

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	26/09/2019
Planning Development Manager authorisation:	AN	26/09/2019
Admin checks / despatch completed	SB	27/09/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	en	27/09/19

Application: 19/00118/OUT

Town / Parish: Frinton & Walton Town Council

Applicant: Mr Gillman

Address: 87 Thorpe Road Kirby Cross Frinton On Sea

Development: Proposed demolition of existing dwelling and erection of three replacement dwellings (Bungalows).

1. Town / Parish Council

Frinton and Walton Town Council

REFUSAL - this property has historical interest and therefore should be retained. Very busy road with pedestrian safety at risk.

2. Consultation Responses

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal is situated within an existing 30-mph speed limit and retains adequate room and provision for off street parking and turning, for the proposed dwellings 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 proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Footway and provided with an appropriate dropped kerb crossing of the footway/verge.

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 Prior to the proposed access being brought into use, vehicular visibility splays of 43m by 2.4m by 43m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line for each access and shall be retained and maintained free from obstruction clear to ground thereafter.

Reason: To ensure adequate indivisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety and in accordance with Policy DM.

3 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with

Policy DM 1.

4 All off street car parking shall be in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8.

5 Prior to the occupation of the proposed development, details of the provision for the storage of bicycles for each dwelling sufficient for all occupants of that 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 within the site which shall be maintained free from obstruction and retained thereafter.

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

6 Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter.

Reason: To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway, in the interests of highway safety in accordance with Policy DM 1.

7. 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.

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 All of the existing boundary hedge for the property to be demolished will need to be removed to obtain the necessary visibility splays for the new access.

Informative 2 Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway

Informative 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: Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

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

Informative 5: 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

Essex County Council
Archaeology

The above proposal involves the demolition of a historic property. The house is depicted on the 1st edition OS map and so must predate c.1870. The building is depicted within a large plot of landscaped grounds and is of a size to suggest it was a relatively grand dwelling. The use of slate as a roofing material is unusual for this date and area and is likely to have been made possible by the coming of the railway to this area. A low level historic building record should be completed prior to its demolition to establish the date and function of the building and potential for surviving internal fittings and fixtures.

The following recommendations are made in line with the Department for Communities and Local Government National Planning Policy Framework:

RECOMMENDATION: Historic building record

1. No development or demolition can commence until a historic building record has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority.

2. Following completion of the historic building record, the applicant will submit to the local planning authority a report ready for deposition with the EHER.

Reason for recommendation

The development would result in harm to non-designated heritage assets. Further Recommendations:

A brief outlining the level of historic building recording will be issued from this office on request. Tendring District Council should inform the applicant of the recommendation and its financial implications.

If you have any questions about this advice, please do not hesitate to contact me.

Essex County Council
Places Services – Historic
Environment

The application is for proposed demolition of existing dwelling and erection of three replacement dwellings (Bungalows).

ORIGINAL COMMENTS

My only comment relates to the demolition of the existing building. A building of similar footprint is shown on the 1890s Ordnance Survey map (below) and I believe also on the first edition 1870s OS map. Considering the age of the building, this maybe considered a non-designated heritage asset and in this case the demolition would be considered harm under paragraph 197 of the NPPF. I recommend the significance of this building is confirmed prior to determination.

Should this building be of no significance, then I have no comments pertaining to this application.

Essex County Council
Places Services – Historic
Environment

ADDITIONAL COMMENTS

(FOLLOWING
INSPECTION OF
INTERNAL PHOTOS)

It does not look like it retains much significance but I would put a building recording condition on it (Level 3).

No development or demolition can commence until a historic building record has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority. The scheme of building recording shall be commensurate with a 'Level 3 Record' as outlined in Historic England guidance 'Understanding Historic Buildings'.

3. Planning History

No planning application history relevant.

4. Relevant Policies / Government Guidance

National Planning Practice Guidance

NPPF National Planning Policy Framework February 2019

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

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG14 Side Isolation

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

COM6 Provision of Recreational Open Space for New Residential Development

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

CP1 Sustainable Transport and Accessibility

PPL4 Biodiversity and Geodiversity

HP5 Open Space, Sports & Recreation Facilities

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

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

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

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site comprises the house and garden at 87 Thorpe Road, Kirby Cross amounting to approximately 0.19 hectares in size. The rear of the property is laid to grass with some mature trees to the rearmost part with the boundaries enclosed by close boarded fencing and some hedgerows. To the front of the property is an in-and-out tarmac driveway with a front boundary hedge and landscaped area. Along the eastern boundary is a garage and outbuildings.

Description of Proposal

The application seeks outline planning permission for the erection of three detached dwellings (following demolition of the existing 2 storey detached property and associated outbuildings).

This application is considering layout only. Access, scale, appearance and landscaping are therefore reserved for subsequent approval as part of a detailed application.

Assessment

The main considerations in this instance are;

- Principle of Residential Development;
- Loss of Non-designated Heritage Asset;
- Layout, Scale and Appearance (assessment of Backland Development)
- Trees and Landscaping;
- Financial Contribution - RAMS;
- Financial Contribution - Open/Play Space;
- Other Considerations – Non-designated Heritage Asset; and,
- Representations.

Principle of Residential Development

The site is located within the Settlement Development Boundary for Kirby Cross as defined within both the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Saved 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 and sustainability criteria, as appropriate, and can take place without

material harm to the character of the local area. Draft Policy SPL2 of the emerging Local Plan echo these aims.

Consequently, the principle of residential development in this location is acceptable subject to relevant detailed considerations which are outlined below.

Loss of a Non-designated Heritage Asset

The proposal involves the demolition of a historic property.

Paragraph 197 of the National Planning Policy Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Comments received from Essex County Council Place Services state that the house is depicted on the 1st edition OS map and so must predate c.1870. The building is depicted within a large plot of landscaped grounds and is of a size to suggest it was a relatively grand dwelling. The use of slate as a roofing material is unusual for this date and area and is likely to have been made possible by the coming of the railway to this area.

On further inspection of the dwelling, specifically internal photographs, officers are satisfied that the property does not contain sufficient significant fabric to resist its demolition. However, due to the historic interest a condition requiring a Level 3 building recording is considered reasonable in this instance.

Layout, Scale and Appearance (assessment of Backland Development)

Paragraph 8 of the National Planning Policy Framework 2019 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 proposal relates to the demolition of the existing two-storey property and the construction of 3 bungalows on the plot. Plot 1 would address Thorpe Road sited in a similar position to the existing dwelling. The remaining Plots 2 and 3 would be sited to the rear of the site accessed via a driveway running along the eastern side of Plot 1 with the garage of the neighbouring property (no. 85) abutting the eastern side boundary. Consequently, the layout shown for which this outline application seeks approval, represents backland development.

Saved Policy HG13 of the adopted Local Plan and emerging Policy LP8 of the draft Local Plan deal with backland residential development. Saved Policy HG13 states that proposals for the residential development of "backland" sites will be permitted where the following criteria are met:

- (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;

This criterion is met. The site is within the settlement development boundary for the area and the site is not allocated or safeguarded for purposes other than 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;

- Neighbour Impact;

The NPPF 2019, 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).

The impact upon the residents situated on either side of the site would be minimal. The access road would run along the shared boundary with no.85, however this property has a garage located against this boundary and the traffic movements associated with access to 2 no. bungalows at the rear would be low key and therefore would not cause undue noise and disturbance to the existing residents.

In respect to no. 91 to the west the proposed bungalow would not extend out rearwards of this property and although there are several windows facing into the site these are secondary windows where any impact upon light received to the rooms they serve would be lessened.

The bungalows to the rear would be sufficiently setback from those properties either side not to cause any loss of outlook concerns to arise.

- Garden Space;

Policy HG9 of the Tendring District Local Plan (2007) sets out a requirement for three bedroomed dwellings to have a minimum of 100 square metres private amenity space. The bungalows would be served by private gardens in excess of this requirement.

- Highways 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 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 application results in a net gain of 2 dwellings and will be accessed via an existing access point. The traffic movements associated with the development cannot be considered excessive or harmful to highway safety.

The layout plan provided demonstrates how plots 1 and 2 would each be served by a parking bay and garage with plot served by 2 parking spaces. The dimensions and number of the parking spaces and garages shown, satisfactorily accord with the parking standards set out above.

Essex County Council Highway Authority raise no objection subject to conditions. As the application is in outline form with access being a reserved matter, the conditions will be added where necessary but some also included as informatives for the future reserved matters application.

- (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

As stated above, the site is bound by existing residential development. Directly to the rear, south west and opposite the site are examples of cul-de-sac style developments breaking up the linear arrangement of dwellings fronting Thorpe Road demonstrating the well built up character of the locality. Furthermore, to the east, numbers 61 and 63 are examples of dwellings sited to the rear with a shared long drive, with no Thorpe Road frontage. Directly to the west of the application site are examples of fairly new/renovated bungalows meaning that plot 1 will sit comfortably within the street scene and views of the bungalows to the rear will not appear out of character.

The development does result in a somewhat tandem arrangement due to the position of plots 1 and 3. However, recent planning and appeal decisions in the locality provide sufficient justification for the acceptability of backland development. Examples of those allowed on appeal include;

*15/00047/OUT and 16/00277/DETAIL -154 Thorpe Road
17/00860/FUL - Land between 176 and 178 Thorpe Road; and,
17/01272/FUL – 205 Thorpe Road*

Although these sites are not directly comparable, the decisions demonstrate that no material environmental harm that warrants refusal of planning permission has arisen from other backland developments in the locality.

The site is a regular shaped parcel of land currently serving the garden and plot of the host dwelling. The site is not fragmented, being surrounded by existing residential development. The proposed development would not prejudice a more appropriate comprehensive development solution.

The development will not produce a hard-urban edge not result in a form of development that is out of character in its particular setting.

- (vii) the proposal would not be out of character with the area or set a harmful precedent for other similar forms of development.

The scale of properties in the vicinity of the site is varied. To the west are bungalows and to the east is a pair of two-storey semi-detached dwellings. Therefore, the siting of bungalows on the plot in terms of their scale would respect the varied nature of the locality whilst being in keeping with the bungalows directly to the west.

Trees and Landscaping

The application site is currently being used as part of the residential curtilage of the host property. The garden contains a few trees and shrubs of a mixed age range. The largest trees on the site

are at the bottom of the rear garden and are set back, some distance from the highway. Consequently, the trees make only a moderate contribution to the character and appearance of the public realm.

The indicative site layout makes provision for the retention of some of the trees and identifies the need for the removal of others in order to facilitate the development proposal.

Taking into account the size and positions of the trees on the application site the contribution that they make to the local environment is not sufficient to merit formal legal protection by means of a Tree Preservation Order.

However, in order to show the extent of Root Protection Areas (RPA's) of retained trees and to show how they will be physically protected for the duration of the construction phase of the development; a Tree Survey and Report in accordance with BS5837: 2012 Trees in relation to design, demolition and construction; Recommendations will be required. This can be secured as a reserved matter.

As the site is set back from the highway any new soft landscaping will make only a moderate contribution to the public realm. Nevertheless, new planting will be secured at the reserved matters stages for its own sake and to enhance the appearance of the development for future residents of the development.

Financial Contribution – 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.

Financial Contribution – Open/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.

In line with the requirements of saved Policy COM6 and emerging Policy HP5 the Council's Open Space Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution toward public open or play space.

There is currently a deficit of -14.12 hectares of equipped play in Frinton, Walton & Kirby. Any additional development in Kirby will increase demand on already stretched play areas. The nearest play area to the proposed development is Halstead Road, Kirby approximately 0.5 miles from the proposed development. The site is well used by the local community and would struggle to cope with any additional usage.

Due to the significant lack of play facilities in the area it is felt that a contribution towards play is justified and relevant to the application. Additional play equipment will be installed in Halstead Road play area.

A completed unilateral undertaking has been provided to secure the required financial contribution towards the project.

Representations

Frinton and Walton Town Council recommend refusal of the application on the following grounds;

- Property has historical interest and therefore should be retained.
- Very busy road with pedestrian safety at risk.

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

- Detrimental impact on property value.
This is not a material planning consideration.
- Noise and disturbance during buildings works.
Buildings times should be restricted.
This is an inevitable part of the construction period and cannot form a reason for refusal. Construction times can be controlled by the submission and approval of a construction method statement secured by condition.
- The adjacent outbuildings should be made good post demolition.
Damage to property from demolition works.
Such details and matters would need to be agreed by the relevant parties and cannot be controlled by planning condition.
- Infill/back land development.
Harmful to highway safety and traffic congestion.
Insufficient infrastructure and amenities.
No more new homes needed for the area.
Loss of spacious character.
The principle of residential development and the impact on the character of the area and highway safety is addressed in the main report above.
- Loss of historically important building.
This is also addressed in the main report above.

Conclusions

For the reasons set out above, the development is considered to represent a sustainable form of development that accords with the aims of national and local plan policy. In the absence of any material harm resulting from the development, the application is recommended for approval subject to conditions.

6. Recommendation

Approval - Outline

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 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 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

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

- 5 The layout of the development hereby permitted shall be carried out in accordance with the following approved plan Drawing No GTR-01 Revision A.

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

- 6 Concurrently with the reserved matters, a Tree Survey and Report in accordance with BS5837: 2012 Trees in relation to design, demolition and construction; Recommendations shall be submitted to and approved in writing by the Local Planning Authority in order to show the extent of Root Protection Areas (RPA's) of retained trees and to show how they will be physically protected for the duration of the construction phase of the development. The development shall be carried out in accordance with the approved Tree Survey and Report.

Reason - In the interests of visual amenity and quality of development.

- 7 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.

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

- 8 No development or demolition shall commence until a historic building record has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the Local Planning Authority. The scheme of building recording shall be commensurate with a 'Level 3 Record' as outlined in Historic England guidance 'Understanding Historic Buildings'.

Reason - To secure a historic building record for the non-designated heritage asset to be demolished, in the interests of the historic environment.

- 9 The proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Footway and provided with an appropriate dropped kerb crossing of the footway/verge 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.

Reason - In the interests of highway safety.

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: All of the existing boundary hedge for the property to be demolished will need to be removed to obtain the necessary visibility splays for the new access.

Informative 2: Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway

Informative 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: Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided 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 5: 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

Reserved Matters Informatives

1. Vehicular visibility splays of 43m by 2.4m by 43m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line for each access and shall be retained and maintained free from obstruction clear to ground thereafter to ensure adequate indivisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.
2. Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter to ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway, in the interests of highway safety.
3. No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary to ensure that loose materials are not brought out onto the highway, in the interests of highway safety.
4. All off street car parking shall be in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter to ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.