

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NW	22.02.2021
Planning Development Manager authorisation:	TC	23/02/2021
Admin checks / despatch completed	CC	23.02.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	23.02.2021

Application: 20/01618/FUL **Town / Parish:** Great Bentley Parish Council

Applicant: Mrs M Fox

Address: Fir Tree House Plough Road Great Bentley

Development: Erection of detached dwelling with new vehicular driveway access.

1. Town / Parish Council

Mrs Parish Clerk
08.01.2021

At the Great Bentley Parish Council Planning Committee meeting held on 7th January 2021 it was resolved to make no objection to the application but to note that the Local Highways Panel (LHP) has approved a new bus stop in the location of the entrance to the new development.
LHP/ECC reference number LTEN205001

2. Consultation Responses

UU Open Spaces
08.12.2020

Response from Public Realm
Open Space & Play

Application Details

Application No: 20/01618/FUL

Site Address: Fir Tree House Plough Road Great Bentley Colchester

Description of Development: Erection of detached dwelling with new vehicular driveway access.

Current Position

There is currently a deficit of -1.73 hectares of equipped play in Great Bentley.

Recommendation

Although there is a deficit of play facilities in Great Bentley, due to the size and location of the development it is unlikely that the development will have an impact on the current facilities. However should further development occur a contribution maybe required.

ECC Highways Dept
20.01.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. Due to the current COVID-19 restrictions no site visit was undertaken in conjunction with this planning application. The conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2019. The site is located off Plough Road which is subject to a 30-mph speed limit and the proposed site offers adequate parking and turning within the confines of the site.

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 road junction / access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 90 metres to the north and 2.4 metres by 70 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / 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.

NOTE: If the visibility splays are unachievable due to site or land control constraints the applicant will need to provide evidence by way of a speed survey that a relaxation in these requirements will not create a highway safety issue.

2. 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.

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 occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 3.6 metres (equivalent to 4 low kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

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

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.

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 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.

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 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.

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

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

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

3: The applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence.

4: 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.

Tree & Landscape
Officer
08.12.2020

The application site currently forms part of the residential curtilage of the host property. The boundary with the highway is demarcated by an established Hawthorn hedge that encloses

the garden and ties in well with nearby field boundary hedgerows. Nevertheless it does not fall within the scope of any legislation under which it could be afforded legal protection.

The garden is well planted with established shrubs and small trees.

In order to show the extent of the constraint that the trees are on the development potential of the land the applicant has provided an Arboricultural Impact Assessment (AIA). This shows how retained trees will be physically protected for the duration of the construction phase of any development for which planning permission may be granted. This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations.

The proposed layout and position of the dwelling makes provision for the most visually prominent trees on the application site: a Cedar (T1), a Cherry (T2) and a False Cypress (T3). This is desirable and would ensure that trees that currently make a reasonable contribution to the appearance of the area are retained. However if planning permission were likely to be granted then the new dwelling would screen the trees from view and their amenity value would be significantly diminished.

The tree report suggest that it may be prudent to fell the Cedar and to replace with a more appropriate species. This would be likely to be a species with a smaller ultimate height.

If it were possible it would be desirable for the proposed dwelling to be 'set back' further into the plot to provide room for small trees to be planted between the front elevation of the proposed dwelling and the highway. Trees in this position would feature prominently in the street scene and make a positive contribution to the appearance of the public realm.

New soft landscaping should be secured by a condition attached to any planning permission that may be granted.

Building Control and No adverse comments at this time.
Access Officer
27.11.2020

Third Party One objection letter has been received the comments raised were:

1. The host dwelling shall have a small garden left over.
2. The established hedge being removed shall harm the environment
3. Plough Road has a speeding problem and the access proposed is a highway danger.

3. Planning History

99/01687/TPO	Lop branches of Eucalyptus tree which are touching house and growing through power lines	Approved	10.12.1999
12/01350/TPO	Eucalyptus - fell due to decay in base of trunk. No replacement planned.	Approved	04.01.2013
19/01773/FUL	Erection of detached dwelling with new Vehicular Driveway Access.	Withdrawn	06.04.2020
20/01618/FUL	Erection of detached dwelling with new vehicular driveway access.	Current	

4. Relevant Policies / Government Guidance

The following Local and National Planning Policies are relevant to this planning application.

NPPF National Planning Policy Framework February 2019
NPPG National Planning Practice Guidance

Tendring District Local Plan 2007

- QL1 Spatial Strategy
- QL2 Promoting Transport Choice
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- QL12 Planning Obligations
- RA4 Housing Development Within Defined Villages
- HG1 Housing Provision
- HG3 Residential Development Within Defined Settlements
- HG7 Residential Densities
- HG9 Private Amenity Space
- HG14 Side Isolation
- COM6 Provision of Recreational Open Space for New Residential Development
- COM19 Contaminated Land
- EN6 Biodiversity
- EN11A Protection of International Sites European Sites and RAMSAR Sites
- EN12 Design and Access Statements
- EN13 Sustainable Drainage Systems
- TR1A Development Affecting Highways
- TR7 Vehicle Parking at New Development

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

- SP1 Presumption in Favour of Sustainable Development
- SP2 Spatial Strategy for North Essex

SP3 Meeting Housing Needs
SP6 Place Shaping Principles
SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
LP1 Housing Supply
LP3 Housing Density and Standards
PPL4 Biodiversity and Geodiversity
LPG 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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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 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.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

5. Officer Appraisal (including Site Description and Proposal)

Site Description and Context

The host site forms the side and rear garden of Fir Tree House. The host dwelling is a detached property with a frontage to Plough Road. The flank wall of Fir Tree House is some 19.4 metres from the northern side boundary with Westwood House. Within this gap is where the proposed dwelling shall be sited. There is an outbuilding on the southern side boundary with Oakwood of the scale of a single garage, with parking spaces in front to accommodate 2 cars. There are trees and open fields to the rear (eastern) boundary.

The context of the site is the edge of a cluster of dwellings, predominately bungalows to the south and detached /semi detached two storey dwellings to the north. The site is located near the edge of the small village of Aingers Green, some 1000m to Great Bentley train station to the north.

Proposal

The proposal is for the erection of a detached three-bedroom two storey dwelling with associated car parking. The car parking would have a vehicular access onto Plough Road. The associated car parking would consist of two car parking spaces in a tandem arrangement. The host building and outbuilding would not be affected by the proposal.

The proposed dwelling would have two side gables and an external chimney stack to the side. The materials have been stated to be agreed via planning condition. Although, the host dwelling gives a rendered appearance similar to the two immediate neighbouring properties that are rendered and painted white.

The proposed dwelling would be 10m wide, leaving a gap of 1m from the northern side boundary and 3.7m to the south boundary to the host dwelling. The proposed dwelling would have a maximum depth of 12m. The dwelling would have a eaves of 5.5m and a ridge of 8m

The main planning considerations are:

- a) Principle of Development
- b) Appearance of design, including scale and layout, general visual amenity
- c) Impact to neighbours
- d) Vehicular access and parking
- e) Landscape
- f) Legal Obligation – Recreational Impact Mitigation
- g) Legal Obligation – Open Space/Play Space Contribution

h) Other matters

a) Principle of Development

The site lies within a Settlement Boundary for Aingers Green as defined in the adopted Tendring District Local Plan (2007). The area has been taken out the settlement hierarchy of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), effectively making the area Countryside.

Policy QL1 states that, whilst most new development will be concentrated at the larger urban areas, development will also be concentrated within other defined settlement development boundaries, one of which is the village of Aingers Green. The proposal is therefore acceptable with regard to Policy QL1.

Policy QL2 states that all new development proposals should be located and designed to avoid reliance on the use of the private car and promote travel choice. The site is a walk of some 1000m to Great Bentley train station, also there are bus stops some 150m away. Realistic alternatives to accessing services other than by using a car would be available to occupiers of the proposed dwelling and accordingly the proposal is acceptable with regard to Policy QL2.

Policy RA4 states that within the Settlement Development Boundaries of Defined Villages, housing development will take the form of infilling (1-3 houses) in the "Other Defined Villages" such as Aingers Green. The proposal accords with Policy RA4.

The site, being formed from curtilage of an existing property, would make more effective use of brownfield land. As such the proposal is in accordance with guidance in the NPPF and accords with Policy HG1 in that housing provision would be on previously developed land.

Saved Policy HG3 of the adopted Tendring District Local Plan (2007) deals with residential development within defined settlements stating that, residential development will be permitted provided it satisfies amenity, design, density, environmental and highway safety as appropriate, and can take place without material harm to the character of the local area. Emerging Policy SPL 2 states that within the settlement development boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies.

b) Appearance of design, including scale and layout, general visual amenity

Policy QL9 requires all new development to make a positive contribution to the quality of the local environment and protect or enhance local character. The dwelling would appear as a relatively modest dwelling when seen in the streetscene. The front pitched roof is similar to the neighbouring properties either side. The appearance of the proposed dwelling would be in character with the majority of dwellings in the locality. The proposal is considered acceptable with regard to Policy QL9.

The proposal would fit the pattern of existing neighbouring housing and the proposal achieves effective use of land at an appropriate density without over filling the site. The character of the area is largely formed by the two neighbouring properties which this proposal duly follows in materials, design and layout.

The materials are detailed in the Design and Access Statement as follows:

Front elevation: Walls cream rendered above red brick plinth. Symmetrical fenestration at ground and first floor levels with central red brick porch and hall window above. Chimney feature with pot on northern elevation.

Rear Elevation: Walls cream rendered above red brick plinth. Ground floor windows to kitchen and WC and french doors from lounge for garden access.

South Elevation: Walls cream rendered above red brick plinth. Glazed side door to kitchen. Side window to red brick porch.

North Elevation: Walls cream rendered above red brick plinth. Brick chimney stack and earthenware pot. Red brick side elevation to porch.

The windows and french door will be uPVC with the roofing in natural slate.

The proposal is considered acceptable with regard to Policy HG7.

A side isolation space of 1m would be retained between the northern neighbour well in excess of that to the would be host neighbour. The proposal would accord with Policy HG14.

The host dwelling would retain a private amenity area of some 120 sq m, some 73 sq m to the rear of the bungalow and the remainder to the side. However, the areas to the side are also private in nature due to screen hedging along the boundary of the property with highways. The proposed dwelling has some 105 sq m to the rear. Both these areas are considered acceptable for the two dwellings. The proposal would meet Policy HG9 in that a private amenity space is acceptable.

Vehicular access would be onto Plough Road. There would be no material disturbance or loss of privacy to the occupiers of Fir Tree House or any other residential property. The proposed dwelling would have effectively taken 14.7 metres from the host dwellings side garden space, although Fir Tree House retains a 4.7 metre gap to the proposed new dwelling.

In terms of visual amenity this arrangement is acceptable.

c) Impact to neighbours

Policies QL10 and QL11 are concerned with such matters as ensuring adequate daylight, outlook and privacy and of not having a materially damaging impact on other amenities of neighbours of nearby properties.

The nearest neighbour, Westwood House, appears to have its principal windows to the front and rear elevations. There would be no significant material loss of daylight to the occupiers of Westwood House. Both Westwood House and Fir Tree House have no first floor side windows. Due to the fact that the proposed dwelling has no windows proposed on the flank elevations at first floor level, no overlooking concerns are raised. The ground floor windows can be mitigated against via boundary fencing.

The proposal is considered acceptable with regard to impact to impact to the neighbouring property at Westwood House and Fir Tree House. The proposal accords with Policies QL10 and QL11.

d) Vehicular access and parking

There are two parking spaces and a turning area proposed allowing cars to leave the site in a forward gear. The local highway authority has confirmed in writing that it has no objection in principle to the proposal. In the absence of any formal objection from the local highway authority, the proposal is acceptable with regard to Policy TR1a.

The proposed three-bedroomed dwelling would be provided with two car parking spaces and the host dwelling, Fir Tree House has 3 off street spaces. The proposal would meet an adopted parking standard and accordingly is acceptable with regard to Policy TR7.

e) Landscape

The application site currently forms part of the residential curtilage of the host property. The boundary with the highway is demarcated by an established Hawthorn hedge that encloses the garden and ties in well with nearby field boundary hedgerows. The Landscape Officer does not believe it falls within the scope of any legislation under which it could be afforded legal protection.

The garden is well planted with established shrubs and small trees.

In order to show the extent of the constraint that the trees are on the development potential of the land the applicant has provided an Arboricultural Impact Assessment (AIA). This shows how retained trees will be physically protected for the duration of the construction phase of any development for which planning permission may be granted. This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations.

The proposed layout and position of the dwelling makes provision for the most visually prominent trees on the application site: a Cedar (T1), a Cherry (T2) and a False Cypress (T3). The Landscape Officer views it desirable that the trees that currently make a reasonable contribution to the appearance of the area are retained. Officers do not consider it reasonable to condition the rear sited trees to be retained.

The tree report suggest that it may be prudent to fell the Cedar and to replace with a more appropriate species. This would be likely to be a species with a smaller ultimate height.

The Landscape Officer would like to see the dwelling set back into the site. However, this would reduce the size of the rear garden to unacceptable levels. A turning area is shown to the front of the site and beyond that an area for soft landscaping. This is considered acceptable, and the new soft landscaping shall be recommended as a planning condition.

f) Legal Obligation – Recreational Impact Mitigation

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.

A unilateral undertaking is required 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 nearby European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL 4 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 unilateral undertaking to secure the required financial obligation has been completed.

g) Legal Obligation – Open Space/Play Space Contribution

Policy COM6 in 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 HP 5.

However, no contribution is being requested from Open Spaces on this occasion.

h) Other matters

The Parish report that they have verbally agreed to position a new bus stop near the proposed new entrance to the new dwelling. Ultimately, the bus stop shall have to be considered for an alternative position. There is no objection from a Highway safety perspective; this has been confirmed in an email from Highways dated 23/02/2021.

The issues raised by the objector have been dealt with within this report and in the conditions recommended below.

Conclusion

The proposal would have no material harm to residential amenity or highway safety. The principle of residential development in this locality is supported by Local Plan policy. Design of the built form is acceptable and the impact of the proposal on the appearance of its setting not objectional. The application is therefore recommended for approval.

6. Recommendation

The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives and the completed section 106 legal agreement.

7. Conditions

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and document:

Site plan, block plan, proposed elevations and floor plans – (Drawing Number Ftc/ag/2a)
Design and Access Statement - (TPS, dated 19th October 2019)

Reason – For the avoidance of doubt and in the interest of proper planning.

3. Prior to occupation of the development, the road junction / access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 90 metres to the north and 2.4 metres by 70 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of obstruction above 600mm at all times.

If the visibility splays are unachievable due to site or land control constraints the applicant will need to provide evidence by way of a speed survey that a relaxation in these requirements will not create a highway safety issue.

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.

4. 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.

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 occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 3.6 metres (equivalent to 4 low kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

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

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. 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.

10. 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.

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 is not obstructed during the construction period in the interest of highway safety.

12. The vehicle turning area detailed to the front of the building in drawing Ftc/ag/2a shall be retained for the lifetime of the development for the sole purpose of allowing vehicles to leave the site in a forward gear and turn accordingly.

Reason: In the interest of highway safety.

13. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard (including boundary treatments) and soft landscaping which 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 - In the interest of visual amenity and the character of the area.

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

Reason - To ensure that the development provides a satisfactory setting, in the interests of the character and appearance of the landscape and the visual amenity of the site.

15. The method statements and tree protection measures outlined in Arboricultural Impact Assessment (TPS, dated 19th October 2019) shall be followed in full throughout the construction phase of the development.

Reason - In the interest of visual amenity and the character of the area.

16. Development shall be carried out in accordance with the materials specified in the Design and Access Statement (Edward Gittins and Associates, November 2019) unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the external appearance of the building is satisfactory.

8. Informatives

Informatives

Positive and Proactive Statement

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

Legal Agreement Informative

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: 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.

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

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

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Colchester,
CO7 7LT

3: The applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on

the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence.

4: 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.

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