

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	23/12/2019
Planning Development Manager authorisation:	TP	24/12/19
Admin checks / despatch completed	CC	24/12/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	24/12/19

Application: 19/01369/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Bruce Oxley - P.G. Oxley Ltd

Address: Land at 101 Pole Barn Lane and 54 Greenway Frinton On Sea Essex

Development: Demolition of existing building and erection of 2no. dwellings including new vehicular access to Greenway and associated works.

1. Town / Parish Council

Frinton and Walton Town Council Approval

2. Consultation Responses

ECC Highways Dept The information that was submitted in association with the application has been fully considered by the Highway Authority. Both dwellings will be located predominately within residential roads as a result the proposals retain adequate room and provision for off street parking, for both proposed dwellings therefore:

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 dwellings a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access for both dwellings. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.

2. No unbound material shall be used in the surface treatment of the vehicular access or drive for either property throughout.

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

4. Prior to occupation of the dwelling on Greenway the new vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be a maximum of 4.5 metres (5 low kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

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

Note: It might be beneficial to move the proposed vehicular crossing south-east slightly to aide turning movements in and out of the new driveway.

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

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

6. 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.

7. Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles for each dwelling.

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

8. 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

9. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

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.

3. Planning History

No site specific relevant planning history.

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

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

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

COM6 Provision of Recreational Open Space for New Residential Development

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

EN17 Conservation Areas

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PP6 Employment Sites

PPL4 Biodiversity and Geodiversity

PPL8 Conservation Areas

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 application relates to the existing PG Oxley Ltd Funeral Director premises located at 101 Pole Barn Lane Frinton on Sea. The site is accessed via Pole Barn Lane but encompasses the plot through to 54 Greenway, the road running parallel to the south.

The site currently contains a single storey detached building accommodating a chapel, reception area, ancillary offices and garage. The building is well set back from Pole Barn Lane with parking to its frontage. The Greenway street scene is made up of a low block work wall and mature high hedgerow with gated access that screens the site. To the east of the site is 99 Pole Barn Lane and 52 Greenway both 2 storey detached dwellings. To the west of the site is a block of 3 storey flats with their flat roof garage blocks situated on the boundary with the application site.

The site is located within the Frinton on Sea Settlement Development Boundary and abuts the Frinton and Walton Conservation Area to the west.

Description of Proposal

The application seeks full planning permission for the demolition of the existing building and the erection of 2no. dwellings including a new vehicular access onto Greenway.

101 Pole Barn Lane comprises Plot 1, a 2 bedroom detached 2 storey dwelling with 2 parking spaces to its frontage and 75sqm of rear garden space.

54 Greenway comprises Plot 2, a 3 bedroom detached dwelling with adjoining single garage and parking space to the frontage with 100sqm of rear garden space.

Assessment

The main considerations are;

- Principle of Development;
- Loss of Employment;
- Layout, Scale and Impact (including impact upon Heritage Asset);
- Trees and Landscaping;

- Residential Amenities;
- Highway Safety and Parking;
- Financial Contribution - Open Space;
- Financial Contributions - RAMS; and,
- Representations.

Principle of Development

The development plan for Tendring comprises the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017. The site lies within the Frinton Settlement Development Boundary as established in both the adopted and emerging local plans.

Saved Policy HG3 of the adopted Local Plan deals with residential development within defined settlements stating that, within the defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, density, environmental and highway safety as appropriate, and can take place without material harm to the character of the local area. Proposals for development of infill plots should ensure that the scale, design and intensity of any new building are in harmony with existing surrounding development. Emerging Policy SPL2 states that within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local plan policies.

As such the principle of siting 2 dwellings on this land is acceptable subject to the detailed considerations relevant to this proposal set out below.

Loss of Employment

Saved policy ER3 states that change of use of sites currently in employment for non-employment purposes will only be permitted if the applicant or owner can demonstrate that it is no longer viable or suitable for any form of employment use either through evidence of a sustained but ultimately unsuccessful marketing exercise or by showing that the premises is inherently unsuitable and/or not viable for any form of employment use.

Additional information has been provided by the applicant explaining that the existing building on the site is in a fairly poor state and has come to the end of its life. The site only employs 1 member of staff currently and the company has found a larger premises, more centrally located which will allow business expansion and a better siting.

In this instance, officers consider a marketing campaign would be excessive and unreasonable in this instance given the low key scale of the employment use and the location of the site nestled within a predominately residential area. This together with the relocation of the business satisfies this consideration. No additional information with regard to the loss of employment (i.e. marketing) is needed in this regard.

Layout, Scale and Impact (including impact upon Heritage Asset)

Paragraph 8 of the NPPF sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment including making effective use of land. Paragraph 127 of the NPPF states that developments should function well, should add to the overall quality of the area, are visually attractive as a result of good architecture and layout and are sympathetic to local character. Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Emerging Plan. Saved Policy HG14 requires a minimum of 1 metre side isolation between dwellings.

Furthermore, Paragraph 184 of the NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Saved Policy EN17 of the adopted Tendring District Local Plan (2007) states that where development is located outside a

conservation area the setting and surroundings of a conservation area including inward or outward views should be taken into account.

The character and location of the site together with the address points demonstrates that 2 units on the site fronting Pole Barn Lane and Greenway is an appropriate response to the character of the area and not excessive in number. Amendments have been secured to ensure that the detailed design and finish of each dwelling satisfactorily address the character of its respective street frontage. Both properties are of a traditional design and finish with decorative features such as bay windows and entrance door canopies. Appropriate spacing around each dwelling is retained and the development will not appear cramped. Both properties are served by a rear garden in accordance with the adopted private amenity space standards set out within saved Policy HG9.

Overall, the scale, appearance and finish of the dwellings are considered acceptable and the development will not be materially harmful to the character or appearance of the area not harm inward or outward views of the adjacent Frinton and Walton Conservation Area.

Trees and Landscaping

The boundary of the application site with Greenway is demarcated by a dense and well established hedge comprising of a single species; *Laurus nobilis* (Bay Laurel). The hedge has a pleasant softening effect on the character of the area but does not fall within the scope of legislation under which it could be afforded formal legal protection.

Set back into the main body of the application site and close to the eastern boundary is a small *Ilex aquifolium* (Holly). The Holly is a reasonably well formed specimen which also makes a moderate contribution to the appearance of the area nevertheless its amenity value is such that it could be relatively easily replicated by new planting and consequently it does not merit formal legal protection by means of a tree preservation order.

On the western boundary of the access to the application site from Pole Barn Lane there is a single *Taxus baccata* (Common Yew) which is overgrown with brambles. This tree does not merit protection by means of a tree preservation order.

Although there appears to be only limited opportunity for new soft landscaping a condition will be imposed to secure new planting to soften and enhance the appearance of the completed development.

Residential Amenities

The NPPF, in paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

Plot 1 fronts Pole Barn Lane in a northerly direction. To the west is the existing single storey, flat roof garage block serving the adjacent flats. To the east of the site is the neighbouring dwelling number 99 Pole Barn Lane. The internal layout of this dwelling means that the main entrance door is located to the side elevation facing the application site. Amendments have been secured in order to minimise the impact on the residential amenities of the occupiers of this dwelling. The siting of Plot 1 has been adjusted and now sits 1.5 metres from its side boundary, currently enclosed by high close boarded fencing, amounting to approximately 3.5 metres between flank elevations. The roof has been amended to a hipped arrangement reducing the overall bulk of the property. Furthermore, the finish has been changed to a cream render. The light coloured finish of the elevation will ensure a lighter passageway with a less imposing impact than a dark red brick finish. The north facing orientation of the dwellings means that the west facing side elevation of number 99 only receives direct sunlight in the later afternoon hours only. Whilst it is recognised that the development will have some impact upon the neighbouring dwelling in terms of daylight, for the reasons set out above the impact cannot be considered significantly harmful as to warrant a refusal of planning permission on this ground. Plot 1 has two rear facing first floor windows. These serve a single bedroom only and not a main living area thus minimising any overlooking. Overlooking is further limited due to the position of the

dwelling in relation to number 99 with only views of the rear part of the garden possible and not the main sitting out areas directly to the rear of the property. Again, a reason for refusal based on overlooking is not justified in this instance.

The smaller side isolation of 500mm to the western boundary cannot be considered harmful due to the relationship with the existing garage block sited on the boundary. The set back from the road and single storey flat roof garage adjacent retains a spacious appearance in line with the sentiments of saved Policy HG14.

Plot 2 fronts Greenway in a southerly direction. To the west of the site is a further garage block and parking area serving the adjacent flats. The spacing retained to the flats themselves means that no harm to the amenities of the occupiers of these properties will result from the proposed development. To the east of the site is the residential dwelling at 52 Greenway with its single lean-to garage located on the boundary with the application site. Plot 2 is also served by an attached, lean-to garage located in close proximity to the boundary with the neighbouring dwelling at 52 Greenway. The setback siting of Plot 2 means that it extends 8 metres to the rear beyond the rear of the garage and approximately 3.5 metres beyond the rear of the dwelling itself. Having regard to the siting and height of the existing building, the development does not introduce new built form in this location. The impact of the proposed dwelling is comparable having regard to the fully hipped roof arrangement of the garage and rear projection of the new dwelling. Any impact upon the rear garden area of number 52 Greenway in terms of sunlight and daylight cannot be considered significantly harmful. The rear first floor windows serve bedrooms only with views angled away from the garden area of number 52 Greenway.

Views from upper floors windows and back to back distances within the development are comparable to existing dwellings along Pole Barn Lane and Greenway.

Both properties will be served by a private amenity area that accords with the standards set out within saved Policy HG9. The standard of amenity for existing and future occupants is considered acceptable.

On balance, for the reasons set out above, any impact to the amenities of occupiers of neighbouring dwellings cannot be considered harmful enough to warrant refusal of planning permission.

Highway Safety and Parking

Paragraph 108 of the National Planning Policy Framework 2019 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms 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 proposed plans demonstrate that each property would be served by appropriate access and parking in accordance with the requirements set out within the standards and that appropriate visibility splays can be achieved. Essex County Council raise no objection to the development subject to conditions that will be imposed where necessary.

Furthermore, the site is located within a highly sustainable location in close proximity to public transport links and a variety of amenities.

Financial Contribution - Open Space/Play Space

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space

requirements of the development in proportion to the number and size of dwellings built". These sentiments are carried forward within emerging Policy HP5.

There is currently a deficit of '14.12 hectares of equipped play in Frinton, Walton & Kirby. Any additional development in Frinton will increase demand on already stretched play areas. The nearest play area is located at Frinton Park Play Area in Roydon Way

Recommendation

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. This will be used to improve the current facilities at Frinton Park Play Area, Roydon Way.

A completed unilateral undertaking has been provided to secure this legal obligation.

Financial Contributions - 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 on a site that lies within the Zone of Influence (Zol) being approximately 2200 metres from Hamford Water Ramsar and SPA. New housing development within the Zol would be likely to increase the number of recreational visitors to 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

Frinton and Walton Town Council raise no objection to the original or amended proposal.

3 letters of objection have been received from the neighbouring properties. The concerns raised can be summarised as follows;

- Loss of light.
- Too close and overbearing.
- Overlooking and loss of privacy.
- Loss of Holly Tree.

The concerns raised have been addressed under the relevant headings above.

- Harm to wildlife.

An appropriately worded condition can be imposed to ensure that the timing of any vegetation clearance is restricted to months fallings outside bird nesting season. Replacement planting will result in a neutral biodiversity impact overall.

Conclusion

For the reasons set out above, the proposal is considered to represent a sustainable form of development in a location supported by national and local plan policy that will not result in any material environmental or residential harm that warrants refusal of planning permission.

6. Recommendation

Approval - Full

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 and materials: Drawing PGOSB-01 Revision A and Drawing PGOSB-02 Revision A.

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

- 3 No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include all boundary treatments and 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 soften and enhance the development in the interests of visual amenity.

- 4 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 ensure the adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character of the area.

- 5 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 front boundaries of the dwellings hereby approved.

Reason - In the interests of visual amenity.

- 6 Notwithstanding the provisions of Schedule 2 Part 1 Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extensions, additions, porches or alterations to the dwellings or their roofs shall be carried out and no outbuildings, enclosures, swimming or other pools shall be erected except in complete accordance with details which shall previously have been approved, in writing, by the Local Planning Authority following the submission of a planning application for such development.

Reason - To ensure that sufficient private amenity space for the dwellings are retained and in the interests of residential amenities.

- 7 No construction works or deliveries in connection with the development shall take place outside the hours of 0700 hours and 1900 hours Monday to Friday and 0800 hours and 1300

hours Saturdays, with the exception of any piling or other percussive works which shall not take place outside the hours of 0800 hours and 1700 hours Monday to Friday.

Reason - To protect the local amenity and reduce the likelihood of complaints of statutory nuisance.

- 8 All new driveways and parking areas 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 or surface within the curtilage of the dwellings.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

- 9 Prior to occupation of the dwellings a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access for both dwellings. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason - To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

- 10 No unbound material shall be used in the surface treatment of the vehicular access or drive for either property throughout.

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

- 11 Prior to occupation of the dwelling on Greenway the new vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be a maximum of 4.5 metres (5 low kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

- 12 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.

- 13 The development shall not be occupied until such time as the car parking provision and garage shown on the approved drawings have been hard surfaced, sealed and made available. The parking provision shall be retained in this form at all times for the sole purpose of vehicle parking.

Reason - To ensure that sufficient parking for the new dwelling is retained so that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Legal Agreement Informative - Recreational Impact Mitigation

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

Legal Agreement Informative - Open Space/Play Space Contribution

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: Public Open Space financial contribution in accordance with Policy COM6 of the adopted Tendring District Local Plan (2007) and Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Highways Informatives

Informative 1: 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:

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Colchester Highways Depot,
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Colchester
CO4 9YQ

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