

## **DELEGATED DECISION OFFICER REPORT**

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
File completed and officer recommendation:	AL	11/11/2020
Planning Development Manager authorisation:	TC	11/11/2020
Admin checks / despatch completed	ER	11/11/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	11/11/2020

**Application:** 20/01142/FUL **Town / Parish:** Ardleigh Parish Council

**Applicant:** Mr B Marshall - Wambugu Limited

**Address:** Mount View Fox Street Ardleigh

**Development:** Erection of 4 no. detached 1.5 storey dwellings (variation to previously approved application 20/00498/FUL for 4 detached bungalows).

### **1. Town / Parish Council**

Ardleigh Parish Council  
13.10.2020

Ardleigh Parish Council supports this variation given that permission has already been granted for these four properties and the proposed changes are acceptable.

### **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. There should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To ensure adequate inter-visibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1.

2. Prior to the occupation of the development the internal layout shall be provided in principal with drawing number:

o Drawing: P01 F Landscaping plan, proposed floor plans and elevations

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

Note: Where the proposed footway joins Fox Street it will need to continued south- westwards for a minimum length of 2 metres and provided with a pedestrian drop kerb with tactile paving (x2) on both sides to provide a connection with the existing footway on the opposite side of the road. In addition, where the footway joins the highway boundary a pedestrian guardrail will need to be provided also.

3. Prior to the first occupation of the development, the proposed Private Drive at its bell-mouth junction with Fox Street shall be provided with 6.0m.radius kerbs returned to an access road

carriageway width of 5.5m for at least the first 6 metres from the back of Carriageway / Footway / Highway Boundary.

Reason: To ensure that all vehicular traffic using the junction may do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 and 6.

4. No unbound materials shall be used in the surface treatment of the proposed Private access within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1.

5. Prior to 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.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1

6. 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.

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

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

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.

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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester, CO7 7LT

3: 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**

08/00692/TELCO M	Erection of 6m aerial and associated control kiosk and meter kiosk.	Determinati on	26.06.2008
08/01357/FUL	Alterations to vehicular access and construction of vehicle turning area.	Approved	13.11.2008
13/30126/PREAPP	Proposed erection of replacement dwelling with attached garage. Proposed erection of stables.		19.12.2013
14/30272/PREAPP	Proposed erection of replacement dwelling, detached garage and stable building.		14.08.2014
14/01081/LUEX	Residential property with single dwelling house.		06.10.2014
14/01896/FUL	Demolition of existing dwelling & shed. Replacement dwelling & detached garage.	Approved	12.02.2015
16/01563/HHPNO T	Rear Extension 7.7m width x 8.0m depth x 3.9m high. Side extension 6.3m width x 3.85m depth x 3.9m high		21.10.2016
16/01945/HHPNO T	Single storey rear extension.		09.01.2017
16/02092/FUL	Proposed erection of four bedroom detached house.	Withdrawn	20.11.2017
18/00794/OUT	Two dwellings.	Refused	13.07.2018
18/02015/OUT	Proposed two dwellings.	Approved	31.01.2019
19/00427/FUL	Proposed demolition of existing dwelling and erection of four bungalows.	Approved	28.06.2019

19/00974/DISCON	Discharge of condition 13 (Construction Method Statement) of approved application 19/00427/FUL.	Approved	
20/00498/FUL	Proposed demolition of existing dwelling and erection of four dwellings (variation of approval 19/00427/FUL).	Approved	22.06.2020
20/01033/DISCON	Discharge of conditions 3 (landscaping), 5 (materials), 12 (Construction Method Statement), and 13 (walls and fences) for approved application 20/00498/FUL.	Approved	02.10.2020

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

NPPF National Planning Policy Framework February 2019

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
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
HG14	Side Isolation
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development
EN1	Landscape Character
EN6	Biodiversity
EN11A	Protection of International Sites European Sites and RAMSAR Sites
COM6	Provision of Recreational Open Space for New Residential Development
Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)	
SP1	Presumption in Favour of Sustainable Development
SPL1	Managing Growth
SPL3	Sustainable Design

LP1	Housing Supply
LP3	Housing Density and Standards
LP4	Housing Layout
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
CP1	Sustainable Transport and Accessibility
CP2	Improving the Transport Network
HP5	Open Space, Sports & Recreation Facilities

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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 (which applies until such time that the figures in the new Local Plan are adopted).

In addition, the actual need for housing (as set out in the emerging Local Plan) 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, as recently endorsed by the Local Plan Inspector. Therefore, in weighing the benefits of residential development against the harm, the Inspector's endorsement of the lower housing requirement figure is a strong material consideration which tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing to address the perceived shortfall – given that, against the Local Plan housing requirement there is, in fact, a surplus of supply as opposed to a shortfall.

## **5. Officer Appraisal (including Site Description and Proposal)**

### **Site Description**

The application relates to the property known as Mount View, Fox Street, Ardleigh. The site measures approximately 0.47 hectares and is situated on the north western side of Fox Street, between a bungalow known as Nia-Roo and a large chalet dwelling known as Chantrys, within the ribbon of houses and bungalows fronting this part of Fox Street. The property known as Braefoot also bounds a section of the southern boundary of the application site. To the north of the site is the existing dwelling known as Mount View together with an extensive area of amenity and grazing land. Mount View is well set back from Fox Street accessed via a long private driveway between Nia-Roo and Chantrys with a further property known and High View beyond.

### **Description of Proposal**

The application follows a previous approval on the site under planning application reference 20/00498/FUL for the demolition of the existing dwelling (Mount View) and the erection of 4 no. 3 bedroom detached bungalows (Plots 1 and 2 served by integral garages and Plots 3 and 4 served by detached single garages, all having a parking bay adjacent).

This application seeks to vary the approved application to allow for the erection of 4 no. detached 1.5 storey chalet style dwellings. The proposed amendments go beyond what could be considered as a variation to the approved plans condition and this application therefore seeks a fresh, full planning application for the development.

### **Assessment**

The main considerations are;

- Planning and Appeal History;
- Principle of Development;
- Layout, Scale and Impact
- Residential Amenities;
- Highway Safety and Parking;
- Trees and Landscaping;
- Financial Contribution – Recreational Disturbance;

- Financial Contribution - Open Space and Play Space; and,
- Representations.

### Principle of Development

The site and surrounding area has been the subject of many applications and appeals that informed the on balance approval of application 19/00427/FUL and the variation approved under 20/00498/FUL (see the delegated report for 19/00427/FUL for full history details).

The principle of development on this site has been established by the previous approvals and there can be no objection to the development of the site for 4 dwellings subject to the relevant detailed considerations set out below.

### Layout, Scale and Impact

Paragraph 8 of the National Planning Policy Framework 2019 (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. Furthermore, Paragraph 127 of the NPPF requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes on to say that local distinctiveness should be promoted and reinforced. Saved Policy QL9 and EN1 of the Tendring District Local Plan (2007) and Policy SPL3 and PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape.

The application site is not isolated in nature being surrounded by existing residential development and currently forming extended curtilage associated with Mount View. The development of the site for 4 detached dwellings would essentially appear as an infill between Chantry's, Nia-Roo, Braefoot and High View therefore resulting in little impact upon the landscape character or overall character of the immediate locality.

The larger, 1.5 storey scale of development is considered acceptable having regard to the mixed residential character comprising 2 storey, single storey and chalet style dwellings in the locality. Amendments have been provided reducing the depth and bulk of the dwellings supported by a street scene plan has demonstrated that the overall height of the development will not appear incongruous.

The dwellings are sited back from the main road, set behind existing dwellings and mature vegetation accessed via a private drive. In the immediate locality of the application site both to the south and north, the residential character is more loosely knit, with dwellings being casually positioned within their plots. The residential development on the opposite side of Fox Street is predominantly linear in character for which this development follows fronting the private road, off Fox Street. The linear layout is therefore considered acceptable. Furthermore, as the dwellings will be located within the private road forming its own street scene this further minimises any visual impact on the wider area.

For these reasons, the proposed development of the site for larger, 1.5 storey dwellings is considered acceptable. Within its context, the proposal would be environmentally sustainable.

### Residential Amenities

Paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants. 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'. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives. Furthermore, Saved Policy HG14 requires a minimum of 1 metre side isolation between dwellings and saved Policy HG9 sets out the private amenity space requirements for new dwellings.

The siting and plot arrangement for each dwelling retains 1 metre or more in accordance with Policy HG14 of the adopted Local Plan. For a 3 bedroom dwelling a minimum of 100 square metres garden

space is required. Each dwelling will be served by a garden area that accords with or exceeds these standards. Furthermore each property is served by parking that accords with the current parking standards. Having regard to the spacing of the properties, the distance retained to existing dwellings and the compliance with amenity and parking standards, the site cannot be considered as cramped.

The 1.5 storey dwellings have been carefully designed to ensure that no overlooking or loss of privacy will occur between the new dwellings or to existing neighbouring properties. For example, the Juliette balcony areas include an overhang to minimise views into neighbouring gardens and are positioned to face toward high level roof light windows only.

Furthermore, the distance to neighbouring dwellings and dense vegetation minimises any impact to neighbouring amenities.

#### 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 and the design and layout of the development provides safe and convenient access for people. The sentiments of these policies are carried forward within draft Policy SPL3 and draft Policy CP1 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Furthermore, the Essex County Council Parking Standards 2009 set out the parking requirements for new development.

Each dwelling will be served by a single detached garage and 2 parking bays to the frontage of each property exceeding the minimum requirements of the Parking Standards. The development results in a net gain of 3 dwellings and the associated traffic movements associated with the additional dwellings will be minimal and not cause undue harm to highway or pedestrian safety as the existing access and driveway provide sufficient spacing and visibility.

The development includes the addition of a footpath to provide connection to the bus stop opposite and is accompanied by a Construction Method Statement (a condition of the previous approval).

Essex County Council Highway Authority raise no objection to the development subject to conditions which will be imposed where necessary. For example, some conditions required by the Highway Authority are secured through the approved plans conditions.

#### Trees and Landscaping

The central part of the application site does not contain any trees or other significant vegetation.

In the south eastern corner of the application site there is a small group of trees immediately adjacent to the Anglian Water Services Pumping Station. The trees in this location will not be affected by the development proposal and will provide a degree of screening and privacy for the proposed dwellings. New soft landscaping could be carried out in this area to strengthen the current level of screening.

On the southern boundary of the application site there is an established hedgerow containing hedgerow trees that appears to be on land that is not under the control of the applicant. This feature provides a reasonable level of screening. It would appear that the hedgerow is not affected by the development proposal. It would be desirable for the vegetation on this boundary to be retained for the softening effect it would have on any development that may be granted planning permission.

The most significant tree, potentially affected by the development proposal, is an established Oak situated at a mid-point on the western boundary. Whilst the tree is a mature healthy specimen with reasonable amenity value it appears that the proposed site layout makes provision for its retention. It should be noted that the tree has only moderate amenity value as when viewed from the southeast, the nearest accessible public place, it is seen against a back-drop of other established trees



As the tree is not threatened by the development proposal and taking into account its relatively low, amenity value it is considered that it does not merit formal legal protection by means of a tree preservation order.

The proposed plans include hard and soft landscaping details which will contribute positively to the quality of the development itself and soften and enhance the appearance of the development.

#### Financial Contributions – Recreational Disturbance

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

The application scheme proposes new dwellings on a site that lies within the Zone of Influence (Zol) being approximately 7000 metres from the Colne Estuary Ramsar and SPA. New housing development within the Zol would be likely to increase the number of recreational visitors to the Colne Estuary; and, in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A proportionate financial contribution has been secured through a completed unilateral undertaking in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements and the application therefore complies 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.

#### Financial Contribution – Open Space and 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.

In line with the requirements of saved Policy COM6 and emerging Policy HP5 the Council's Open Space Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution toward public open or play space.

There is currently a deficit of -1.70 hectares of equipped play/open space in Ardleigh.

Due to the remote location of the development site to the play and open space, it is unlikely that these facilities will see a significant impact. Therefore no contribution is being requested on this occasion

#### Representations

Ardleigh Parish Council supports this variation given that permission has already been granted for these four properties and the proposed changes are acceptable.

No individual letters of objection have been received.

#### Conclusion

The principle of the redevelopment of the site for 4 dwellings has been established. For the reasons set out above, the revised scale and design of the dwellings does not result in any significant harm and a refusal on this ground alone is unlikely to be upheld at appeal. The application is therefore

recommended for approval. The conditions imposed on the previous approval will be carried over where necessary taking into account the additional information provided with this application including materials details, boundary treatments, landscaping and a Construction Method Statement.

## **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 (including materials, boundary treatment and protective fencing details):

DWG. NO.	P03C Amended Site Plan
DWG. NO.	P01F Amended Elevations & Layouts; Site Plan & Landscaping
DWG. NO.	P02F Amended Construction Method Statement

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

- 3 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details DWG. NO.P01F 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 - In the interest of visual amenity and the character of the area.

- 4 The approved amended Construction Method Statement and accompanying plan DWG. NO. P02F shall be adhered to throughout the construction period for the development.

Reason - In the interests of residential amenity and highway safety.

- 5 Prior to occupation of the dwellings hereby approved, the garages and parking spaces as shown on approved plans shall be constructed, surfaced and maintained free from obstruction at all times and retained for that sole purpose to provide sufficient parking and turning for the approved dwellings.

Reason - In the interests of highway safety.

- 6 As indicated on DWG. NO.P01F Site Plan and Block Plan, no unbound materials shall be used in the surface treatment of the proposed private access within 6m of the highway boundary.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 7 The removal of any vegetation shall only be carried out outside of the bird nesting season (March to August inclusive).

Reason - To ensure the protection of birds potentially nesting on site.

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

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

- 9 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) England Order 2015 (or any Order revoking and re-enacting that Order with or without modification), other than the boundary treatments shown on the approved plans, no provision of fences, walls, gates or other means of enclosures, shall be erected forward of the front elevation of the dwellings hereby approved except in accordance with details that shall previously be approved in writing by the Local Planning Authority.

Reason - In the interests of visual amenity and highway safety.

- 10 There should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason - To ensure adequate inter-visibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

- 11 Prior to the first occupation of the development, the proposed Private Drive at its bell-mouth junction with Fox Street shall be provided with 6.0m.radius kerbs returned to an access road carriageway width of 5.5m for at least the first 6 metres from the back of Carriageway / Footway / Highway Boundary.

Reason - To ensure that all vehicular traffic using the junction may do so in a controlled manner, 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### 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.

### Highways Informatives

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.

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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Development Management Team  
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3: 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.

4: Note: Where the proposed footway joins Fox Street it will need to be continued south- westwards for a minimum length of 2 metres and provided with a pedestrian drop kerb with tactile paving (x2) on both sides to provide a connection with the existing footway on the opposite side of the road. In addition, where the footway joins the highway boundary a pedestrian guardrail will need to be provided also.

#### Building Control Informative

The shared driveway and turning head will need to be suitable for fire tender access. The agent is advised to check unprotected areas to the side walls as these could possibly be tight on allowances.