

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	
Planning Development Manager authorisation:	TF	16/01/2020
Admin checks / despatch completed	CC AP	20/01/2020 20/1/2020

**Application:** 19/00698/FUL **Town / Parish:** Little Clacton Parish Council

**Applicant:** Mr & Mrs Messenger

**Address:** Thorpe House 149 Harwich Road Little Clacton

**Development:** Proposed erection of 2no. single storey Bungalows to the rear of site.

### 1. Town / Parish Council

Little Clacton Parish Council

Little Clacton Parish Council recommend refusal of this application.

This is back land development in a cramped space, with insufficient access on a long and narrow entrance and concerns for service and amenities 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. Prior to occupation of the development, the proposed access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres to the west and 2.4 metres by 120 metres to the east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the private access is first used by vehicular traffic from the development 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 first occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose. This also applies to the host property 149 Harwich Road.

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 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 occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway.

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. 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. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

7. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

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

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 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.

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.

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: Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

Informative 2: On the completion of the Development, all roads, footways/paths, 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 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.

### **3. Planning History**

03/02493/OUT	Proposed dwelling	Refused	16.02.2004
04/00906/OUT	Demolition of house and outbuildings and formation of six dwellings.	Refused	15.06.2004
05/00247/OUT	Demolition of house and outbuildings and formation of dwellings	Refused	04.04.2005
06/00987/FUL	40 bed elderly care home.	Refused	18.08.2006
07/01392/FUL	Erection of 33 bedroom elderly care home.	Refused	15.10.2007
91/01009/OUT	Erection of house.	Refused	08.10.1991

### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

HG1 Housing Provision

HG9 Private Amenity Space

HG13 Backland Residential Development

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

CP1 Sustainable Transport and Accessibility

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP8 Backland Residential Development

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF

also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

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

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

In relation to housing supply:

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

## **5. Officer Appraisal**

### **Site Description**

The application site is land located to the rear of Numbers 145 and 149 Harwich Road, within the parish of Little Clacton. The immediate surrounding area sees a number of residential dwellings to the east. To the north-east, under planning permission 16/00746/FUL, two dwellings are currently under construction, while to the north two dwellings have been built following planning permission 14/01858/OUT (won at appeal). Further out to the north, and adjacent to the west, the character is more rural, with large areas of grassed and agricultural land.

The large majority of the site falls within the Settlement Development Boundary for Little Clacton in the Adopted Tendring Local Plan 2007, with only the area furthest rear of the site falling outside. However the site falls outside of a recognised Settlement Development Boundary within the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

## Proposal

This application seeks full planning for the erection of two single storey dwellings. Each dwelling is to be detached and served by three bedrooms.

## Assessment

### 1. Principle of Development

The majority of the site is situated within the defined settlement limits of Little Clacton as defined by the adopted Tendring District Local Plan (2007). While it is noted the section to the rear of the site falls outside of the settlement boundary, this area is allocated for garden area and does not include any built form. Therefore the principle of residential development in this location is acceptable subject to the detailed considerations as set out below.

### 2. Backland Development

The development involves the construction of two dwellings in a 'backland' location to the rear of the established residential frontage along Harwich Road. With regards to Policy HG13 of the 2007 Local Plan (and echoed in policy LP8 of the draft Local Plan), it states proposals for the residential development of backland sites must comply with the following criteria:

- i. the site lies within a defined settlement development boundary and does not comprise land allocated or safeguarded for purposes other than a residential use;
- ii. where a proposal includes existing private garden land which would not result in less satisfactory access or off-street parking arrangements, an unacceptable reduction in existing private amenity space or any other unreasonable loss of amenity to existing dwellings;
- iii. a safe and convenient means of vehicular and pedestrian access/egress can be provided that is not likely to cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will be discouraged;
- iv. the proposal does not involve "tandem" development using a shared access;
- v. the site does not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution;
- vi. the site is not on the edge of defined settlements and likely to produce a hard urban edge or other form of development out of character in its particular setting; and
- vii. the proposal would not be out of character with the area or set a harmful precedent for other similar forms of development.

The main problems that can arise as a result of backland development include undermining the established character of an area (especially if similar schemes were to be repeated elsewhere in a locality); dwelling plots appearing cramped relative to their surroundings; the fragmentation of established gardens with a loss of mature landscaping; and the infringement of neighbouring residents' amenities. Development behind an established building line can also appear incongruous, particularly with isolated dwellings.

There must also be proper means of access to backland development, which is safe and convenient for both drivers and pedestrians, with a turning area where necessary to avoid the need for vehicles to reverse onto a public highway. A proposed access should avoid excessive disturbance or loss of privacy to neighbouring residents through, for example, an access drive passing unreasonably close to an adjoining dwelling. The likely frequency of use by vehicular traffic and the suitability of the access for service vehicles and the emergency services will also be relevant material considerations.

In respect of the policy criteria noted above the development is considered to meet the requirements as follows;

- i. the site is located within a defined settlement boundary in the emerging local plan; however is not designated for any particular use;
- ii. the plans show that the private amenity areas for all plots will meet the requirements of Policy HG9, while Numbers 145 and 149 Harwich Road will also retain in excess of the standard requirements. Further, there is sufficient off-street parking for all dwellings, while the layout has been designed in such a way to ensure significant distance to the nearest neighbouring properties.
- iii. the private access would be located to the south of the site, off Harwich Road. While there are neighbouring properties to each side of this access, there is good separation distances to each, while the comings and goings associated with two dwellings is not considered to be excessive.
- iv. the proposal does not represent a form of 'tandem development' in itself but is of a tandem arrangement. However the proposal will not use a shared access.
- v. the site is of a regular shape and would not compromise a more comprehensive development solution.
- vi. the development of the site would not form a hard urban edge to the settlement as there is existing development to the north and east of the site, including recent planning approval 16/00746/FUL for two dwellings to the rear of the existing building line along Harwich Road. While the site is relatively prominent from views from the west, the site is well enclosed with mature vegetation, and will be viewed against the backdrop of the previously approved and constructed dwellings. Therefore, on balance, the harm identified will not be significant enough to warrant a reason for refusal.
- vii. the development would not set a harmful precedent as the development is not harmful in its own right given that there are existing approvals for dwellings that have now been constructed to the north and north-east. The surrounding area consists of a number of residential dwellings, including behind the Harwich Road frontage, and therefore it is not considered this development will appear out of character.

### 3. Design, Layout and Appearance

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed dwellings are to be detached, single storey and sited to the north of 145 and 149 Harwich Road. The dwellings are to be accessed via the existing access point to the south of the site, serving 149 Harwich Road. Notwithstanding the impacts to the character of the area discussed previously, it is considered that the principle of single storey detached properties are acceptable in a location that consists of a variety of building designs.

In terms of the dwellings appearances, they include features to help break up their bulk, including front gables and chimneys. Given this and the differing use of materials, the dwellings are considered to be of an acceptable design that will not appear incongruous in the surrounding area.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three or more bedrooms should be a minimum of 100sqm. There were some initial concerns with regards to Plot 1's amenity space, in that it was predominantly sited to the front of the property and was therefore publically visible. Further, the pre-amble of Policy HG9 states side gardens can contribute to the private amenity space calculation if extending at least 3 metres from the dwelling and screened by an eye-level fence or other barrier; however the plans originally showed an area

to the rear of the property measuring approximately 2.5 metres, which could not be considered. Following discussions the agent for the application submitted amended plans that include fencing to the eastern boundary of Plot 1; this creates an enclosed private area, and ensures the site has sufficient private amenity area to adhere to the above requirements. Plot 2 comfortably meets the requirements of HG9.

#### 4. Residential Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

There is an approximate separation distance of 10 and 20 metres to Numbers 145 and 149 Harwich Road respectively. Given this significant distance the proposed dwellings will not appear imposing or result in loss of light. Further, the single storey nature of the dwellings will ensure no overlooking.

In terms of the impacts to the future occupiers of the proposed dwellings, Plot 2 is sited at such a distance that there will be no overlooking concerns. With regards to Plot 1, while 145 Harwich Road is closely related it is also a single storey dwelling. Therefore there will not be significant impacts in respect of loss of light or overlooking.

#### 5. Highway Considerations

Essex County Council as the Highway Authority has been consulted on the application and has stated that they have no objections subject to conditions relating to visibility splays, vehicular turning facilities, the use of no unbound materials, no discharge of surface water, the width of the private drive, and that any boundary planting should be planted a minimum of 1 metre from the highway.

Additional conditions relating to cycle parking provision and the submission of a Residential Travel Information Pack were requested. However there is sufficient space within the site to accommodate cycle parking, and the development is not large enough to justify a residential travel information pack, so these two recommended conditions are not included.

Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. The original plans showed two garages that did not meet the above requirements. Therefore following discussions, the agent for the application has submitted amended plans that have removed the garages, and indicate two parking spaces for each dwelling. While it is noted the second parking space for Plot 1 appears in a slightly contrived location, it is also acknowledged there is sufficient room within the plot for the parking of vehicles. Given this, and that the visual impact will be limited given the set back nature of the proposal, the harm identified would not be sufficient enough to warrant a refusal reason.

#### 6. Tree and Landscaping Impacts

The main body of the application site forms part of the residential curtilage of Thorpe House with an adjacent area of land to the west and north of the garden also included as part of the application site.

The western and northern site boundaries are demarcated with established hedgerows comprising primarily of indigenous species that provide a good level of screening. Although it would be desirable for the hedges to be retained they do not fall within the scope of legislation under which they could be afforded formal legal protection.

In terms of the trees on the land there are several small ornamental trees that are pleasant features in the garden but they cannot be seen from a public place. Consequently they have low



amenity value and do not merit retention. The most significant trees on the application site are two mature Oaks. One of which is situated close to the north western corner of the existing dwelling and the other which is on the northern boundary.

Both of these trees feature prominently in the public realm and make a significant positive contribution to the character and appearance of the locality. They meet the criteria under which they merit formal legal protection by means of a tree preservation order. Therefore both trees have been formally protect by Tendring District Council Tree Preservation Order TPO/19/00003

Initially it appeared that the position of the proposed dwelling on Plot 2 would be close to the Oak on the northern boundary and be within the Root Protection Area of the tree, and it would not be possible to achieve a satisfactory juxtaposition between the Oak and the dwelling. Following this the agent for the application submitted a Tree Survey and Report that includes a Tree Constraints Plan (TCP).

In addition to this the applicant has provided a Block Plan overlaid with the TCP to show that the dwelling on Plot 2 would be close, but outside, the Root Protection Area (RPA) of T2 Oak. In essence this demonstrates that the development proposal could be implemented without causing harm to the roots of the protected Oak situated on the northern boundary.

In terms of the above ground constraint and impact of the tree of the functionality of the private amenity space, it is noted that the area intended as garden is south facing and in full sunshine. In this respect and although there may be an issue of debris falling from the tree into the garden the tree will be unlikely to cause an unreasonable obstruction to daylight or sunlight reaching the garden.

On balance it is considered that the information provided by the applicant adequately demonstrates that a reasonably satisfactory juxtaposition between the protected tree and the proposed dwelling can be achieved. Conditions for full details of soft landscaping will also be included within the decision.

## 7. Legal Obligations

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

There is currently a deficit of 2.22 hectares of equipped play in Little Clacton. There is one play area in the village which is located along London Road and is a designated LEAP plus the Parish Playing Field has open space and used for all sports. The Parish Council have plans to increase the provision of play by installing a Multi Games Unit at the Parish Playing Field.

Due to the significant lack of play facilities in the area, a contribution towards play is justified and relevant to the planning application. The contribution would be used towards creating additional facilities at the Parish Playing Fields.

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

## 8. Habitats Regulation Assessment

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

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 two dwellings on a site that lies within the Zone of Influence (Zoi) being approximately 4,650 metres from the Hamford Water Ramsar and SPA.

New housing development within the Zoi 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 received to secure the financial contribution required to mitigate against any recreational impact from the new dwelling 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.

### Other Considerations

Little Clacton Parish Council has objected on the grounds that the proposal is backland development in a cramped space, with insufficient access on a long and narrow entrance.

In answer to this, the majority of these points have been addressed within the main body of the report above. In relation to the site being cramped, following the submission of amended plans it has been demonstrated there is space for the required private amenity and off-street parking. Therefore the proposal is not considered to be a form of cramped development.

There have been no other letters of representation received.

## **6. Recommendation**

Approval.

## **7. Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans, titled 'Location Plan', 'Proposed Ground Floor Plans', 'Plot 1 Elevations', 'Plot 2 Elevations', 'Proposed Roof Plans', 'Arboricultural Planning Report', and drawing numbers 63.105A and 63.106.

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

- 3 Prior to occupation of the development, the proposed access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres to the west and 2.4 metres by 120 metres to the east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the private access is first used by vehicular traffic from the development 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 first occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose. This also applies to the host property 149 Harwich Road.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest 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 occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway.

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 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.

- 8 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

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

- 9 Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction.

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

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

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

- 11 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B 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 to the dwelling or the roof, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of

such additions or building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To protect the semi-rural landscape and to ensure the site is not overdeveloped.

## **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 Applicant, 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:

Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

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

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

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.