

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	29/09/2022
Planning Development Manager authorisation:	AN	29/9/22
Admin checks / despatch completed	ER	29/09/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	29.09.2022

Application: 22/01295/FUL **Town / Parish:** Mistley Parish Council

Applicant: Tendring Farms Limited

Address: Land South of Long Road Mistley

Development: Proposed formation of temporary sales access road from Long Road, in respect of residential development at Land to the South of Long Road, Mistley.

1. Town / Parish Council

Mistley Parish Council
01.09.2022

At its Planning Committee Meeting on the 1 September 2022, the Parish Council recommended refusal on the grounds of the sight lines on the access being insufficient on the public highway, the current speed limit of 40 mph being too high and general highway concerns together with the access gradient.

2. Consultation Responses

ECC Highways Dept
09.09.2022

The information that was submitted in association with the application has been fully considered by the Highway Authority. A previous site visit was undertaken in conjunction with an earlier planning application. The information submitted with the application has been assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. It is noted that the proposal is for a temporary access and that on completion of the permanent access for the development the temporary access is to be permanently closed and the existing verge/ footway/ kerbing is to be fully reinstated. Provided the temporary access is only used for sales and not construction traffic:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. As indicated on drawing no. 373/2021/220 P2, and prior to occupation of the site, the road junction / access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres in both directions, 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 any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

2. Prior to the occupation of the sales office, a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed 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. Prior to the occupation of the sales office, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Highway Boundary and provided with an appropriate dropped kerb crossing of the footway/verge.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

4. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

5. 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.

6. The temporary access as shown on proposed temporary access plan (DWG. 373/2021/220 P2) shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge / footway / cycleway / kerbing immediately the proposed new access for the development is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests 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: 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

2: Under Section 23 of the Land Drainage Act 1991, prior written consent from the Environment Agency is required to build any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.

If you believe you need to apply for consent, please contact the Environment Agency as soon as possible to discuss your plans. Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start. Once preliminary details have been agreed, you will be asked you to fill in an application form, which must be returned with the appropriate fee.

Please call the Environment Agency on 08708 506 506 and ask for the Essex Development and Flood Risk Team to discuss this requirement further.

3: 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.

4: 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
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 96 Residential following Outline Planning Permission 15/00761/OUT (as subsequently amended by 17/01537/OUT).	Approved	16.08.2018
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	Approved	14.06.2018

	Landscape Plan - Drawing No: 003'.		
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, outbuildings and drainage.	Approved	14.05.2021
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 and separately 21/00213/OUT) 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	Approved	23.12.2021

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).	Approved	11.10.2021
21/00451/DISCON	Discharge of conditions of Phase 0 and 1 of conditions 9a (Surface Water Drainage), 9b (Drainage Maintenance Arrangements), 10 (Foul Water Strategy) and 11 (Off-Site Flooding Scheme) of application 21/00213/OUT	Approved	04.05.2022
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)	Approved	28.10.2021
21/01170/DISCON	Discharge of condition 8A (Archaeology) of approved application 17/01181/OUT.	Approved	25.08.2021
21/01917/NMA	Non-material amendment to planning permission 21/00213/OUT to alter Condition No. 8 Part B to prior to any slab works on site in those areas of the development site containing archaeological deposits, satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, must be approved in writing by the Local Planning Authority in conjunction with Essex County Council Archaeological Adviser and Condition No. 20 to prior to the commencement of any phase of the development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.	Approved	03.12.2021
22/00002/DISCON	Discharge of condition 20 (Estate roads and footways) of application 21/00213/OUT.	Approved	28.01.2022
22/00024/DISCON	Discharge of condition 3 (Details of the estate roads and footways) of application 21/00197/DETAIL	Approved	28.01.2022

22/00096/NMA	Non-material amendment sought to remove part D (Improvements at the A137 Coxs Hill/Long Road/Wignall Street mini roundabout as shown in principle on planning application drawing number JTP/04814 DR3a) of condition 12 as the works have already been implemented.	Approved	
22/00302/DISCON	Discharge of condition 3 (Details of the estate roads and footways - Phase 2) of application 21/00197/DETAIL	Approved	29.04.2022
22/00303/DISCON	Discharge of condition 3 (Details of the estate roads and footways - Phase 3) of application 21/00197/DETAIL	Approved	11.05.2022
22/00304/DISCON	Discharge of condition 20 (Details of the estate roads and footways - Phase 2) of application 21/00213/OUT and 21/01917/NMA	Approved	19.05.2022
22/00305/DISCON	Discharge of condition 20 (Details of the estate roads and footways - Phase 3) of application 21/00213/OUT and 21/01917/NMA	Approved	29.04.2022
22/00334/DISCON	Discharge of conditions 9a, (Surface water drainage scheme) 9b, (Drainage maintenance arrangements) 10 (Foul water strategy) and 11 (Scheme to minimise the risk of off-site flooding) of applications 21/00213/OUT and 21/01917/NMA (Phase 2 Only)	Approved	19.05.2022
22/00335/DISCON	Discharge of conditions 9a, (Surface water drainage scheme) 9b, (Drainage maintenance arrangements) 10 (Foul water strategy) and 11 (Scheme to minimise the risk of off-site flooding) of applications 21/00213/OUT and 21/01917/NMA (Phase 3 Only)	Approved	19.05.2022
22/00395/DISCON	Discharge of condition 20 (details of the estate roads and footways) of applications 21/00213/OUT and 21/01917/NMA.	Approved	25.04.2022
22/00404/DISCON	Discharge of conditions 9a,(Detailed surface water drainage scheme) 9b,(Maintenance	Approved	30.06.2022

	arrangements) 10 (Foul water strategy) and 11 (Scheme to minimise the risk of off-site flooding) in respect of phase 4 details of applications 21/00213/OUT 21/01917/NMA.		
22/00406/DISCON	Discharge of condition 3 (Details of the estate roads and footways) of application 21/00197/DETAIL.	Approved	14.04.2022
22/00566/DISCON	Discharge of condition 8B (Archaeological fieldwork) of application 21/00213/OUT.	Approved	16.05.2022
22/00799/DISCON	Discharge of condition 13 (Materials) phase 1 only of application 21/00197/DETAIL.	Approved	27.06.2022
22/01162/DISCON	Discharge of condition 9 of approved application 21/00197/DETAIL (Badger Activity)	Approved	05.09.2022
22/01258/ADV	Proposed 19x flags and 4x v shaped boards for marketing/advertising signage for new residential development.	Current	
22/00958/FUL	Proposed local convenience store and 80 no. dwellings and associated roads, hardstanding, fencing, outbuildings and drainage.	Current	
22/01104/VOC	Variation of conditions 1 and 2 of application 21/00197/DETAIL to allow minor amendments to the layout, house types and unit mix (concerning phases 2 and 3 only).	Current	
22/00773/NMA	Non-material amendment sought to 21/00197/DETAIL to add minor adjustments to the layout and some housetypes to offer design enhancements (Phase 1 only).	Current	
22/00367/S106A	Deed of variation under TCPA 1990 Section 106A of the terms of the Unilateral Undertaking (UU) dated 30th October 2019 linked to outline planning permission 17/01181/OUT - (Approved under appeal APP/P1560/W/19/3220201 and separately via 21/00213/OUT) - To the effect that the open space within the scheme will, instead of being transferred to the council, be transferred into the ownership of a private management company to	Current	

secure its management and maintenance in perpetuity.

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021
National Planning Practice Guidance

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1	Presumption in Favour of Sustainable Development
SP3	Spatial Strategy for North Essex
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1	Managing Growth
SPL3	Sustainable Design
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
CP1	Sustainable Transport and Accessibility
CP2	Improving the Transport Network
DI1	Infrastructure Delivery and Impact Mitigation

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

This application relates directly to the wider site benefiting from a consented scheme for up to 485 dwellings, up to 2 hectares of employment land, associated public open space and infrastructure.

The extent of the application site for this current application incorporates an existing opening / access and associated visibility splays. The remainder of the wider site is indicated in blue demonstrating land within the ownership of the applicant.

Description of Proposal

The consented access point from Long Road, as established under reserved matters consent 21/00197/DETAIL, is to be delivered as part of a wider Section 278 agreement.

However, until such a time that the full S278 works are approved and implemented, it is the intention that a temporary access (also from Long Road) will serve the sales suite area initially.

City & Country have already submitted a Minor Works application in relation to this temporary access, which utilises an already existing access point.

Assessment

The main considerations in this instance are:

1. Planning and Appeal History;
2. Access and Highway Safety;
3. Ecology; and,
4. Representations.

1. Planning and Appeal History

Application reference 17/01181/OUT, seeking outline permission 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), associated public open space and infrastructure was refused by the Local Planning Authority on 29 November 2018 and subsequently allowed on appeal on 23 December 2019 (appeal ref: APP/P1506/W/19/3220201).

The outline application was later varied (Condition 3 - Approved Plans and Condition 12 – Highway Proposal Drawings) under planning application reference 21/00213/OUT. The changes under this application related to the access point onto Clacton Road. The application sought to regularise the location and width of the proposed road, so that the reserved matters application aligns with the consented access plans. The amendments altered the drawing numbers referred to within the approved plans condition and simplified the wording of Condition 12 removing reference to the road width, footways and visibility splays as these are indicated within the plan.

Alongside application 21/00213/OUT, the reserved matters application with details of appearance, landscaping, layout and scale pursuant to the residential element of the outline consent only (approximately 85% of the site) was approved on 23 December 2021.

Of particular relevance is condition 12 of application 21/00213/OUT (amending 17/01181/OUT allowed on appeal) which approved the strategic access points onto the public highway for the development:

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 Coxs 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.

The principle of the development has been established together with the reserved matters for the residential scheme.

This full application for a temporary access to serve the sales office does not alter or impact the approved strategic access, nor the specific technical reports and highway conditions attached to the outline and reserved matters approvals.

2. Access and Highway Safety

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. TDLP Section 2 Policy SPL3 Part B seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate parking and manoeuvring.

The proposed temporary access is located approximately 35m to the west of the consented access point on Long Road and will be utilised for initial sales enquiries only. The sales suite will typically be open only outside of peak times, and it is anticipated that there will be around 10 visits per week; usage will be low.

For the avoidance of doubt there will be no construction traffic utilising this temporary access. The plan submitted to support this application is in line with the Minor Works application already under consideration by Essex County Highways. The Minor Works Approval will be completely temporary as the permanent S278 works which will follow will demolish this access. The current programme suggests this will be used for a temporary period of approximately 6-9 months. However, this will be dependent on the S278 Highways approval and the implementation of this.

Consultation has been carried out with Essex County Council Highway Authority on this current proposal who raise no objection subject to conditions based on the following key elements:

- The access is for a temporary period only;
- Used for sales only (no construction traffic);
- After the required temporary period, the access is to be permanently closed; and,
- The existing verge/ footway/ kerbing is to be fully reinstated.

Officers are satisfied that the proposal does not warrant refusal on highway safety grounds and an acceptable development can be secured using conditions in line with Paragraphs 55 and 158 of the NPPF.

3. Ecology

Paragraph 174 of the NPPF requires Councils, when determining planning applications, to minimise impacts on and providing net gains for biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission.

Local Plan policy PPL4 of the adopted Local Plan gives special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.

The existing boundary / highway hedgerow will require cutting back / removal to facilitate the delivery of the required visibility splays. The ecology appraisal submitted to support the reserved matters consent 21/00197/DETAIL concluded that the hedgerow to the northern boundary was 'species poor hedgerow', and therefore appears to be of low ecological value. In accordance with the approved ecological appraisal, any scrub, hedgerow or tree with potential to support nesting birds will be removed outside of the nesting bird season (which is March to September inclusive).

Officers are satisfied that the proposal does not warrant refusal on ecology grounds and an acceptable development can be secured using conditions in line with Paragraphs 55 and 158 of the NPPF.

4. Representations

Mistley Parish recommend refusal on the following grounds (officer response in italics):

- The sight lines on the access are insufficient on the public highway.
- The current speed limit of 40 mph is too high.
- General highway concerns together with the access gradient.

Highway safety has been addressed in the main report above.

Separately, Councillor Coley has raised concerns in relation to the following (officer response in italics):

- Loss of a whole length of the mature hedging on the Long Road boundary.
- Harm to wildlife and biodiversity in the hedge.

As stated above, the ecology appraisal submitted with application 21/00197/DETAIL concluded that the hedgerow to the northern boundary is of low ecological value. Any clearance will be undertaken outside of the nesting bird season (which is March to September inclusive).

- Should construct a right turn lane into this entrance before it is opened up to comply with the same required imposed on the main access.
- Concerns with period of 'temporary' access use and construction not meeting highway standards.

As addressed above, the temporary access is to serve the sales office only limiting the number of vehicles using the access. No other construction or related traffic will use the temporary access. The sales office has limited opening hours, minimising the frequency of vehicles. The access will be used for an approximately period of 6 to 9 months, in line with the S278 agreement.

No other representations have been received by local residents or interested parties.

5. Conclusion and Recommendations

In the absence of any material harm resulting from the proposed temporary access, the application is recommended for approval subject to conditions.

6. Recommendation

Approval - Full

7. Conditions

1 COMPLIANCE - TIME LIMIT FOR COMMENCEMENT:

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 COMPLIANCE - APPROVED PLANS:

The development hereby permitted shall be carried out in accordance with the following approved drawings / documents, and / or such other drawings / documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings /

documents as may be subsequently approved in writing by the Local Planning Authority as a non material amendment following an application in that regard:

- CC-0354-TA-LP2500 Site Location Plan
- 373/2021/220 P2 Proposed Temporary Access Plan

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

3 COMPLIANCE – SALES TRAFFIC ONLY:

The temporary access hereby approved shall be used to access the sales office only. At no time shall the temporary access be used by any construction vehicles or traffic connected to the construction of the wider site / development.

Reason - For the avoidance of doubt and in the interests of highway safety.

4 PRIOR TO FIRST USE – VISIBILITY SPLAYS:

Prior to the occupation / operational use of the sales office and site, as indicated on drawing no. 373/2021/220 P2, the road junction / access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction 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.

5 PRIOR TO FIRST USE – TURNING AND PARKING FACILITY:

Prior to the first use of the sales office, a vehicular turning and parking facility of a design and layout to be previously submitted and agreed in writing by the Local Planning Authority in consultation with Essex County Council Highway Authority, shall be constructed and maintained free from obstruction within the site at all times for that sole purpose, for the duration of the use of the sales office or until such time as the permanent access is made available for use.

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

6 PRIOR TO FIRST USE – WIDTH OF PRIVATE DRIVEWAY:

Prior to first use of the sales office, the proposed temporary private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the Highway Boundary and provided with an appropriate dropped kerb crossing of the footway/verge.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

7 COMPLIANCE – NO SURFACE WATER DISCHARGE:

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 COMPLIANCE – NO UNBOUND MATERIALS:

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.

9 COMPLIANCE – TEMPORARY ACCESS PERMANENTLY CLOSED:

The temporary access as shown on approved drawing no. 373/2021/220 P2 shall be suitably and permanently closed, incorporating the reinstatement to full height of the highway verge and landscaping in accordance with drawing no. 2446-LLA-ZZ-00-DR-L-0201 P04 (and all other related landscaping plans) approved under the Reserved Matters application reference 21/00197/DETAIL, immediately the proposed new access for the development is brought into first beneficial use.

Reason - To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway 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 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.

Highways Informatives

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

2: Under Section 23 of the Land Drainage Act 1991, prior written consent from the Environment Agency is required to build any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.

If you believe you need to apply for consent, please contact the Environment Agency as soon as possible to discuss your plans. Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start. Once preliminary details have been agreed, you will be asked you to fill in an application form, which must be returned with the appropriate fee.

Please call the Environment Agency on 08708 506 506 and ask for the Essex Development and Flood Risk Team to discuss this requirement further.

3: 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.

4: 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:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO

