

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	SCE	08.10.2021
Planning Development Manager authorisation:	AN	11/10/21
Admin checks / despatch completed	CC	11.10.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AN	11/10/21

Application: 21/00213/OUT

Town / Parish: Mistley Parish Council

Applicant: Tendring Farms Ltd

Address: Land South of Long Road Mistley

Development: Variation of condition 3 (Approved Plans) and 12 (highway proposal drawings) of approved planning application 17/01181/OUT (Approved under appeal APP/P1560/W/19/3220201).

1. Town / Parish Council

No comments received

2. Consultation Responses

ECC Highways Dept
25.05.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2009. It is noted that this is a variation of condition 3 of approved planning application 17/01181/OUT, 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. The vehicular access road/ junction shall be constructed at right angles to the highway boundary and to the existing carriageway and shall be provided, but not be limited to, the following aspects:
 - Carriageway measuring no less than 6.0m in width.
 - 2x2m footways on both sides of the access road, kerb radii; on the north side, extending northwards along Clacton Road to its junction with Mistley Grove.
 - Appropriate pedestrian crossing facilities (drop kerbs/ tactile paving) where the new road joins the existing highway and for the existing footway on the east side.
 - Appropriate vehicle visibility splays in accordance with current policy standards
 - Kerb radii measuring a minimum 10m.
 - Any other reasonable items to ensure the access is in accordance with current policy standards.

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.

2. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

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.

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.

Notes:

- The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate
- Prior to any works taking place in the highway the developer should enter into an S278 agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works
- All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)
- All highway related details should be agreed with the Highway Authority.
- The proposed junction layout and footway proposals will require an initial Stage 1 Road Safety Audit.
- The proposed junction layout will require initial swept path analysis drawings.

Informative:

1: 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

2: 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.

undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated March 2021. It is noted that this is a variation of condition 3 of approved planning application 17/01181/OUT, 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. The vehicular access/ road junction shall be constructed at right angles to the highway boundary and to the existing carriageway and shall be provided, but not be limited to, the following aspects:
 - Carriageway measuring no less than 5.5m in width.
 - Appropriate pedestrian crossing facilities (drop kerbs/ tactile paving) where the new footway joins the existing highway and for the existing footway on the east side.
 - Appropriate vehicle visibility splays in accordance with current policy standards.
 - Kerb radii measuring a minimum or no less than 8m.
 - A straight section of carriageway to be provided from the entrance junction for 22 metres.
 - Any other reasonable items to ensure the access is in accordance with current policy standards.

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.

2. The gradient and proposed vehicular access/ road junction shall be in accordance with DMRB standards.

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

3. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

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.

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.

Notes:

- The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate
- Prior to any works taking place in the highway the developer should enter into an S278 agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works
- All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be

- agreed with the Highway Authority as soon as possible)
- Street lighting will be provided in accordance with ECC Operational Plan.
 - All highway related details should be agreed with the Highway Authority.
 - The proposed junction layout and footway proposals will require an initial Stage 1 Road Safety Audit.

Informative:

1: 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.

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2: 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

15/00761/OUT	Outline application with all matters reserved, other than strategic access points onto the public highway, for the erection of up to 300 dwellings, up to 2 hectares of employment land (A2/A3/B1/D1 uses), with associated public open space and infrastructure.	Approved	18.07.2016
16/00818/OUT	Resubmission of outline application with all matters reserved, other than strategic access points onto the public highway, for the erection of up to 300 dwellings, up to 2 hectares of employment land (A2/A3/B1/D1 uses), with associated public open space and infrastructure.	Approved	
17/00534/OUT	Variation of condition 4 of 15/00761/OUT to change parameter plans.	Refused	10.08.2017
17/00535/DETAIL	Application for Phase 1 Reserved Matters for Access, Appearance, Landscaping, Layout and Scale for	Approved	16.08.2018

	96 Residential following Outline Planning Permission 15/00761/OUT (as subsequently amended by 17/01537/OUT).		
17/01181/OUT	Outline application with all matters reserved, other than strategic access points onto the public highway, for the erection of up to 485 dwellings, up to 2 hectares of employment land (A2/A3/B1/B2; B8; D1 uses), with associated public open space and infrastructure.	Refused	29.11.2018
17/01537/OUT	Variation of condition 4 of application 15/00761/OUT to change the description of the condition to 'The reserved matters shall be in general conformity with the following indicative drawings: Building Heights Plan - Drawing No: 001, Illustrative Masterplan - Drawing No: PL17006/04 and Landscape Plan - Drawing No: 003'.	Approved	14.06.2018
18/01190/OUT	Variation of Conditions 1, 11, 12, 13, 14, 15, and 16 of 17/01537/OUT to allow work to commence prior to the submission of remaining reserved matters (reserved matters for 96 units already submitted).	Approved	19.09.2019
19/00336/OUT	Variation of condition 4 of application 17/01537/OUT to change the description of the condition to 'The reserved matters shall be in general conformity with the following indicative drawings: Building Heights Plan - Drawing No: 001A, Illustrative Masterplan - Drawing No: PL17006/04A and Landscape Plan - Drawing No: 003A'.	Refused	21.11.2019
19/00539/DETAIL	Reserved matters application pursuant to outline planning permission 17/01537/OUT for the creation of phase 2 - 204 dwellings and four commercial buildings, plus associated roads, driveways, parking, footpaths, landscaping and ancillary works.	Approved	07.01.2020
20/00782/OUT	Outline planning with all matters reserved except for access for up to 76 no. dwellings and associated roads, hardstanding, fencing,	Approved	14.05.2021

	outbuildings and drainage.		
20/01421/DISCON	Discharge of condition 8 (archaeology) of application 17/01181/OUT (approved on appeal APP/P1506/W/19/3220201).	Approved	07.12.2020
20/01484/OUT	Construction of medical centre and car parking.	Refused	01.02.2021
21/00197/DETAIL	Reserved matters application with details of appearance, landscaping, layout and scale pursuant to the residential element of outline permission (17/01181/OUT - Approved under appeal APP/P1560/W/19/3220201) including up to 485 dwellings, up to 2 hectares of employment land (A2/A3/B1/B2; B8; D1 uses), with associated public open space and infrastructure	Current	
21/00213/OUT	Variation of condition 3 (Approved Plans) and 12 (highway proposal drawings) of approved planning application 17/01181/OUT (Approved under appeal APP/P1560/W/19/3220201).	Current	
21/00451/DISCON	Discharge of conditions 9a (Surface Water Drainage), 9b (Drainage Maintenance Arrangements), 10 (Foul Water Strategy) and 11 (Off-Site Flooding Scheme) of application 17/01181/OUT (approved on appeal APP/P1506/W/19/3220201).	Current	
21/00494/DISCON	Discharge of conditions 6 (Phasing Plan), 7 (Construction Management Plan) and 16 (Broadband Strategy) of approved application 17/01181/OUT (Granted under Appeal ref: APP/P1506/W/19/3220201)	Current	
21/01170/DISCON	Discharge of condition 8A (Archaeology) of approved application 17/01181/OUT.	Approved	25.08.2021

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses (part superseded)

EN1 Landscape Character

TR1A Development Affecting Highways

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

Relevant Section 1 Policies (adopted)

SP7 Place Shaping Principles

Relevant Section 2 Policies (emerging)

SPL3 Sustainable Design

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

Status of the Local Plan

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to the emerging Section 2 of the 2013-33 Local Plan, which contains more specific policies and proposals for Tendring, has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29th June 2021. The Council held a six-week public consultation on the Main Modifications and associated documents which began on 16th July 2021. The consultation closed at 5pm on 31st August 2021 and adoption is expected later this year. Section 2 will then join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

In relation to housing supply:

The Framework requires Councils 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, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, the 'tilted balance' at paragraph 11 d) ii) of the Framework is engaged. This requires applications for housing development be granted permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Following the adoption of Section 1 of the 2013-33 Local Plan and the Council's 'Objectively Assessed housing Need' of 550 dwellings per annum there is no housing shortfall. The Council is able to report a comfortable surplus of housing land supply over the 5 year requirement. The 'tilted balance' at paragraph 11 d) ii) of the Framework does not therefore apply to applications for housing.

5. Officer Appraisal (including Site Description and Proposal)

Proposal

This application seeks permission to vary conditions No. 3 and 12 of application 17/01181/OUT, which sought outline planning permission for strategic access points onto the public highway, the erection of up to 485 dwellings and up to 2 hectares of employment land, with associated public open space and infrastructure. The application was granted on appeal under reference APP/P1560/W/19/3220201. An application for reserved matters consent is currently under consideration by the Local Planning Authority (21/00197/DETAIL).

The changes proposed under this current application relate only to the access point onto Clacton Road. This application seeks to regularise the location and width of the proposed road, so that the reserved matters application aligns with the consented access plans. The amendments proposed to the conditions are to change references to drawing numbers and for Condition No. 12 to be simplified by removing reference to the road width, footways and visibility splays as they are shown on the submitted plan.

Principle

The principle of residential development on the site and an access point onto Clacton Road has been established by the granting of previous applications on this site (see Planning History for further information).

Design, Appearance and Layout

Details of the design, appearance and layout of the development as a whole are currently under consideration under application 21/00197/DETAIL.

The changes proposed under this application relate only to the access onto Clacton Road, they do not result in significant changes which would alter the character of development.

Impact on Neighbouring Residents

The proposed changes do not result in any greater impact on the amenity of neighbouring or proposed residents.

Highways

Essex County Council Highways have been consulted on the application and raise no objection, subject to the following mitigation and conditions:

1. The vehicular access/ road junction shall be constructed at right angles to the highway boundary and to the existing carriageway and shall be provided, but not be limited to, the following aspects:

- Carriageway measuring no less than 5.5m in width.
- Appropriate pedestrian crossing facilities (drop kerbs/ tactile paving) where the new footway joins the existing highway and for the existing footway on the east side.
- Appropriate vehicle visibility splays in accordance with current policy standards.
- Kerb radii measuring a minimum or no less than 8m.
- A straight section of carriageway to be provided from the entrance junction for 22 metres.
- Any other reasonable items to ensure the access is in accordance with current policy standards.

2. The gradient and proposed vehicular access/ road junction shall be in accordance with DMRB standards.

3. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

It is not necessary to impose the first condition recommended as the approved plans show compliance with this condition. The remaining two conditions will be imposed.

Legal agreement

The outline permission 17/01181/OUT allowed at appeal included a legal agreement. The legal agreement is written to include any application to vary a condition provided this does not increase the number of dwellings and relates substantially to the same development of the site – as is the case here.

Representations

One letter of objection has been received which raises the following concerns:

- o The proposed access point onto the busy and fast flowing Clacton Road has no provision for safe cycle usage.
- o The footpath has not been designated as dual use and there is no proposal for a safe cyclist and pedestrian crossing point at the Clacton Road.
- o There is provision for cycle storage within the estate but no safe way for a cyclist leaving the estate to the East and into Manningtree and the surrounding area.
- o Given the lack of public transport serving this part of Manningtree the layout discourages cycle use and will increase the vehicle traffic density with all of the attendant congestion and pollution.

In response to these concerns, the principle and details of the proposed access have previously been approved by the Planning Inspectorate at Appeal, this application seeks to make minor amendments only to the access.

6. Recommendation

Approval - Full

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 application for approval of the reserved matters for the development, or any first phase of development approved in relation to Condition 6 (Phasing Plan), shall be made to the Local Planning Authority before the 23rd December 2022.

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

- 3 The development hereby approved shall be carried out in accordance with the following approved plans:
- a) 162173/A/02 dated 16th May 2016 - Long Road Preliminary Access Arrangement
 - b) CC-Y321-DR2a Rev. E dated 20th September 2021 - Clacton Road Access Arrangement
 - c) JTP/04814 DR4 dated 7th February 2017 - Employment Area Access and Pedler's Corner Improvements.

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

- 4 No development shall be commenced on any phase of development as approved under Condition 6 (Phasing Plan) of this permission until plans and particulars of "the reserved matters" relating to the appearance, landscaping, layout and scale for that phase of development 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 The reserved matters shall be in general conformity with the following parameter plans:
- a) OPA/17006-04b - Landscape Parameter Plan
 - b) OPA/17006-06a - Density Parameter Plan
 - c) OPA/17006-07b - Storey Heights Parameter Plan

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

- 6 The development shall be carried out in accordance with the Phasing Plan dated 9th September 2021 approved under 21/00494/DISCON, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the scheme is brought forward in a timely and comprehensive manner in the interests of proper planning, highway safety and amenity. Given the scale and mixed-use nature of the development, the definition of phases will also enable more specific planning conditions to be discharged, as appropriate, on a phase-by-phase basis to assist in the timely delivery of the whole scheme.

- 7 No development shall commence on each phase until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority for that particular phase. The statement shall include:
- a) The proposed hours and days of working;
 - b) Proposals to minimise harm and disruption to the adjacent local area from ground works, construction noise and site traffic; and
 - c) Details of a wheel washing facility.
- The development shall be carried out in accordance with the Statement so approved.

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

- 8
- a) The development shall be carried out in accordance with the Written Scheme of Investigation dated May 2021 approved under 21/01170/DISCON, unless otherwise agreed in writing with the Local Planning Authority.
 - b) No development or preliminary groundwork shall commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the Local Planning Authority.

c) Following completion of the archaeological fieldwork for any phase of development, the applicant will submit to the Local Planning Authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the Local Planning Authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason - There may be the potential for significant heritage assets in the form of below ground archaeological remains that will be affected by the proposed development.

- 9
- a) No development shall commence on each phase of the development until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall identify, among other matters, how the discharge of any surface water onto the highway will be avoided. The scheme shall be implemented in accordance with the approved details.
- b) No development shall commence on each phase of the development until a plan detailing maintenance arrangements, including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented and maintained in accordance with the approved details and the adopting body responsible for maintenance of the surface water drainage system must record yearly logs of maintenance which must be available for inspection by the Local Planning Authority on request.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SuDS features over the lifetime of the development; to provide mitigation of any environmental harm which may be caused to the local water environment and to ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

- 10
- No development shall commence on any phase of the development until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.

Reason - In the interests of residential amenity.

- 11
- No development shall commence on any phase of development until a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 12
- No occupation of the development, or specific phase of development, shall take place until the following have been completed, as necessary for each phase, in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority:
- a) A priority junction with right turn lane (with two pedestrian refuge islands) in Long Road to provide access to the proposal site, in accordance with drawing 162173/A/02 - Long Road Preliminary Access Arrangement. The priority junction shall have minimum 10.5 metre kerbed radii with dropped kerbs/tactile paving crossing points, a minimum 6.75 metre access road carriageway with two 3 metre footway/cycleways, pedestrian/cycle refuge island and a minimum 120 x 2.4 x 120 metre clear to ground visibility splay.

- b) A priority junction from Clacton Road to provide access to the site, in accordance with Drawing No. CC-Y321-DR2a Rev. E dated 20th September 2021 - Clacton Road Access Arrangement.
- c) Prior to occupation of the employment land and any access derived from Dead Lane, an improved junction shall be provided at Pedler's Corner and improvements to Dead Lane in accordance with Plan No. JTP/04814 DR4.
- d) Improvements at the A137 Cocks Hill/Long Road/Wignall Street mini roundabout as shown in principle on planning application drawing number JTP/04814 DR3a;
- e) To current Essex County Council specification, the provision of two new bus stops in Long Road or upgrade of the stops which would best serve the proposal site, details of which shall have been agreed in writing by the Local Planning Authority prior to commencement of the development; and
- f) A minimum 3 metre-wide footway/cycleway along the proposal site's Long Road frontage.

Reason - In the interests of Highway safety and to encourage sustainable transport methods.

- 13 Prior to occupation of any phase of development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport approved by Essex County Council for all new residential dwellings.

Reason - In the interests of Highway safety and to encourage sustainable transport methods.

- 14 All planting, seeding or turfing shown on the landscaping details required to be submitted and approved under Condition 4 shall be carried out during the first planting and seeding season (October - March inclusive) following the occupation of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority.

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

- 15 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 interests of visual amenity and the character of the area.

- 16 The development of the site shall be carried out in accordance with Broadband Strategy dated March 2021 approved under 21/00494/DISCON, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To enable opportunities for web-based communication and home working.

- 17 As part of the Reserved Matters to be submitted in accordance with Condition 4, an on-site Recreational disturbance Avoidance and Mitigation Strategy as outlined in the Habitat Regulations Assessment by DF Clark (dated 22 March 2018) shall be submitted to, and agreed in writing by, the Local Planning Authority. The Strategy shall include:

- a) Details of the measures set out below and as necessary to provide suitable on site mitigation to reduce the frequency of visits to sensitive sites, these being:
 - a. High quality informal semi-natural areas
 - b. Measures to provide suitable routes for joggers, cyclists, walkers and dog walkers
 - c. Dedicated dog-off lead areas
 - d. Signage and leaflets to households to promote these areas for recreation
 - e. Dog waste bins
 - f. Dedicated areas within which children can play.

b) Details of how each phase or phases of the development will deliver the Recreational disturbance Avoidance and Mitigation Strategy to mitigate the impact of the development in advance of first occupation of each Phase or Phases.

Such measures as approved by the Local Planning Authority shall be carried out in accordance with the Recreational disturbance Avoidance and Mitigation Strategy.

Reason - To ensure that the development meets the Habitat Regulation Assessment requirements.

- 18 Each dwelling that includes a dedicated parking space shall be provided with a vehicle charging point, in accordance with Building Regulations. The charging point shall be provided prior to the occupation of each such dwelling.

Reason - To enhance the sustainability of the development.

- 19 The gradient and proposed vehicular access/ road junction shall be in accordance with Design Manual for Roads and Bridges standards.

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

- 20 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

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. 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.

Highway Informatives

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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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.

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