

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	30/10/2019
Planning Development Manager authorisation:	TE	30/10/2019
Admin checks / despatch completed	CC	01/11/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SB	01/11/2019

Application: 19/00420/DETAIL

Town / Parish: Thorpe Le Soken Parish Council

Applicant: SPS Building Company Ltd

Address: Land rear of One Oak Colchester Road Thorpe Le Soken

Development: Erection of 9 bungalows (Submission of details following outline planning permission 17/00925/OUT allowed on appeal).

1. Town / Parish Council

Thorpe Le Soken Parish Council

Refusal - Unwanted expansion into the open countryside.

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

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

2. Prior to the first occupation of the development, the proposed road junction at its bell mouth with Colchester Road shall be constructed at right angles to the highway boundary and to the existing carriageway shall be provided with 6.0m. radius kerbs returned to an access road carriageway as shown in principle in the site layout plan, drawing no. 150PL01 to a carriageway width of 5.5 metres straight for at least the first 6 metres with 1.8 metre width footways on both sides to connect to the existing footways on Colchester Road on both sides of the junction.

Reason: To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety and in accordance with Policy DM1 and DM6.

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. Prior to the first occupation of the development, the proposed private drive shall be constructed as a shared use facility to a width of 6 metres to the satisfaction of the Local Planning Authority as shown in principle in the site layout plan, drawing no. 150PL01.

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.

5. Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted site layout plan, drawing no. 150PL01 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.

6. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres. Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

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

7. 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.

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

9. 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.

10. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator at their own expense.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

11. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway/carriageway (delete as appropriate).

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

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Anglian Water Services
Ltd

No comments received.

3. Planning History

93/01243/FUL	Manufacture of wooden panels - renewal of permission TEN/1476/90	Approved	13.12.1993
94/00884/FUL	Ground floor extension to kitchen and diner	Approved	08.09.1994
07/00722/FUL	Change of use of existing buildings	Approved	20.07.2007

	to B2 and ancillary B8 for the manufacture and storage of yacht masts and erection of new building.		
07/01905/FUL	Continued use of building for the manufacture of wooden fencing and gates and erection of two new buildings.	Approved	19.02.2008
90/00186/FUL	Ground floor extension to kitchen and diner and provision of vehicular access.	Refused	03.04.1990
11/00055/FUL	Creation of new vehicular and pedestrian access (existing access to be closed), including vehicular access track and vehicular turning head.	Refused	14.03.2011
11/00459/FUL	Creation of new vehicular and pedestrian access (existing access to be closed), including vehicular access track and vehicular turning head.	Approved	13.06.2011
16/01158/OUT	Outline planning application with all matters reserved for the demolition of sheds and the residential development of 0.35ha to provide up to 5 detached dwellings with associated garages, parking, landscaping and ancillary works.	Approved	16.09.2016
17/00925/OUT	Outline planning application with all matters reserved for the development of 9 dwellings with associated access and landscaping.	Refused	28.07.2017

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER3 Protection of Employment Land

HG6 Dwelling Size and Type

HG9 Private Amenity Space

EN1 Landscape Character

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

PP6 Employment Sites

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

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 (including Site Description and Proposal)

Site Description

The site comprises approximately 0.57ha of land currently occupied by a timber fencing business and two mobile homes to be removed from the site to make way for the proposed development. The dwelling, One Oak, is located to the south of the application site, a large 2 storey detached dwelling fronting Colchester Road.

The site is located to the north of Colchester Road between Tendring Road to the west and Golden Lane to the east. The area is semi-rural in character. To the south of Colchester Road is open countryside.

The site is screened from view along Colchester Road by existing vegetation and trees which are to be retained as part of the development.

The application site lies outside of the Thorpe-le-Soken Development Boundary as defined within both the adopted Tendring District Local Plan (2007) emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

Description of Proposal

The application seeks permission for the reserved matters for the erection of 9 bungalows following the approval at outline stage under planning application 17/00925/OUT allowed on appeal reference APP/P1560/W/17/3183155. The appeal decision was subject to the 3 standard reserved matters conditions only.

Application 17/00925/OUT was made with all matters reserved. This application is therefore assessing the access, layout, scale, appearance and landscaping for the proposed development.

Assessment

The main consideration are;

- Principle of Development;
- Scale, Layout and Appearance;
- Residential Amenities;
- Trees and Landscaping;
- Highway Considerations and Parking Provision;
- Financial Contribution - RAMS; and,
- Representations.

Principle of Development

The principle of development has been established by the granting of outline planning application 17/00925/OUT allowed on appeal reference APP/P1560/W/17/3183155.

Scale, Layout and Appearance

The layout of the development allows for sufficiently spaced properties retaining appropriate side isolation to their respective boundaries in accordance with the standards set out within saved Policy HG14 of the adopted Plan. The bungalows all have road frontages, sufficient parking and sufficient private amenity space.

The house types are the same in the most part but handed to some plots adding some variation to the development. Plot 1 positioned at the entrance of the development is of a different house type with a glazed feature partially visible adding interest as you enter the development.

Materials details were not provided within the original submission but were later provided and detailed as;

Bricks - Chailey Rustic Red

Tiles - Marley Ashmore Red

The single storey scale of the development (overall height reduced and amended plans provided) minimises the visual impact within the immediate locality as well as ensuring that longer distance views of the development from the adjacent open fields would be minimised.

The plans do not detail the proposed fencing and a condition is therefore required in this respect.

The development is set back from the highway and will be well screened by existing built form and established trees. Overall the development is considered to represent an acceptable scale, layout and appearance that will not appear harmful to visual amenity or the character and appearance of the street scene.

Residential Amenities

The layout and general juxtaposition, single storey height and hipped roof arrangement to the rear projections of the dwellings ensure a satisfactory living and amenity standard for the future occupants of the dwellings. Each dwelling is served by a sufficiently sized private amenity space.

Due to the proximity to existing and recently approved dwellings, consideration must be given to the impact of the development on the amenities of the occupants of these dwellings. Again, the spacing to existing properties and the single storey scale of the proposed dwellings ensure that no significant harm will result to neighbouring amenities.

The proposal is considered acceptable in terms of neighbouring impact and residential amenities.

Trees and Landscaping

In order to show the likely impact of the development proposal on the trees on the land, to identify those that may need to be removed and to show how retained trees will be protected for the duration of the construction phase of any development that may be granted planning permission the applicant has submitted a tree survey and report. The report is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction 'Recommendations

In the main the tree report accurately reflects the condition of the trees on the land and sets out details of their physical protection. However in terms of T1 of the tree report the information provided does not appear to be consistent or in accordance with information provided at the outline planning stage.

In the Appeal Inspectors decision he states that the plan submitted with the outline application will be treated as 'illustrative'. It should be noted that the plan (1357/10) illustrated the retention of the trees to the west of the proposed vehicular access that are afforded formal legal protection by

Tendring District Council Tree Preservation Order 11/02/TPO One Oak, Colchester Road, Thorpe le Soken. This is T1 and T2 of the tree report.

It appears that the creation of the new vehicular access could take place without necessitating removal of T1 and a revised scheme showing this has now been provided by the applicant

In terms of the tree report submitted in support of the current application it should be noted that:- Drawing No. 7161-D-AIA shows that T1 is situated on land that is not under the control of the applicant. Additionally the Site Location Plan ref No. 150 PLO1 also shows that T1 is not on land owned by the applicant.

As the tree is formally protected and notwithstanding the requirement to obtain consent from Tendring District Council to remove T1 under the terms and conditions of the tree Preservation Order it is not within the remit of the applicant to carry out the works identified in the report to fell this tree as it appears to be on land owned by a third party.

With regard to the remainder of the site it is generally well planted with trees and shrubs and the surrounding area also contains established trees ' in this respect the removal of the smaller trees required in order to facilitate the development proposal will not have a significant detrimental impact of the character of the area.

The tree report makes provision for the retention of T6 and T9 which are the other largest trees on the application site with the greatest amenity value.

The amended plan shows the retention of T1 as well as 5 new trees to be planted to the front portion of the site. Glimpses of these new trees may be possible from the Colchester Road street scene. Given the set back and well screened nature of the development, the remainder of the site has little scope for planting with each individual plot sited in close proximity to the access road provided minimal scope for soft landscaping. No details of the road surfacing or parking areas has been provided and a condition is therefore necessary to secure these details.

Highway Considerations and Parking Provision

The dwellings will be served by a central access with driveways leading to their set back garages. The development provides, access, turning and parking in accordance with policy standards.

Essex County Council Highway Authority raise no objection to the development subject to conditions. Some of these conditions are not required for a development of this scale. Any necessary highway conditions will be imposed.

Financial Contribution - Recreational Disturbance

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

The application scheme proposes a residential development on a site that lies within the Zone of Influence (Zoi) being approximately 1800 metres from Hamford Water SAC, SPA and RAMSAR. New housing development within the Zoi would be likely to increase the number of recreational visitors to the Hamford Water and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

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

Representations

Thorpe le Soken Parish Council recommend refusal due to the development being an unwanted expansion into the open countryside.

6 individual letters of objection has been received. The concerns raised can be summarised as follows;

- No details of drainage, sewage or surface water run-off.
The scale of development does not require drainage details as part of the planning process. This is covered by the building regulation stages.
- Land ownership / easement issues.
Land ownership is not a planning matter.
- Harmful to highway and pedestrian safety.
The Highway Authority raise no objection to the development.
- Harm to semi-rural character of the area.
- Outside settlement development boundary.
- Lack of infrastructure.
The principle of development for 9 dwellings has been established through the appeal approval.
- Design of dwellings out of character.
The dwellings are well contained and the development will not be publically prominent. Bungalows minimise the impact and is in keeping with neighbouring approvals.
- Increase in flood risk.
The site is not within a defined flood zone.
- Plans differ to outline application.
The outline application was made with all matters reserved and any plans were indicative only.
- Plans show potential for a continuation of development to the east.
Any future application would be considered on its merits in accordance with up to date national and local plan policies.
- Harm to biodiversity and ecology.
A condition has been added to secure biodiversity enhancements.
- Concerns raised regarding fire appliance access.
If the development cannot meet building regulations, an amended proposal would need to be submitted for consideration.

Conclusion

In the absence of any material harm resulting from the reserved matters associated with the approved development, the application is recommended for approval subject to the appropriate conditions.

6. Recommendation

Approval - Reserved Matters/Detailed

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing 150 PL01 Rev A, Drawing 150 PL02 Rev A, Amended Drawing 150 PL03 received 16th April 2019, Amended Drawing 150 PL04 received 16th April 2019, Drawing 150 PL05 and Materials Details received 16th April 2019.

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

- 2 All changes in ground levels, hard landscaping, planting, seeding or turfing shown the approved landscaping details Drawing 150 PL01 Rev A shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the implementation of the approved scheme and adequate maintenance of the landscaping for a period of five years in the interests of the character and appearance of the development and locality.

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

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

- 4 Prior to the first occupation of the development, the proposed road junction at its bell mouth with Colchester Road shall be constructed at right angles to the highway boundary and to the existing carriageway shall be provided with 6.0m. radius kerbs returned to an access road carriageway as shown on the site layout plan, Drawing no. 150 PL01 Rev A to a carriageway width of 5.5 metres straight for at least the first 6 metres with 1.8 metre width footways on both sides to connect to the existing footways on Colchester Road on both sides of the junction.

Reason - To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety.

- 5 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.

- 6 Prior to the first occupation of the development, the proposed private drive shall be constructed as a shared use facility to a width of 6 metres to the satisfaction of the Local Planning Authority as shown the site layout plan, drawing no. 150 PL01 Rev A.

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.

- 7 Prior to occupation of the development the vehicular parking and turning facilities, as shown on the site layout plan, Drawing No. 150 PL01 Rev A 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.

- 8 Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres. Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

Reason - For the avoidance of doubt to ensure adequate space for parking off the highway is provided in the interest of highway safety.

- 9 All single garages should have a minimum internal measurement of 7m x 3m.

Reason - For the avoidance of doubt to encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety.

- 10 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.

- 11 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls or other enclosures shall be erected along the northern, eastern and western boundaries of the site or forward of the front elevation of the each dwelling hereby approved except in accordance with details that shall previously be approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the dwellings to which they relate being first occupied and thereafter be retained in the approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - It is necessary for the local planning authority to be able to consider and control further development in order to ensure that landscape harm does not result in this edge of settlement location and to ensure that no harm to visual amenity occurs.

- 12 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions or alterations to any of the dwellings or their roofs, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions and/or building(s) which shall previously have been submitted to and approved, in writing, by the local planning authority.

Reason - It is necessary for the local planning authority to be able to consider and control further development in order to ensure that landscape harm does not result in this edge of settlement location, to ensure that sufficient private amenity space is retained for the dwellings and to ensure an acceptable standard of neighbouring amenity is retained.

- 13 Prior to the commencement of development, full details of the road surface treatment and all areas of hardstanding and parking shall be provided. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure a satisfactory development in the interests of visual amenity as insufficient information has been provided with the application.

- 14 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.

- 15 The development hereby approved shall be carried out in strict accordance with the Tree Survey, Arboricultural Impact Assessment - Preliminary Arboricultural Method Statement & Tree Protection Plan Proj. No 7161 Dated: 19/02/2019 and Drawing No: 7161-D-AIA, Drawing No: 7161-D-AIA-DRAFT.

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

- 16 No vehicle connected with the works shall arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours shall be restricted to between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

Reason - In the interest of residential amenities.

- 17 Prior to the commencement of development a detailed ecological enhancement and management scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme, which shall include a timetable for its implementation, shall be implemented in accordance with the approved works before occupation of the hereby approved development.

Reason - To preserve and enhance the biodiversity of the site.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informatives

Informative 1: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Informative 3: Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway to ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

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.

Conditions Precedent

As this is a reserved matters application any decision will need to be read in conjunction with the outline consent 17/00925/OUT allowed on appeal reference APP/P1560/W/17/3183155.

Building Control Informative

It would appear that a fire fighting appliance cannot get to within 45m of all parts of all dwellings.