within emerging Policies SPL3 and PPL8 of the draft Local Plan.

It is noted that there have been no material alterations to the general layout, scale or design of the two storey building containing three apartments when compared to the previously approved schemes including that approved by the Planning Inspectorate in 2002.

The scale, mass, height and overall appearance would relate acceptably to the adjacent dwellings. There is ample spacing retained around the building to ensure the development will sit comfortably within the plot and not appear cramped or out of keeping with the spacious residential character in this locality. The extent of hardsurfacing to facilitate access to the rear garages and parking spaces will not appear prominent or detract from the character and appearance of the conservation area setting.

As a result it is considered that the design of the development is satisfactory for the location and would reflect the character and appearance of the adjoining properties. Furthermore it is considered that the proposed scheme would not detract from the character and appearance of the Great Bentley Conservation Area in this location.

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). Furthermore, saved Policy HG14 states that a minimum of 1 metre side isolation should be retained to safeguard the amenities and aspect of adjoining residents.

Approximately 9 metres is retained between the proposed building and the neighbouring property Tudor House and approximately 8 metres to the donor dwelling.

The introduction of built form in this locality will result in a change of aspect for occupants of the donor and neighbouring dwellings. However, the spacing between dwellings ensures that there will be no material loss of outlook or light as a result of the development.

Tudor House has a large outbuilding positioned adjacent to the application site with a boundary hedge running the length of the shared boundary. These help to minimise any noise and disturbance from traffic movements associated with the development. Nonetheless, the traffic movements associated with 3 units is not considered excessive and all vehicles would be moving at slow pace further minimising any noise impact.

The spacing between the dwellings, boundary vegetation, trees to be retained and position of the neighbouring outbuilding help to minimise the impact of the proposal in terms of overlooking and loss of privacy to Tudor House. The proposed building has side facing windows at both ground and first floor levels. Boundary treatments help to screen views from ground floor windows. Living, study, workroom and bedroom windows are positioned on the upper floor facing Tudor House. Due to the position of the building views from the living room window look out towards the roof of Tudor House and is a secondary window with the main view over The Green. The side facing bedroom window is small and also a secondary window. The side facing study and workroom windows do have the potential to overlook the private garden area of Tudor House. These rooms are likely to have desks or workstations positioned alongside the windows. A condition is therefore considered necessary to secure frosted glazing to these 2 windows in the interests of residential amenities. Within the eastern facing elevation looking toward to the donor property, there is a small secondary bedroom window, an ensuite window, utility room window and a secondary kitchen window at first floor. Due to the position of the buildings and the internal accommodation proposed, there will be no harmful overlooking or material loss of privacy to the occupants of the donor dwelling.

Saved Policy HG9 sets out the minimum standards for private amenity space to serve new dwellings. For flats it states that 25 sqm should be provided per flat communally or 50 sqm metres for a ground floor flat and 5 sqm metres of balcony space for upper floor flats. The amended scheme allows for 40 sqm metres per flat and a large balcony area for the first floor flat. This provision is more than that included within previously approved schemes. This current scheme therefore greatly improves the amenity space for the dwellings that previously approved schemes which, together with the extensive Great Bentley Green directly adjacent are considered acceptable. The 10sqm deficit for each flat is not considered to result in a poor standard of amenity for the occupants of the proposed dwellings and the development therefore meets the aims of this policy. The private amenity space retained for the donor dwelling is in excess of the requirements of Policy HG9.

Access 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 means of access to the site from Weeley Road already exists and serves three dwellings. The issue of access across The Green raised by the Parish Council essentially remains a matter between the parties concerned. The creation of 3 units will not result in a significant increase in traffic movements in this locality to a level that could be considered materially harmful to highway safety.

The Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms, a minimum of 2 parking spaces are required together with 0.25 visitor spaces per unit. 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 proposal comprises 3 no. 2 bed apartments amounting to a requirement of 6.75 spaces. The development is served by a double garage, carport, 3 parking bays and a visitor parking bay all of the appropriate dimensions.

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

Based on the above it is considered that adequate car parking and turning facilities are achievable within the site and as a result the proposal would not result in any highway safety issues.

Trees and Landscaping

The main body of the application site is set to grass. There is a shrub bed to the front of the application site and three trees that feature prominently in the public realm. The trees on the site are afforded protection because they are situated within the Great Bentley Conservation Area.

To the front of the proposed building there is a young Maple that is shown as retained. On the western boundary, adjacent to the front garden of the property to the west, there are two other trees. The tree closest to The Green is shown as retained and the tree set further back is shown as removed to facilitate the vehicular access to the rear of the proposed building. No other trees will be affected by the development proposal.

Protection of the retained trees during construction will be secured by condition (as shown on the Landscaping Plan). A condition is also considered necessary to secure full landscaping details including new tree planting to compensate for the tree to be removed and additional soft landscaping, especially of the site frontage to ensure that the development sits comfortably in its setting and does not cause harm to the character or appearance of the conservation area.

Financial Contribution – Open Space / Play Spaces

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 1.73 hectares of equipped play in Great Bentley. However, there is more than adequate provision in terms of formal open space.

The nearest play space to the development is located on Heckfords Road, and the area is classified as a Local Area for Play, this is the only play facility in Great Bentley and will therefore see the biggest impact on any further development.

Due to the limited play provision in Great Bentley, any further development in the area will increase the current deficit further and put greater demand already stretched play facilities.

Due to the significant deficit of play facilities in the area if it felt that a contribution towards play is justified and relevant to the planning application. The play area in Great Bentley has recently been up dated, however there is still improvements that are needed in this play area the contribution received will be used to make these improvements at Heckfords Road, Great Bentley

This application is accompanied by a unilateral undertaking securing a financial contribution.

Financial Contribution – 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

Great Bentley Parish Council indicated that there appears to be no right of access to the site across the village green and that the Parish Council as owner of the Green cannot give access approval.

- Land ownership and rights of access are not a planning matter.

2 letters of representation have been received raising the following points and concerns;

- Unsightly and not in keeping with the village setting.
- Cramped.
- No further need for housing.
- Further stretch on local amenities and facilities.
- Insufficient infrastructure.

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

- Harm to roads from traffic movements and construction vehicles.

The access across The Green lies outside of the red lined site area and is not within the sole ownership of the applicant. It is not possible to impose conditions on such land. The covenant relating to the maintenance of the access is a legal matter and not relevant to planning legislation or considerations.

- Harm to wildlife and protected species.

Due to the nature of the use of the land and its vegetative condition, there is no need for a Phase 1 Ecology Appraisal. The development will not result in the loss of any trees with roosting potential.

Conclusion

In the absence of any material harm resulting from the development, 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. TMGB/4C, DRAWING NO. TMGB/5, DRAWING NO. TMGB/6, DRAWING NO. TMGB/11, DRAWING NO. TMGB/19/G1, DRAWING NO. TMGB/19/bs1, drawing no: 1415/PC/01 (Window and Gauged Brick Arch Details), drawing no: 1415/PC/02/A, Landscaping and Fencing Details and Materials Schedule.

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

- 3 Prior to the occupation of any of the proposed dwellings, the private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the existing track.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

- 4 No unbound materials shall be used in the surface treatment 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.

- 5 All new parking areas and areas of hardstanding 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 within the site area.

Reason - In the interests of sustainable development and to minimise the risk of surface water flooding.

- 6 The dwellings hereby approved shall not be occupied until such time as the car parking areas and garages indicated on the approved plans have been built, hard surfaced and sealed. The car parking 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 dwellings thereafter.

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

- 7 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 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 the interest of visual amenity and the character of the Great Bentley Conservation Area.

- 8 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - In the interest of visual amenity and the character of the Great Bentley Conservation Area.

- 9 The development hereby permitted shall be carried out in strict accordance with the tree protection measures detailed on the approved plan and 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 character of the Great Bentley Conservation Area.

- 10 No above ground level works shall take place until precise details of the provision, siting, design and materials of screen walls and fences to all private garden areas and the site perimeter have been submitted to and approved in writing by the Local Planning Authority. The approved screen fences 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 conservation area setting.

- 11 The development hereby approved shall be carried out in accordance with the timber window details shown on approved drawing no: 1415/PC/01 and retained in this approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the development is appropriate in its conservation area setting.

- 12 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 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), the first floor side facing windows within the east elevation serving the workroom and study shall be glazed in obscure glass

before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason - In the interests of the amenities of the occupants of the neighbouring property.

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.

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:

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 2:

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 3:

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.