

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	WC	11/03/2020
Planning Development Manager authorisation:	TP	13/03/2020
Admin checks / despatch completed	CC	13/03/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	RW	13/3/20

Application: 19/00181/OUT **Town / Parish:** Lawford Parish Council

Applicant: Mr Simons - C/o Agent

Address: Land adjacent to 196 Long Road Lawford

Development: Proposed erection of 4no. detached dwellings.

1. Town / Parish Council

- Lawford Parish Council
- i. Over development of the area (maximum of two properties) backland development;
 - ii. Need only properties for first time buyers;
 - iii. Additional traffic, changing traffic flow from a two way to a one-way system;
 - iv. On a busy approach to the garden centre, giving rise to concern about traffic flow in and out of the garden centre;
 - v. Turning circle required, particularly in the case of delivery trucks.

2. Consultation Responses

ECC Highways Dept

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal is located off Long Road which is subject to a 30-mph speed limit. The proposals are located within the boundary of Hearts Delight Home & Garden Centre and will share and utilise the existing vehicle access into the site. The site is located next to the local Primary School and there is evidence of on street parking taking place outside the front of the Garden Centre. The proposal allows adequate room and provision for off street parking and turning, for the 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 first occupation of the development, the access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic

and retained free of obstruction above 600mm at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction / 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, the proposed private access shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of footway.

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.

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. 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.

5. Any gates to be retained at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/carriageway in the interest of highway safety in accordance with policy DM1.

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

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

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: There is evidence that currently a series of advertising boards set-up within the highway boundary outside the Garden Centre. These advertising signs will need to be removed to improve the visibility splays in and out of the access prior to first occupation.

Informative 2: 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 3: 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 4: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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.

Tree & Landscape Officer

There are no trees or other significant vegetation on the application site which is currently in use as a car park serving Hearts Delight Nursery.

The eastern boundary of the application site abuts the access road to Lawford Primary School. The western boundary of the access road is demarcated by established vegetation contained some small trees.

Taking into account the size of the trees, the existing surface of the car park and the positions of the proposed dwelling it is considered that the viability of the trees and vegetation within the school grounds will not be compromised by the development proposal.

Should planning permission be likely to be granted then new soft landscaping should be secured to soften, screen and enhance the appearance of the development. The primary opportunity to have a positive impact on the appearance of the public realm will arise from securing new planting in the area between the dwellings closest to Long Road and Long Road itself.

UU Open Spaces

Response from Public Realm
Open Space & Play

Application Details

Application No: 19/00181/OUT

Site Address: Land adjacent to 196 Long Road Lawford Manningtree

Description of Development: Proposed erection of 4no. detached dwellings

Current Position

There is currently a deficit of -3.44 hectares of equipped play/open space in Lawford.

Any additional development in the Lawford area will increase demand on already stretched facilities.

Due to the geographical layout of the area, the play sites are spread widely across the village. The nearest play area to the site is located just a short distance from the development 0.4 miles in Waldergrave Way. This play area is designated as a Local Equipped Area for Play

Recommendation

Due to the significant lack of facilities in the area it is felt that a contribution towards play and formal open space is justified and relevant to this application. There are a number of pieces of equipment in this play area that need up dating. Any contribution will be used to improve the facilities at Waldergrave Way, Lawford

3. Planning History

00/01279/FUL	1. Glasshouses 2 TEN/93/0668 to retail sales of bedding plants and associated goods 2. Erection of timber sales office at far end of extended car park 3. Increase car parking area formerly glasshouses	Approved	11.10.2000
01/01264/FUL	Construction of two show room conservatories	Approved	04.09.2001
01/01602/ADV	"A" Frame board to be displayed on grass verge by road.	Withdrawn	05.10.2001
93/00668/FUL	(Land adjacent to rear of Hearts Delight Nursery, 196 Long Road, Lawford) To build additional glasshouses for the production of wholesale bedding plants	Approved	24.08.1993
94/00785/ADV	(Land at Corner of Bromley Road/Long Road, Lawford) Shop sign for Hearts Delight Nursery	Refused	13.09.1994
02/01841/FUL	Dismantle glasshouse to increase car parking area	Current	15.11.2002
08/00476/FUL	Erection of sales office at existing nursery for a period of two years.	Approved	12.05.2008
19/00181/OUT	Proposed erection of 4no. detached dwellings.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

NPPG National Planning Practice Guidance

Tendring District Local Plan 2007

QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
QL12	Planning Obligations
HG1	Housing Provision
HG3	Residential Development Within Defined Settlements
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
HG13	Backland Residential Development
COM6	Provision of Recreational Open Space for New Residential Development
COM7	Protection of Existing Recreational Open Space Including Children's Play Areas and Pitch and Non-Pitch Sports Facilities
EN6	Biodiversity
EN11A	Protection of International Sites European Sites and RAMSAR Sites
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development

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

SPL3	Sustainable Design
SP1	Presumption in Favour of Sustainable Development
SP3	Meeting Housing Needs
SP6	Place Shaping Principles
HP5	Open Space, Sports & Recreation Facilities
LP3	Housing Density and Standards
LP4	Housing Layout
LP8	Backland Residential Development
PPL4	Biodiversity and Geodiversity
CP1	Sustainable Transport and Accessibility

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). 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, whilst housing delivery over the last three years has exceeded requirements, the supply of deliverable housing sites going forward that the Council can demonstrate still 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 land adjacent to the east of 196 Long Road, within the parish of Lawford. The site currently comprises a car park and external storage/display area for Hearts Delight Home & Garden Centre, and is currently laid with brick paviours. The character of the surrounding area is urbanised, with predominantly residential development; however adjacent to the south-east is Lawford Church of England Primary School and approximately 50 metres to the west is a petrol station.

The northern boundary consists of an existing hedgerow and timber fencing fronting Long Road. The western boundary is enclosed with timber fencing and hedgerow, while to the south is the remainder of the car park.

The site falls within the Settlement Development Boundary for Brightlingsea within both the Adopted Tendring Local Plan 2007 and within the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Proposal

This application seeks outline planning permission for the erection of four detached residential dwellings. Most matters will be reserved for any future detailed application (appearance, landscaping, layout and scale), however access does form part of the determination of this application.

Assessment

Principle of Development

The site is situated within the defined settlement limits of Lawford as defined by both the adopted Tendring District Local Plan (2007) and emerging Publication Draft (2017), and therefore the principle of residential development in this location is acceptable subject to the detailed considerations as set out below.

Backland Development

The development involves the construction of four detached dwellings, two of which could be considered to be located in a 'backland' location to the rear of the established residential frontage along Long 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 both the saved and emerging local plans; however is not designated for any particular use;
- ii. Policy HG9 of the Adopted Local Plan states one bedroom properties should have a minimum 50sqm private amenity space, two bedroom properties should have a minimum of 75sqm private amenity space and a minimum of 100sqm if a dwelling has three or more bedrooms. While the plans do not indicate the number of bedrooms, each property has 100sqm and will therefore adhere to this policy. The proposal also shows off street parking provision that meets the Adopted Car Parking Standards minimum provision of two spaces measuring 5.5m x 2.9m for each dwelling.
- iii. the access to the four dwellings is located to the north-western corner of the site, off Long Road. This access point is currently utilised for the garden centre so will remain unchanged, resulting in a neutral impact to the street scene. The access road can be considered long and relatively narrow; however this is a very similar arrangement to existing and will cause no significant additional noise or loss of privacy to adjacent neighbouring properties.
- iv. the development is tandem in that two of the proposed dwellings will be sited behind the other two proposed dwellings. However, there are separate access points to these properties and therefore this criterion is met.
- v. the site is not considered to be of an irregular and awkwardly shaped parcel of land, and would not prejudice a more comprehensive development scheme.
- vi. the development of the site would not form a hard urban edge to the settlement as the land is surrounded by residential and commercial development to all sides.
- vii. the development would not set a harmful precedent as the development is not harmful in its own right and each case must be assessed on its own merits. The surrounding area is heavily urbanised with a mixture of development to all sides, with other nearby examples of development to the rear of the existing building line, and therefore the proposal would not adversely impact upon the overall character of the locality.

Layout, Design 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 application is in outline form with all matters bar access being reserved and therefore detailed plans do not form part of the determination of this application, and as such no elevational drawings have been submitted. Design within any future application should look to be in-keeping and not

detrimental to the character of the surrounding area. While the plans do not highlight the dwellings height, it is worth noting there are predominantly two storey properties in the immediate location.

The plans do include an indicative layout that shows the proposed dwellings would be located to the east and south-east of 196 Long Road. As stated above, this layout does give rise to the suggestion of backland development; however is acceptable against the relevant criteria. Therefore, while there is a relatively strong and linear pattern of development along this section of Long Road, there are other nearby examples of built form to the south of this building line, and therefore the dwellings' proposed siting is not considered incongruous within the street scene.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of one bedroom should be a minimum of 50 square metres, for a dwelling of two bedrooms should be a minimum of 75 square metres and for a dwelling of three bedrooms or more should be a minimum of 100 square metres. The information that has been supplied does not indicate the number of bedrooms; although there is sufficient space within the site to ensure there will be enough private amenity space for the proposed dwelling.

Impact upon neighbours

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).

Whilst the application is in outline form with all matters reserved, Officers consider that sufficient space is available on site to provide a development that, through the submission of a reserved matters application, could achieve an internal layout and separation distances that would not detract from the amenities of nearby properties or the future occupiers of the proposed dwellings.

Highway Impacts

Essex County Council as the Highways Authority do not object to the proposed development subject to conditions relating to visibility splays, the width of the access, the use of no unbound materials, no discharge of surface water, and any gates being inward opening and set back 6 metres.

Adopted Car Parking Standards state that for a dwelling with two bedrooms or more, provision should be made for a minimum of two parking spaces measuring 5.5m x 2.9m. The submitted plans demonstrate that this is achievable for both the existing and proposed dwellings.

Trees and Landscapes

The Councils Tree and Landscapes Officer has been consulted and has stated the following:

"There are no trees or other significant vegetation on the application site which is currently in use as a car park serving Hearts Delight Nursery.

The eastern boundary of the application site abuts the access road to Lawford Primary School. The western boundary of the access road is demarcated by established vegetation contained some small trees.

Taking into account the size of the trees, the existing surface of the car park and the positions of the proposed dwelling it is considered that the viability of the trees and vegetation within the school grounds will not be compromised by the development proposal.

Should planning permission be likely to be granted then new soft landscaping should be secured to soften, screen and enhance the appearance of the development. The primary opportunity to have a positive impact on the appearance of the public realm will arise from securing new planting in the area between the dwellings closest to Long Road and Long Road itself."

Therefore, the proposed development is acceptable against this criterion. Details of soft landscaping should be agreed at reserved matters stage.

Habitats

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

Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be the RAMS level contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on the Stour and Orwell Estuaries Ramsar and SPA. The contribution is secured by unilateral undertaking. There is therefore certainty that the development would not adversely affect the integrity of the Stour and Orwell Estuaries Ramsar and SPA in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

A UU has been completed for RAMs.

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 -3.44 hectares of equipped play and open space in Lawford, with any additional development increasing demand on already stretched facilities. The nearest play area to 0.4 miles away in Waldergrave Way, and is designated as a Local Equipped Area for Play. Due to the significant lack of facilities in the area it is felt a contribution towards play and formal open space is justified and relevant to this application, with contributions to be used to improve facilities at Waldergrave Way, Lawford.

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

Other Considerations

Lawford Parish Council object to the proposal for the following reasons:

1. Over-development of the site;
2. Backland development;
3. Need only properties for first time buyers;
4. Additional traffic; and
5. Highway safety concerns;

In answer to this points 2, 4 and 5 have been addressed within the main body of the report. Point 3 is not a material planning consideration and can therefore not be afforded any weight, whilst the site proposal is not considered to be overdevelopment given that it can comfortably meet both the minimum parking and private amenity requirements.

There have been eight letters of objection received, with the following points:

1. No need for new dwellings;
2. Lack of infrastructure; and

3. Highway safety.

In answer to this, point 3 has been addressed within the main body of the report above. Point 1 is not a material planning consideration and can therefore not be afforded any weight, while it is not considered that four new dwellings would result in significant impacts to the existing local infrastructure.

6. Recommendation

Approval - Outline

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with the requirements of Section 92 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 plan: 155 01 Rev A, received 2nd May 2019.

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

- 3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 4 No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the appearance, landscaping, layout and scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

- 5 Prior to first occupation of the development, the access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction above 600mm at all times.

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

- 6 Prior to first occupation of the development, the proposed private access shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of footway. Any gates to be retained at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway.

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 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.

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

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety.

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.

Legal Agreement Informative - Open Space/Play Space Contribution

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

Legal Agreement Informative - Recreational Impact Mitigation

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

There is evidence that currently a series of advertising boards set-up within the highway boundary outside the Garden Centre. These advertising signs will need to be removed to improve the visibility splays in and out of the access prior to first occupation.

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

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.

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.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO