

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	05/08/19
Planning Development Manager authorisation:	AN AP	5/8/19
Admin checks / despatch completed		7/8/19

*MP*

**Application:** 19/00560/OUT                      **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr and Mrs A Hobbins

**Address:** Greenways Church Lane Great Holland

**Development:** Proposed removal of existing bungalow and erection of 2 dwellings.

### 1. Town / Parish Council

Frinton and Walton Town Council      REFUSAL - backland development is unacceptable and does not enhance the locality.

The development would be against Policy PPL8 in regard to development within a designated Conservation Area (the close proximity to the Grade 2\* listed church should be respected).

The Town Council supports the objections as outlined in the comment received from Mr Fletcher-Tomenius.

### 2. Consultation Responses

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 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. Prior to occupation of the development the new vehicular access shall be constructed at right angles to the highway boundary / existing carriageway. The width of the dropped access at its junction with the carriageway shall not be more than 4.5 metres, (5 low kerbs) shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

3. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

4. 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.

5. Any single garage should have a minimum internal measurement of 7m x 3m.

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.

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.

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: There shall be no discharge of surface water onto the Highway.

To prevent hazards caused by water flowing onto the carriageway and to avoid the formation of ice on the highway in the interest of highway safety.

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](mailto: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.

Essex County Council  
Heritage

The application is for proposed removal of existing bungalow and erection of 2 dwellings.

The two heritage assets for consideration are the Great Holland Conservation Area and the Grade II\* listed Church of All Saints (List Entry ID: 1165610).

There may be potential for development within this site but I do not support this proposal. The proposed development site is located within a conservation area and within the setting of a Grade II\* heritage asset. Considering this sensitive location, an outline development is not appropriate and only a fully detailed proposal should be considered here.

Considering the level of detail provided, the impact of the proposal cannot be understood, and this cannot be resolved through planning conditions. As such the application is not compliant with paragraph 189 of the NPPF and paragraph 196 is potentially relevant.

### **3. Planning History**

17/01692/TCA	1 No. Silver Birch - Fell.	Approved	30.10.2017
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### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

COM6 Provision of Recreational Open Space for New Residential Development

EN6A Protected Species

EN17 Conservation Areas

EN20 Demolition within Conservation Area

EN23 Development Within the Proximity of a Listed Building

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

HG13 Backland Residential Development

HG14 Side Isolation

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

CP1 Sustainable Transport and Accessibility

LP1 Housing Supply

LP4 Housing Layout

LP8 Backland Residential Development

PPL4 Biodiversity and Geodiversity

PPL8 Conservation Areas

PPL9 Listed Buildings

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the 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**

### Site Description

The application site is Greenways, which is located to the northern section of Church Lane within the parish of Great Holland. Greenways itself is a single storey residential property set back behind the existing development line to the east and west. The site lies within the Great Holland Conservation Area, while approximately 80 metres to the east is All Saints Church, a Grade II\* Listed Building. To the west of the site is a public right of way.

The site falls within the Settlement Development Boundary for Great Holland, as agreed in both the Adopted Tending Local Plan 2007 and the Emerging Tending District Local Plan 2013-2033 and Beyond Publication Draft.

### Description of Proposal

This application seeks outline planning permission for the erection of two residential dwellings, following the demolition of the existing dwelling. The application is with all matters reserved; namely access, appearance, landscaping, layout and scale.

### Assessment

#### 1. Principle of development

Policy EN20 of the Adopted Local Plan states proposals must retain buildings that make a positive contribution to the character of appearance of a Conservation Area.

Given that the existing dwelling is not considered to be of particularly strong visual merit and currently in a semi-derelict state, and is set well back from the street scene, it does not make a positive contribution to the area. Its demolition will therefore not harm the character of appearance of the existing Great Holland Conservation Area.

The site is situated within the defined settlement limits of Great Holland as defined by both the adopted Tending District Local Plan (2007) and emerging Publication Draft (2017) and therefore the principle of residential development in this location is acceptable subject to the detailed considerations as set out below.

## 2. Backland Development

The development involves the construction of two detached dwellings in a 'backland' location to the rear of the established residential frontage along Church Lane. With regards to Policy HG13 of the 2007 Local Plan (and echoed in policy LP8 of the draft Local Plan), it states proposals for the residential development of backland sites must comply with the following criteria:

- i. the site lies within a defined settlement development boundary and does not comprise land allocated or safeguarded for purposes other than a residential use;
- ii. where a proposal includes existing private garden land which would not result in less satisfactory access or off-street parking arrangements, an unacceptable reduction in existing private amenity space or any other unreasonable loss of amenity to existing dwellings;
- iii. a safe and convenient means of vehicular and pedestrian access/egress can be provided that is not likely to cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will be discouraged;
- iv. the proposal does not involve "tandem" development using a shared access;
- v. the site does not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution;
- vi. the site is not on the edge of defined settlements and likely to produce a hard urban edge or other form of development out of character in its particular setting; and
- vii. the proposal would not be out of character with the area or set a harmful precedent for other similar forms of development.

The main problems that can arise as a result of backland development include undermining the established character of an area (especially if similar schemes were to be repeated elsewhere in a locality); dwelling plots appearing cramped relative to their surroundings; the fragmentation of established gardens with a loss of mature landscaping; and the infringement of neighbouring residents' amenities. Development behind an established building line can also appear incongruous, particularly with isolated dwellings.

There must also be proper means of access to backland development, which is safe and convenient for both drivers and pedestrians, with a turning area where necessary to avoid the need for vehicles to reverse onto a public highway. A proposed access should avoid excessive disturbance or loss of privacy to neighbouring residents through, for example, an access drive passing unreasonably close to an adjoining dwelling. The likely frequency of use by vehicular traffic and the suitability of the access for service vehicles and the emergency services will also be relevant material considerations.

In respect of the policy criteria noted above the development is considered to meet the requirements as follows;

- (i) - the site is within the defined settlement boundary in both the saved and emerging local plans and is not designated for any particular use;
- (ii) - the existing bungalow is well set back from Church Lane, with development not proposed to be within the existing garden area, bar a slight extension as a result of a larger replacement dwelling. The indicative layout provided shows that both proposed dwellings will have private garden areas in excess of 100sqm, which will accord with the requirements of saved policy HG9. Furthermore, each dwelling will have a separate access and sufficient off-street parking provision.
- (iii) - the private access would be located on the western side of Greenways, which currently serves two dwellings approved under planning permission 15/00984/FUL to the north. Essex County Council Highways do not object to the proposal. In terms of the impact upon residential amenity, the access point will be located approximately 10 metres to the adjacent neighbour to the west, which is separated by existing mature vegetation, and traffic movements associated with one additional property would not cause undue noise and disturbance to the surrounding residents.
- (iv) - whilst the layout indicates 'tandem development' the access would not be shared.

(v) - the site is of a regular shape and would not compromise a more comprehensive development solution.

(vi) - the development of the site would not form a hard urban edge to the settlement as the land is surrounded by residential development on all sides.

(vii) - the development would not set a harmful precedent as the existence of the access road and two dwellings approved under 15/00984/FUL create a unique situation. The siting of the existing dwelling is also extremely deep, effectively allowing a replacement dwelling and an additional dwelling reflecting the prevailing building line.

### 3. Design, Layout and Appearance

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 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 Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The submitted plans do not provide any detailed elevational drawings and only an indicative layout, however do indicate that the proposal will be for a single detached bungalow, to replace the existing bungalow, and a single detached two storey dwelling. The predominant character of the immediate surrounding area sees a number of two storey dwellings; however the existing dwelling seeking to be replaced is the sole bungalow in this section of Church Lane. Against this backdrop, the proposal is in-keeping with the areas existing scale and subject to detailed elevational drawings is acceptable in principle. Further, the proposed dwelling further south of the application site will help to main the strong building line running west to east in this section of Church Lane.

It is noted that the proposed dwelling to the south of the site would have an ancillary detached garage. This has the potential to be prominent within the street scene. Notwithstanding the set back of approximately 17 metres, this element of the proposal is likely to be considered unacceptable in street scene and heritage terms.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling with three bedrooms or more should be a minimum of 100 square metres. The submitted plans demonstrate that there will be sufficient private amenity area for both the proposed dwelling and the replacement dwelling.

### 4. Heritage Impact

Paragraph 189 of the National Planning Policy Framework (2019) states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

Paragraph 193 of the National Planning Policy Framework (2019) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 196 of the National Planning Policy Framework (2019) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy EN17 of the Adopted Local Plan states that development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area. The sentiments of this policy are carried forward within Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Policy EN23 of the Adopted Local Plan states that development that would adversely affect the setting of a listed building, including group value and long distance views, will not be permitted. The sentiments of this policy are carried forward within Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The application site is within the Great Holland Conservation Area, whilst the All Saints Church, a Grade II\* Listed Building, is located approximately 80m to the east. Greenways itself is not mentioned within the Great Holland Conservation Area Appraisal; however All Saints Church is recognised as a "*substantial and important building*", while "*The church tower and its woodland setting are prominent in all longer range views from Frinton and Holland Gap*".

The Council's Historic Environment consultant has stated that while there may be potential for development within this site, considering its sensitive location an outline application is not appropriate, with the level of impact unable to be understood. They are therefore not in support of the scheme. However, it is considered that the approval to the north for two dwellings has altered the areas character previously. Further, as the proposal seeks to replace the existing dwelling and erect an additional dwelling in line with the strong building line running west to east along this section of Church Lane, subject to a sympathetic and high quality design, it is considered that the works could enhance the areas character. Therefore, while the comments raised are noted, on balance it is considered that a future detailed proposal could ensure two dwellings are accommodated without harming the setting of the Great Holland Conservation Area and Grade II\* Listed Building. Any substandard proposals would be refused on heritage grounds. An informative has been added to confirm the detailed proposal should be of an excellent standard and that pre-application advice should be sought.

#### 5. Impact to Neighbouring Amenities

Policy QL11 of the Saved Plan 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 (June 2017).

The submitted plans do not include any detailed elevational drawings; however Officers consider that there is good separation between both the proposed dwellings and to existing neighbouring properties to the east, north and west to ensure there is unlikely to be significant harm in terms of overlooking, loss of light or the dwelling appearing imposing.

#### 6. Highways Impacts

Essex Highways Authority have stated they have no objections to the scheme subject to conditions relating to a vehicular turning facility, the new vehicular access and the use of no unbound materials.

The Adopted Parking Standards further require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces are 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 submitted plans do not indicate the number of bedrooms to each property. However, the plans do show two spaces at the above measurements for the replacement bungalow, and despite the garage not meeting the above requirements there is sufficient area for two parking spaces to the proposed house. Access and layout are reserved matters so these points will be considered under the reserved matters application.

#### 7. Biodiversity

The site currently contains a large area to the centre of the plot that is overgrown. Accordingly, due to the potential for protected species on site, a Phase 1 Habitat Survey has been requested and



supplied. Within the survey it states that, subject to a number of enhancements including the installation of bird and bat boxes, as shown within Section 6 of the report, there will not be harm to protected species. A condition will be attached to this decision to ensure these mitigation measures are adhered to.

## 8. Tree Impacts

The application site contains a derelict dwelling and most of the garden is overgrown with brambles.

As the site is situated within the Great Holland Conservation Area all trees with a stem diameter greater than 75mm at a point 1.5m from ground level are afforded formal legal protection.

The western boundary is planted with an established coniferous hedge which provides a good level of screening but does not fall under conservation area controls. Nevertheless it would be desirable for it to be retained or replaced if it were necessary for it to be removed as part of the development process.

The eastern boundary is planted with a Laurel hedge that performs a similar function and should be retained or replaced as appropriate.

The front boundary, adjacent to Church Road is demarcated by a hawthorn hedge and immediately to the north of the hedge there is an early mature Oak. This tree makes a positive contribution to the appearance of the conservation area and is shown as retained.

To the west of the new vehicular access serving the dwelling closest to the highway there is an established Pine. The tree features prominently in the public realm and is shown as retained.

Further back in the main body of the application site, and close to the existing dwelling, there is an over-mature Silver Birch. The tree has good visual amenity value that would increase if the development proposal were to be implemented; however it is not in good condition and has significant structural defects. There are pockets of decay in old pruning wounds and a main branch has become partially detached and is 'caught-up' in the crown of the tree. On 30 October 2017 conservation area consent was granted to fell the tree because of its condition.

It will be necessary to provide details of the way that retained trees will be physically protected for the construction phase of any planning permission that may be granted, and accordingly a condition to reflect this will be attached to this decision. Landscaping is a reserved matter so the detail of hard and soft landscaping will be addressed at reserved matters stage.

## 9. Legal Obligations

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".

There is currently a deficit of 14.12 hectares of equipped play in Frinton, Walton, Kirby and Great Holland, with the nearest play area located on the corner of Pork Lane and Main Road approximately 0.5 miles away. This play area has recently been refurbished but to cope with any additional development this will still be in need of continued improvements, and therefore a contribution is both relevant and justified.

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

## 10. Habitats Regulation Assessment

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 the RAMS level 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. The contribution is secured by unilateral undertaking. There is therefore certainty 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.

### Other Considerations

Frinton and Walton Town Council recommend refusal for the following reasons:

1. Backland development is unacceptable and does not enhance the locality; and
2. Harm to Conservation Area and Grade II\* Listed Building.

In answer to this, both points have been addressed within the main body of the report above.

There has been one letter with no objection and two letters of support received.

There have been 10 letters of objection received, with the following concerns:

1. Harm to Conservation Area;
2. Out of keeping with character of the area;
3. Increase in traffic;
4. Not a sustainable location for residential development;
5. Represents overdevelopment; and
6. Impact to neighbours.

In answer to this, points 1, 2, 4 and 6 have been addressed within the main body of the report. In answer to point 3, Essex Highways Authority have not objected to the scheme and it is not considered an additional one dwelling will significantly impact local traffic levels. In response to point 5, the site comfortably meets the private amenity and parking standards and is therefore not considered to represent overdevelopment.

### Conclusion

The application site is located within the settlement boundary for Great Holland in both the Adopted and Emerging local plans, and therefore the principle of an additional dwelling in this location is acceptable. The existing dwelling is not considered to make a positive contribution towards the Great Holland Conservation Area, and its demolition is therefore acceptable. The site is also of a sufficient size to meet the required private amenity and parking standards, while Essex Highways Authority raise no objections.

The scheme is with all matters reserved for a future detailed application. Subject to a sympathetic and high quality design it is considered the development can take place without causing harm to the character and appearance of the Great Holland Conservation Area, and to the setting of the nearby Grade II\* Listed Church. The application is therefore recommended for approval.

## **6. Recommendation**

Approval.

## 7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 3 No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the access, appearance, landscaping, layout and scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers 1 Revision C, 2 and the documents titled 'Heritage Statement' and 'Ecological Appraisal'.

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

- 5 No development shall take place until the existing trees on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping, have been protected by the erection of temporary protective fences of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.

Reason - To ensure the protected tree on site is not damaged during the construction of the proposed dwelling.

- 6 The recommendations as highlighted within Section 6 of the submitted document titled 'Ecological Appraisal' shall be implemented prior to occupation of the dwellings and maintained in perpetuity thereafter.

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

- 7 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities
- v. dust suppression techniques

Reason - To ensure that as far as reasonably practicable residents living in close proximity to the site are not adversely affected by vehicular or construction related dust.

## **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.

### Future Detailed Application

Within a future detailed planning application, the design should be of an excellent standard given the sensitive location within a Conservation Area and within the setting of a Grade II\* Listed Building. It would be advised that pre-application discussions are carried out prior to a future submission.

### Highway Informatives

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 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.

There shall be no discharge of surface water onto the Highway.

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.

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.

Prior to occupation of the development the new vehicular access shall be constructed at right angles to the highway boundary / existing carriageway. The width of the dropped access at its junction with the carriageway shall not be more than 4.5 metres, (5 low kerbs) shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

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

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

### 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.