

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|---|----------|------------|
| File completed and officer recommendation: | AL | 12/11/2019 |
| Planning Development Manager authorisation: | AN | 12/11/2019 |
| Admin checks / despatch completed | CC | 12.11.19 |
| Technician Final Checks/ Scanned / LC Notified / UU Emails: | SB | 12/11/2019 |

Application: 19/01211/DETAIL **Town / Parish:** Elmstead Market Parish Council

Applicant: Mr Naphthine - Heron Developments

Address: Land at Forres Clacton Road Elmstead

Development: Construction of 8 new dwellings with associated development and landscaping (approval of reserved matters Layout, Scale, Appearance and Landscaping following approval of 16/01690/OUT - Access already approved under 16/01690/OUT).

1. Town / Parish Council

Elmstead Parish Council Elmstead Parish Council wishes to object to this planning application for the following reasons:

Plot one does not keep in scale or character with the rest of the development: It is much larger than the other houses.

The council would prefer to have one consistent colour for the roofs.

The council is concerned about adequate access for waste, recycling and emergency vehicles.

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. In accordance with application: 16/01690/OUT and prior to the first occupation of the development, the proposed road junction at its bell mouth junction with Clacton Road shall be constructed at right angles to the highway boundary and to the existing carriageway with a 6 metre kerb radii as shown in principle in the proposed Block Plan, drawing no. 19/17/02 Rev a, to a carriageway width of 5.5 metres with a 2 metre wide footway on one side to connect to the existing footway on Clacton Road and to finish at the start of the private drive (opposite Plot 3) within the internal road layout.

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.

2. Prior to first occupation of the development the size 3 and size 5 vehicular turning facility shown in principle in the proposed Block Plan, drawing no. 19/17/02 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 in accordance with policy DM1.

3. No unbound materials shall be used in the surface treatment of any proposed 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 first occupation of the development vehicle parking shall be provided in accordance with the EPOA Parking Standards as shown in principle in the Proposed Block Plan, drawing no. 19/17/02 Rev a, constructed ready for use. The vehicle parking area and associated turning area shall be retained in the agreed form at all times.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

5. All double garages should have a minimum internal measurement of 7m x 5.5m

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8.

6. 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.

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 free of charge.

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.

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 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: Should this proposal come forward as a FULL application the Highway Authority requests the continuation of the footway to a minimum width of 2.0 metres within the internal layout to finish at the start of the private drive and opposite Plot 3, to the specifications of the Highway Authority.

Informative 2: 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 3: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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

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

Essex County Council
Archaeology

Thank you for consulting Place Services on the above application.

A programme of archaeological investigation was recommended on application 16/01690/OUT due to the impact of the development on the archaeological deposits revealed through cropmark features and recorded on the EHER. A Written Scheme of Investigation was supplied in 2016 for archaeological trial trenching, this fieldwork was not completed and the site boundaries appear to have altered. An updated and revised WSI will need to be submitted prior to the reserved matters application being approved to reflect the changes and the fieldwork will need to take place to satisfy the condition on the full planning application.

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

RECOMMENDATION: An updated WSI for A Programme of Archaeological evaluation

1. No development or preliminary ground-works can commence until an updated Written Scheme of Investigation for a programme of archaeological trial trenching has been submitted by the applicant, and approved by the planning authority.

| | | | |
|--------------|---|-----------|------------|
| 03/00286/OUT | Erection of domestic dwelling | Refused | 07.04.2003 |
| 07/01245/FUL | Erection of two storey side extension, porch and detached garage. | Approved | 18.09.2007 |
| 13/00787/FUL | Alterations and extensions to existing garage building (to facilitate conversion to residential annexe). | Approved | 21.10.2013 |
| 14/00087/FUL | Construction of two storey side extension (following demolition of single storey side extension). | Approved | 18.03.2014 |
| 14/00754/FUL | Proposed single storey side extension. | Approved | 05.08.2014 |
| 16/01690/OUT | Proposed erection of up to 9 no. dwellings and associated out-buildings with access onto Clacton road (A133). | Approved | 16.12.2016 |
| 19/01205/FUL | Proposed erection of a detached dwelling with cartlodge and landscaping. | Withdrawn | 16.09.2019 |

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

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

EN11a Protection of International Sites: European Sites and RAMSAR Sites

EN29 Archaeology

COM6 Provision of Recreational Open Space for New Residential Development

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL7 Archaeology

CP1 Sustainable Transport and Accessibility

HP5 Open Space, Sports & Recreation Facilities

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Tendring Landscape Character Assessment

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 is located on the southern side of Clacton Road (A133) within the Parish of Elmstead and relates to the property known as Forres. The site is outside any Settlement Development Boundary as defined within the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

The site measures approximately 0.95 hectares in size and forms part of the residential curtilage of Forres and redundant agricultural land to the rear. Forres itself is owned by the applicant and located to the north-west of the site. To the east, running the whole length of the site is a business park comprising of B1, B2 and B8 units.

To the north of the site is a large scrap metal yard and linear residential development that leads into Elmstead to the west. To the south is Beth Chatto Gardens and to the west is a parcel of land in agricultural use beyond which is further sporadic residential development that leads in Elmstead. The site contains a number of trees to its frontage and along the eastern boundary. The site is relatively flat in nature and comprises rough grassland.

Description of Proposal

The application seeks approval of the remainder of the reserved matters following the approval of 16/01690/OUT for 'Proposed erection of up to 9 no. dwellings and associated out-buildings with access onto Clacton road (A133)' which considered access only.

This application therefore seeks approval of the layout, scale, appearance and landscaping for the development which now proposed a total of 8 dwellings.

Assessment

The main considerations are;

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

- Representations.

Principle of Development

The principle of development has been established by the granting of outline planning application 16/01690/OUT.

Scale, Layout and Appearance

The development for 8 dwellings is accessed via the new access point as approved under application 16/01690/OUT off Clacton Road between Forres to the north-west and the business units to the south-east. The new access drive extends through the centre of the site providing access to plots 1, 2 and 3 with a further private driveway area and central size 5 turning area serving plots 4, 5, 6, 7 and 8.

The development is well set back from the highway with only glimpses of Plot 2 and some of Plot 1 possible via the opening in the established vegetation created by the access. The visual impact on the street scene is minimal, not prominent or harmful. The built form either side of the access means that the development does not appear out of character in the locality.

The layout of the development allows for well-spaced properties retaining for 1 metre or more to their respective boundaries in excess of the standards set out within saved Policy HG14 of the adopted Plan and providing private gardens in excess of the minimum standards required by saved Policy HG9 of the adopted Local Plan. The dwellings are laid out as such to create a staggered street scene to avoid uniformity and add interest.

All plots, except plot 1, front the new road with their double garage and parking to the side of the dwellings. Plot 1 is orientated in an easterly direction with views of its frontage, east facing side elevation rear elevation making up street scene views. There is sufficient variation in the house type and detailed design that results in a visually varied but harmonious street scene. Whilst it is recognised that Plot 1 is generous in size, being larger than the other 7 plots, its siting, orientation, spacious plot and landscaping ensure that the dwelling does not appear excessively large or dominant in the street scene. The design and layout of the development allows for full height bay window features on the side elevations of plots 3 and 4 dwellings to appear as a feature in the street scene. The setback detached double garages contribute to the spacious appearance of the scheme helping to break up to the appearance of the dwellings within the street scene.

The application is accompanied by a material schedule detailing the external finishes, joinery, windows and doors. The use of materials including black timber cladding, white and grey render, grey framed doors and windows gives the development a contemporary appearance commensurate with the modern appearance of the business park to the east but also include traditional elements such as red multi bricks and slate roof tiles to complement the existing dwelling at Forres. Overall, the materials and finishes are considered acceptable again adding variation and interest to overall character of the development.

The development would be largely screened by existing building and vegetation and through the implementation of additional planting would be satisfactorily assimilated into its surroundings.

Overall the development is considered to represent an acceptable scale, layout and appearance that creates a satisfactory development that will not result in any harm to the area.

Residential Amenities

Each dwelling is served by a private garden area in excess of the minimum standards required by saved Policy HG9 of the adopted Tendring District Local Plan 2007. The separation distances and layout ensures that no harmful loss of outlook or loss of light will occur. In terms of the overlooking and privacy, the development can be considered as follows.

The separation distance and existing vegetation ensure an acceptable relationship between Forres and Plots 1 and 2 are achieved. The first floor rear windows within Plot 2 serve bedrooms and a central stairwell. The dwelling is orientated so that these windows are angled away from the immediate garden and rear windows of Forres with views towards Plot 1 being toward to the front of the dwelling. Further, views are largely obscured by existing trees.

The angled siting of Plot 1, position of Plot 8 and the distance retained between the dwellings again ensure a satisfactory standard of amenity for future occupants.

Plot 7 faces north with front facing windows at first floor level looking towards the rear garden of plot 8. However, these serve bathrooms with obscure glazed windows. Furthermore, the dwellings are separated by the double garage and parking serving Plot 7 minimising any perception of overlooking.

Plot 6 is a handed version of Plot 8 which results in the first floor side facing window to bedroom 1 allowing direct views into the garden of Plot 7. Having raised this concern with the Agent, drawing number 19/17/10 has been amended so that this window is omitted from Plot 6.

The orientation and siting of Plots 6 and 5 ensure no material harm to neighbouring amenities will occur.

Plot 5 is orientated in a northerly direction and is the same house type as Plot 7 therefore having front facing windows at first floor level looking towards the rear garden of plot 4. Again these windows serve bathrooms with obscure glazed windows resulting no harmful overlooking. Furthermore, the dwellings are separated by 2 double garages retaining ample spacing minimising the perception of overlooking.

The relationship between Plots 4 and 3 are acceptable given their siting, orientation and the spacing between the dwellings separated by the detached double garage serving Plot 3.

Trees and Landscaping

The application site forms part of the residential curtilage of Forres and land to the south.

It is clear that the planning application has the potential to cause harm to, and the complete removal of, several trees on the land especially on the front boundary with Clacton Road where the new access to the highway is proposed.

In order to show the potential impact of the development on the trees the applicant has provided a Tree Survey and Report. The information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction; Recommendations.

The report identifies those trees that are to be removed in order to facilitate the development proposal and the way that retained trees will be physically protected for the duration of the construction phase of the development

At the present time the vegetation on the front boundary provides a good level of screening for the private garden and makes a moderate contribution to the street scene. The low level vegetation consists of Holly, Elder and Elm with larger trees set back into the garden ' most notably two Lime Trees. The Limes are mature and attractive specimens. However, at some stage a large soil bank has been placed around the stems of the Limes that has caused the bark on the bole of the trees to decay and may well have compromised their long term viability.

Other trees, including a small Oak and a Walnut are set back further in to the main body of the garden. These trees cannot be clearly seen from a public place and therefore have commensurately lower visual amenity value.

The trees identified for removal are not in sufficiently good condition to merit formal legal protection by means of a tree preservation order and the removal of the Limes is required to create a new access to the highway in accordance with the extant outline planning consent.

The details contained in the tree report regarding the physical protection of retained trees are sufficient to ensure that they will not be harmed by the development of the land (satisfying condition 19 of the outline permission).

In terms of soft landscaping the applicant has submitted comprehensive details of new planting that will soften screen and enhance the appearance of the completed development. The tree planting shown on the soft landscape plan indicates that the development of the land would result in a net increase in the local tree population.

Highway Considerations and Parking Provision

Access was a consideration at the outline stage of the application and approved subject to a number of highways related conditions as follows;

- 6) Access provided prior to occupation.
- 7) Details of wheel washing facilities to be submitted.
- 8) Details of estate roads and footways to be submitted.
- 9) No unbound materials.
- 10) Road base level prior to commencement.
- 11) Parking bay dimensions.
- 12) Garage dimensions.
- 13) Vehicular turning facilities to be submitted.
- 20) Access in accordance with approved plan 16/82/03.

The Highway Authority has provided comments on this reserved matters application and raise no objection subject to the following conditions;

1. Access constructed at right angles with a 6m kerb radii to a width of 5.5m with a 2 metre wide footway.
 - *These details are shown on the submitted drawings. This is therefore covered by the approved plans condition to be imposed on this reserved matters application.*
2. Size 3 and size 5 turning facilities provided prior to first occupation.
 - *These details are shown on the submitted drawings. This is therefore covered by the approved plans condition to be imposed on this reserved matters application. This satisfies condition 13 of the outline permission.*
3. No unbound materials.
 - *This condition is not required as this is already included on the outline consent.*
4. Vehicle parking in accordance with standards as shown on drawing 19/17/02 Rev a.
5. Double garage dimensions.
 - *This is covered by the approved plans condition to be imposed on this reserved matters decision as these details are shown on the accompanying plans. An appropriately worded condition will be added to ensure the parking and garages are provided prior to first occupation.*
6. Cycle parking provided prior to first occupation.
 - *Secure cycle storage is possible within the private garden and garages serving each dwelling which are in excess of minimum policy standards. Therefore, this condition is not required.*
7. Submission, approval and adherence with a Residential Travel Information Pack prior to commencement.
 - *This condition is not required for an application of this minor scale.*
8. Submission, approval and adherence with a Construction Method Statement prior to commencement.
 - *An appropriately worded condition will be added to satisfy this requirement - i.v of this recommended condition is already covered by condition 7 and will therefore be omitted.*

Financial Contribution - RAMS

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 (Zol) being approximately 3400 metres from the Colne Estuary SPA and Essex Estuaries SAC. New housing development within the Zol would be likely to increase the number of recreational

visitors to the Colne Estuary 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.

Requirements of Outline Conditions

In addition to those referred to above, the outline application was also subject to the following conditions;

- 4) Ecological Management Scheme (concurrently with the reserved matters).
- *An Ecological Management Scheme Including Biodiversity Enhancements dated July 2019 has been submitted to satisfy the requirements of condition 4 of the outline consent.*

This report includes impact avoidance precautionary measures for protected, priority and rare species, as well as new habitats for locally recorded protected, priority and declining wildlife such as; birds, bats and hedgehogs. By following this report the site would be proportionately enhanced for local wildlife to provide a net gain.

- 5) No means of external lighting.
- *This is a restrictive condition with no details required to be provided at this stage.*
- 6) Access provided prior to occupation.
- *This is a condition controlling the timing of the development. No details are required to be provided.*
- 7) Details of wheel washing facilities to be submitted.
- *This can be dealt with by a separate discharge of condition application.*
- 8) Details of estate roads and footways to be submitted.
- *This can be dealt with by a separate discharge of condition application.*
- 9) No unbound materials.
- *This is a restrictive condition with no details required to be provided at this stage.*
- 10) Road base level prior to commencement.
- *This is a condition controlling the standard of construction and the timing of the development. No details are required to be provided.*
- 11) Parking bay dimensions.
12) Garage dimensions.
13) Vehicular turning facilities to be submitted.
- *All details are in accordance with standards and sufficient turning area details have been provided.*
- 14) Timing of clearance.
- *This is a condition controlling the timing of the development. No details are required to be provided.*
- 15) Maximum of 9 dwellings on the site.
- *The development proposes 8. This condition is met.*
- 16), 17) and 18) Archaeological fieldwork.
- *A programme of archaeological investigation was recommended on application 16/01690/OUT due to the impact of the development on the archaeological deposits revealed through cropmark features and recorded on the EHER. A Written Scheme of Investigation was supplied in 2016 for archaeological trial trenching, this fieldwork was not completed and the site boundaries appear to have altered. An updated and revised WSI will need to be submitted as part of a discharge of condition application for approval to reflect the changes and the fieldwork will need to take place to satisfy all conditions on the outline consent.*

19) Tree protection details (concurrently with the reserved matters).

- *Sufficient details have been provided with this reserved matters application to accord with the requirements of the outline consent.*

20) Access in accordance with approved plan 16/82/03.

- *This is a restrictive condition with no details required to be provided.*

Representations

Elmstead Parish Council objects. Their concerns can be summarised and addressed as follows;

- Plot one does not keep in scale or character with the rest of the development. It is much larger than the other houses.
The design and impact of the development is assessed above. The differing scale of dwellings cannot be considered harmful.
- The council would prefer to have one consistent colour for the roofs.
A variation in materials adds interest to the street scene which is considered a positive approach to the overall design of the development.
- The council is concerned about adequate access for waste, recycling and emergency vehicles.
The road width, spaciousness of the development and turning areas provide adequate access for emergency and waste collection vehicles. The development allows for waste collection from the frontage of each property.

No individual letters of representation have been received.

Conclusion

The reserved matters application satisfies the requirements of the outline permission whilst ensuring a satisfactory development that will not result in any material harm. The application is recommended for approval subject to conditions.

6. Recommendation

Approval - Reserved Matters/Detailed

7. Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans and materials:

No. 19/17/13 REV. A
No. 19/17/02 REV. B
No. 19/17/03 REV. A
No. 19/17/04 REV. B
No. 19/17/05
No. 19/17/06
No. 19/17/07 REV. A
No. 19/17/08 REV. A
No. 19/17/09
No. 19/17/10 REV. A
No. 19/17/11

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 on approved plan Drawing No. 001 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 adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character and quality of the development.

- 3 The development hereby approved shall be carried out in strict accordance with the TREE SURVEY REPORT - Rev A dated July 2019 and the tree protection details shown on Drawing No. 002 and Drawing No. 003 Rev A unless otherwise agreed in writing by the Local Planning Authority.

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

- 4 The development shall not be occupied until such time as the road, turning, driveways, parking bays and garages have been provided in accordance with the approved plans and shall be retained in this approved form thereafter.

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

- 5 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

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.

- 6 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), other than those shown on approved Drawing No. 001 Rev A no provision of fences, walls or other enclosures shall be erected 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 - In the interests of the quality and character of the development.

- 7 The development shall be carried out in strict accordance with the Ecological Management Scheme Including Biodiversity Enhancements dated July 2019.

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

- 8 The fences, walls and other boundary enclosures shown on the approved Drawing No. 001 Rev A shall be erected prior to the occupation of the dwellings hereby approved and retained in this approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of residential amenities and visual amenity.

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.

Conditions Precedent

As this is a reserved matters application any decision will need to be read in conjunction with the outline consent 16/01690/OUT which contains a number of conditions that are relevant to the development, some of which require a formal discharge of condition application prior to commencement.

Building Control Informative

The access drive will need to be designed for a fire tender to access the site. No other comments at this time.

Highways Informatives

Informative.1: Should this proposal come forward as a FULL application the Highway Authority requests the continuation of the footway to a minimum width of 2.0 metres within the internal layout to finish at the start of the private drive and opposite Plot 3, to the specifications of the Highway Authority.

Informative 2: 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 3: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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

SMO1 ' Essex Highways
Colchester Highways Depot
653 The Crescent
Colchester
CO4 9YQ

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.