

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	25/10/19
Planning Development Manager authorisation:	TF	25/10/19
Admin checks / despatch completed	CC	25/10/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	RL	25/10/19

Application: 19/01162/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Pickett - EMP Kirby Limited

Address: Land to The rear of 56 - 66 Frinton Road Kirby Cross

Development: Erection of 6no. dwellings and associated development.

1. Town / Parish Council

Frinton and Walton Town Council Refusal - overdevelopment of the site and the immediate area, concern with parking.

2. Consultation Responses

Essex County Council Archaeology Thank you for consulting the Historic Environment advisor on the above application. The Historic Environment Record shows the above application lies adjacent to a series of linear cropmarks representing the site of former field boundaries (EHER 8915). No other known archaeological deposits are known in the immediate area. Therefore there is no archaeological recommendation being made on this application.

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 the occupation of any of the proposed development the internal road layout shall be provided in principal and in accord with drawing numbers:

- o 6676-a-1103 p1 Proposed block plan
- o 6676-a-1105 p1 Proposed site layout plan - ground floor

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1.

2. Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6.

3. No unbound material shall be used in the surface treatment of the vehicular access or 6-metre-wide shared surface throughout.

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. All single garages 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.

7. 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.

8. 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

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1.

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 housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to

the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification enough to ensure future maintenance as a public highway by the ECC.

Informative 2: Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.

Informative 3: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 4: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

3. Planning History

18/00787/FUL	Proposed erection of a 3 bedroom bungalow, following relocation of building yard access.	Approved	13.07.2018
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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
EN1 Landscape Character
EN6A Protected Species
EN11A Protection of International Sites European Sites and RAMSAR Sites
HG1 Housing Provision
HG9 Private Amenity Space
HG13 Backland Residential Development
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
HP5 Open Space, Sports & Recreation Facilities
LP1 Housing Supply
LP2 Housing Choice

- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP8 Backland Residential Development
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- SP1 Presumption in Favour of Sustainable Development
- SPL1 Managing Growth
- SPL3 Sustainable Design

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 (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

Site Description

The application site is located to the rear of Numbers 56 to 66 Frinton Road, within the parish of Kirby Cross. The site, which measures approximately 0.32 hectares, comprises open land that has been used as a storage yard. There are no buildings on the site and it has been used informally for the storage of surplus materials.

To the immediate north of the site lies a substantial new residential scheme, which is currently under construction, whilst adjacent to the west is Orchard Gardens, a scheme also currently under construction for a total of 33 dwellings. The character to the east and south is also dominated by urban development, predominantly in the form of residential properties.

The site lies outside of a Settlement Development Boundary within the Saved Local Plan but within the Settlement Development Boundary for Kirby Cross within the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). The site also lies within a designated green gap in the saved plan which is not carried forward into the emerging plan.

Description of Proposal

This application seeks planning permission for the erection of six dwellings, all of which are to be served by three bedrooms and have a separate detached garage. Five of the dwellings are to be single storey bungalows, with the sixth dwelling being a 1.5 storey chalet bungalow with accommodation to the first floor.

Assessment

1. Principle of Development

The site is situated within the defined settlement limits of Kirby Cross as defined within the 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 proposal relates to the erection of six detached dwellings to be sited at the rear of Numbers 56 - 66 Frinton Road. The layout shown represents backland development. Policy HG13 of the Tendring District Local Plan 2007 states that proposals for the residential development of 'backland' sites will be permitted where; amongst other things 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;

The site is located within a defined settlement boundary in the emerging local plan; however is not designated for any particular 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;

The plans submitted include that each of the six dwellings will comfortably exceed the minimum 100 square metres requirement of private amenity space. Further, there is sufficient off-street parking for all dwellings, while the layout has been designed in such a way to ensure sufficient distances to the nearest neighbouring properties.

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;

The private access would be located to the north-western corner of the site. There are no neighbouring properties located either side of this access point, ensuring no harm to amenities as a result of the comings and goings associated with six dwellings. Following recent approvals to the west of the site there is a larger form of development being constructed. Therefore there is not considered to be significant visual harm to the street scene.

It is acknowledged the proposal includes a relatively long and narrow driveway, however given the lack of visual harm to the street scene and that Essex Highways Authority do not object, on balance the identified harm is not considered sufficient to recommend a reason for refusal.

iv. the proposal does not involve "tandem" development using a shared access;

The proposal does not represent a form of 'tandem development' and will not use 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;

The site is of a regular shape and would not compromise a more 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

The development of the site would not form a hard urban edge to the settlement as there is existing development to the east and south of the site, while development for large schemes to both the north and west are nearing completion.

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

As stated above the proposal would be located amongst existing development to the east and south. Given this and the developments under construction to the north and west of the site, the proposal represents an infill development that will not appear out of character or set a harmful precedent.

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 development will include a total of six dwellings, all of which will be detached and served by garages. Five of the dwellings are to be single storey bungalows, with the sixth dwelling (Plot 1) being a 1.5 storey chalet bungalow with accommodation to the first floor. The proposed layout shows a mini cul-de-sac arrangement that, while not necessarily in-keeping with the surrounding development, will not result in detrimental visual harm.

The submitted plans include three different designs, all of which incorporate key features including front gables, canopy's, dormer windows and a brick plinth. These features help to soften the dwellings' appearance and ensure they sit more comfortably within their surrounds.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should be a minimum of 100 square metres. The submitted plans show that this will be achieved for all six new dwellings.

4. 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).

While it is acknowledged there are a number of residential properties to all sides, the layout is such that there is a minimum separation distance of 15 metres to the nearest properties. Given this, there is not considered to be any significant loss of light and the proposed dwellings will also not appear imposing. In respect of overlooking, five of the plots are single storey so will not have the potential to overlook. In respect of Plot 1, which is a chalet bungalow with first floor accommodation, there is only one first floor side elevation window. This serves a bedroom, however has views to the east where the nearest residential property is approximately 45 metres away. Given such a significant separation distance there is not considered to be harm as a result of views from this window. All first floor rear elevation windows are via roof lights which will face upwards, and therefore offer no potential overlooking opportunities.

5. Highways Impacts

Essex Highways Authority do not object to the scheme subject to conditions relating to the internal road layout, details of estate roads and footways, the use of no unbound materials, any new boundary planting being set back a minimum of 1 metre, and the submission of a Construction Method Statement. A further condition relating to cycle parking provision was requested, however given each plot has a garage and sufficient private amenity area it would be unreasonable to include this condition.

Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. The submitted layout supplied shows that these are adhered to for all six dwellings.

6. Tree and Landscape Impacts

There are no trees or other significant vegetation on the application site. There are trees and established hedges on site boundaries and within the curtilage of properties adjacent to the application site.

The western boundary of the application site is demarcated by an established Hawthorn which acts as a good screen but has only moderate amenity value. The hedge does not fall within the scope of legislation under which it could be formally protected

On land to the south of the application site there are several large trees that feature prominently in their setting and that have moderate amenity value. There are five large coniferous species, probably *Cupressus macrocarpa* and two Sycamores. I

In terms of the visual impact of the trees on the amenity of the locality the upper parts of the trees can be seen from Frinton Road, Chestnut Avenue from the access road to the new development on adjacent land. The trees are not on the application site and are not directly threatened by the development proposal.

The *Cupressus macrocarpa* are over mature and are exhibiting signs of decline such as the shedding of branches and a decrease in foliage density. These trees do not have a long safe useful life expectancy. With regard to the Sycamore the crowns of the two trees has coalesced so as to appear as one tree. Close inspection reveals that one of the Sycamores has a compression union close to the buttress. The forked union has occluded bark and is consequently inherently weak. As a result of this the pair of Sycamores is not viable in the long term.

On balance the position and condition of the above trees means that they do not merit protection by means of a tree preservation order.

Conditions will be attached to provide details of a soft landscaping scheme, which will help to soften, screen and enhance the appearance of the development.

7. 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 0.83 hectares of equipped play in Bradfield, however there is adequate formal open space to cope with some additional development. There is one play area located in the village of Bradfield, and is classified as a Local Equipped Area for Play. Some works were recently carried out to refurbish the current play area, however this has not reduced the current deficit. Therefore it is felt that a contribution is justified and relevant to this application, and that the money would be spent at the closest play area in Bradfield.

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

There is currently a deficit of -14.12 hectares of equipped play in Frinton, Walton & Kirby, and 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; 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 planning application, with additional play equipment will be installed in Halstead Road play area. A unilateral undertaking has been completed to secure this legal obligation and to ensure compliance with saved policy COM6.

8. 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 the Hamford Water Ramsar and SPA. The contribution is secured by unilateral undertaking. There is therefore certainty that the development would not adversely affect the integrity of the Hamford Water Ramsar and SPA 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.

9. Affordable Housing

Paragraph 63 of the NPPF (2019) states provision of affordable housing should be sought for residential developments that are major developments. Within the glossary of the NPPF, major development is defined as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.

While the application site measures approximately 0.32 hectares, there were initially concerns that the proposal represented a sub-division of the previously approved site to the west (planning

references 15/00278/OUT and 16/01446/DETAIL as the applicants were the same for the current application and 15/00278/OUT. However, upon closer inspection, it is acknowledged that under 15/00278/OUT, Certificate B was signed to demonstrate the applicant did not own the site. Further, the applicant for 16/01446/DETAIL differed (Roman Homes). It is therefore not considered that there is a clear link between the two sites, and it would therefore not be reasonable to request a contribution towards affordable housing on this occasion.

Other Considerations

Frinton & Walton Town Council recommends refusal as the proposal is overdevelopment and there are concerns with parking provision.

In answer to this, there is sufficient parking provision to meet Adopted Parking Standards, while each property has far in excess of minimum private amenity requirements, and therefore does not represent a form of overdevelopment.

There has been one letter of objection received, with concerns relating to the impacts to trees. In answer to this, the issue has been addressed within the main body of the report above.

6. Recommendation

Approval.

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, documents titled 'Site Location Plan', 'Existing Block Plan', 'Proposed Block Plan', 'Proposed Ground Floor Plan', 'Proposed Site Plan', 'Type B - Elevations', 'Type B - Floor Plans', 'Type C - Elevations', 'Type C - Floor Plans', 'Type D - Elevations', 'Type D - Floor Plans' and 'Planning Statement'.

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 internal road layout shall be provided in principal and in accord with the following documents:

6676-a-1103 p1 - Proposed block plan
6676-a-1105 p1 - Proposed site layout plan - ground floor

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 4 Prior to first occupation of the development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

- 5 No unbound material shall be used in the surface treatment of the vehicular access or 6-metre-wide shared surface throughout.

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

- 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.

- 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

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

- 8 Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme 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 - To enhance the visual impact of the proposed works.

- 9 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 - To enhance the visual impact of the proposed works.

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 - 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.

Legal Agreement Informative - Recreational Impact Mitigation:

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Highways Informatives:

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification enough to ensure future maintenance as a public highway by the ECC.

Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.

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.

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.