

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	28/2/2023
Planning Development Manager authorisation:	AN	02/03/23
Admin checks / despatch completed	ER	02/03/23
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	02/03/23

Application: 22/02066/FUL **Town / Parish:** Frinton & Walton Town Council
Applicant: Mr Shaun Watcham - Hamford Homes Ltd
Address: 4 Upper Second Avenue Frinton On Sea Essex
Development: Proposed residential dwelling and new dropped kerb and access.

1. Town / Parish Council

FRINTON & WALTON TOWN COUNCIL
17.02.2023
Recommends - Refusal - not in keeping with area.

2. Consultation Responses

Tree & Landscape Officer
15.02.2023
2nd response
The amended site plan shows the retention of the tree situated in the highway and the planting of a new tree in the front garden of the proposed new dwelling. Therefore in terms of the impact of the development on existing trees and in regard to soft landscaping the development proposal is acceptable.

ECC Highways Dept
20.02.2023
2nd response
Proposed residential dwelling and new dropped kerb and access
The information submitted with the application has been assessed by the Highway Authority and conclusions have been drawn from a desktop study with the observations below based on submitted material and google image. No site visit was undertaken in conjunction with this planning application. Upper Second Avenue is classed as a local road within an existing residential area. The amended proposals still provide adequate room and provision for off-street parking for the host and proposed dwellings, considering these factors:

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. 07 rev. B and prior to occupation of the new dwelling a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.

2. Prior to occupation of the new dwelling 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 less than 3.6 metres (equivalent to 4 drop 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.

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. 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.

5. 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.

6. The Cycle / Powered two-wheeler parking shall be provided (for both dwellings) in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

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

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

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: 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: 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.

3: Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

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.

Environmental Protection
20.02.2023

Thank you for your consultation regarding the proposed development above. The Environmental Protection Team's comments are given below:

I have reviewed the above application and the associated Construction Method Statement and can confirm that Environmental Protection have no comments to make.

ECC Highways Dept
24.01.2023
1st response

Please find consultation response below for application 22/02066/FUL, from the Highway Authority.

Should you require any clarification or further information please contact me.

Application No.	22/02066/FUL
Proposal.	Proposed residential dwelling and new dropped kerb and access.
Address.	4 Upper Second Avenue Frinton On Sea Essex CO13 9LL

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.

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 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 less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

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 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. 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 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. 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 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

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 of the 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: 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.

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Tree & Landscape Officer
11.01.2023
1st response

There are no trees or other significant vegetation in the main body of the application site. The boundary with the highway is demarcated by an established hedge comprising of coniferous species that is overgrown with Ivy. The hedge does not make a positive contribution to either the character or appearance of the area.

It would appear from the position of the proposed new vehicular access that the highway tree (Prunus species) situated in the grass verge to the front of the property would need to be removed in order to facilitate the creation of the new access.

The tree is a reasonable specimen and makes a moderate contribution to the appearance of the public realm. Therefore, it would be desirable for the proposed position of the new access to be moved so that its construction did not necessitate the removal of the tree.

Should planning permission be likely to be granted then a condition should be attached, to any such permission, to secure details of the indicative soft landscaping shown on the site layout plan. Soft landscaping should aim to soften, screen and enhance the appearance of the development.

Notwithstanding the potential retention of the above-mentioned highway tree there appears to be an opportunity for new tree planting to be carried out in the private amenity space of the proposed new dwelling.

It would be desirable for the Site Layout Plan to be amended to show the retention of the highway tree and new tree planting as described above.

UU Open Spaces
03.02.2023

Response from Public Realm
Open Space & Play

Application Details

Application No: 22/02066/FUL

Site Address: 4 Upper Third Avenue Frinton on Sea

Description of Development: Proposed residential dwelling and new dropped kerb and access.

Current Position

There is currently a deficit of '14.12 hectares of equipped play in Frinton, Walton & Kirby.

Recommendation

No contribution is being requested from Open Spaces on this occasion.

3. Planning History

22/02066/FUL

Proposed residential dwelling and
new dropped kerb and access.

Current

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)
National Planning Practice Guidance (NPPG)

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
SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3 Spatial Strategy for North Essex
SP4 Meeting Housing Needs
SP7 Place Shaping Principles

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

LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL10 Renewable Energy Generation
HP5 Open Space, Sports & Recreation Facilities
SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
CP1 Sustainable Transport and Accessibility

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)
Essex Design Guide

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.

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 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, Paragraph 11 d) of the Framework requires granting 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 (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

5. Officer Appraisal

Proposal

This application seeks permission for a three bedroom detached dwelling with private amenity space and a new vehicular access with off road car parking.

The site falls within the Settlement Development Boundary of Frinton, Walton and Kirby Cross, as defined in the adopted Tendring District Local Plan 2013-2033 and Beyond, Section 2.

The application site falls outside of the Frinton and Walton Conservation Area and The Avenues Area of Special Character of Frinton on Sea.

Assessment

The main considerations in this instance are;

- Principle of Development
- Scale, Layout and Appearance
- Access, Parking and Highway Safety
- Residential Amenities
- Drainage and Sewerage
- Recreational disturbance
- Other considerations

Principle of Development

The proposal involves a new detached dwelling which is located within the Settlement Development Boundary, as defined within the adopted Tendring District Local Plan 2013-2033 and Beyond, Section 2. Policy SP2 of the adopted Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 Plan affirms that 'existing settlements will be the principal focus for additional growth'.

Policy SPL2 of the adopted Tendring District Local Plan 2013-2033 and Beyond, Section 2 states that there is a general presumption in favour of new development within defined development boundaries of towns and villages, subject to detailed consideration against other relevant Local Plan policies.

The principle of residential development on this site is therefore established. This is recognised as a socially sustainable location.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and [Section 70\(2\) of the Town and Country Planning Act 1990](#) necessitates that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The detailed considerations relevant to this proposal are set out below.

Scale, Layout and Appearance

Paragraph 130 of the National Planning Policy Framework 2021 states that planning should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Adopted Policy SP7 encourages the same principles stating that all new development must meet high standards of urban and architectural design while Policy SPL3 seeks to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form.

The proposed new dwelling is positioned centrally on the application site, to the south of 4 Upper Second Avenue. The outbuildings associated with number 4 will be removed to facilitate the development. The approach creates a suitable separation distance from 2 Upper Second Avenue to the south, which falls within the conservation area, and 4 Upper Second Avenue to the north. Spacing between the application dwelling and the existing dwelling match the separation between subsequent houses/bungalows within the street-scene, evident on the opposite side of the road and to the north along Upper Second Avenue continuing the typical rhythm of the area which is outside of the conservation area and outside of the designated Avenues Area of Special Character. The proposed build line of the front elevation relates to both 2 and 4 Upper Second Avenue, acting as a transitional point between the two front elevations. The proposed layout is a clear response to the surrounding buildings.

The proposed development respects the scale of neighbouring development in Upper Second Avenue. The front facing gable and pitched roof imitates those seen on the neighbouring dwellings of 4 and 6 Upper Second Avenue complementing the street-scene.

The external finish of the dwelling is influenced by materials seen in the immediate area and provides a contemporary look by using a yellow/buff brick plinth and white render with a cedar boarding feature panel, red pantiles and dark grey UPVC windows and hardwood front door with glazing panel which is considered acceptable.

The application site is currently part of the garden of 4 Upper Second Avenue and is therefore laid to grass with no trees or other significant vegetation on the site. The Council's Tree and Landscape Officer confirmed that the boundary with the highway is demarcated by an established hedge comprising of coniferous species that is overgrown with Ivy. The hedge does not make a positive contribution to either the character or appearance of the area.

Due to the size and scale of the development the opportunities for soft landscaping are restricted however the landscaping scheme put forward will soften and enhance the development in its surroundings. The landscaping scheme will be secured by condition on the grant of permission as it is required to help the new development assimilate in its surroundings in the interest of visual amenity.

Subject to conditions the design and scale of the proposal is considered to be acceptable and would result in no material harm to visual amenity.

Access, Parking and Highway Safety

Policy SPL3 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. Furthermore, the Council's Adopted Parking Standards require that for dwellings with 1 bedroom that a minimum of 1 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres. Policy CP1 of the Local Plan states that 'proposals for new development must be sustainable in terms of transport and accessibility and therefore should include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport'.

The proposal creates a new vehicular access from Upper Second Avenue and provides two off road parking spaces which meets the required standard. Two off road car parking spaces which meet the car parking standards are retained at 4 Upper Second Avenue.

A Construction Method Statement and Construction Method Plan have been submitted which detail the mitigation measures that will be in place during the construction process.

Essex County Council as the Highway Authority were consulted on the application and confirmed that they had no objections subject to a number of conditions relating to pedestrian visibility splays, parking space size, the use of no unbound materials, width of the vehicular access, position of proposed planting, cycle storage and provision and implementation of a Residential Travel Information Pack. The conditions will be imposed on the grant of planning permission in the interests of highway safety.

Provision of a suitable electric vehicle charging point is required to support sustainable transport modes. The specification of this and provision in working order prior to occupation of the dwelling will be secured by condition on the grant of planning permission.

Residential Amenities

Paragraph 130 of the National Planning Policy Framework 2021 states that planning should always seek to secure a good standard of amenity for all existing and future occupants. Policy SPL3 states that buildings and structures are designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents; and the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

Due to the carefully considered design and placement of openings on the dwelling, its orientation, sloping nature of this part of Upper Second Avenue and position of the proposed dwelling there will be no significant impact in terms of loss of light, privacy or outlook to any neighbouring properties.

Policy SPL3 requires that provision is made for private amenity space. A usable private amenity space of 79 square metres is provided to the east and south side of the dwelling, appropriate for sitting out and hanging out washing which is considered adequate. The host dwelling, 4 Upper Second Avenue retains 101 square metres of amenity space which is also considered adequate.

Policy LP3 requires compliance with the nationally described space standards. This standard deals with internal space within new dwellings and is suitable for applications across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. A three bedroom, six person, two storey dwelling requires a minimum of 102 square metres of gross internal floor space which includes built in storage of 2.5 square metres. From the plans submitted the proposal meets the requirements of the space standards. It is also considered that the internal layout is appropriate, with all habitable rooms having adequate natural light.

In view of the limited size and shape of the application site it is necessary for the local planning authority to be able to consider and control further development in the interests of visual and residential amenities. A condition will be imposed to remove permitted development rights for additions or alterations to the dwelling or their roofs and any outbuildings, enclosures or swimming or other pool.

Drainage and Sewerage

Policy PPL5 states that all new development must make adequate provision for drainage and sewerage.

The sewerage from the proposed dwelling will be connected to the mains sewer which is considered the preferred approach and acceptable.

The proposal is considered a minor development where there is no requirement to consult Essex County Council for sustainable drainage planning advice. Sustainable Drainage Systems (SuDS) are designed to replicate natural drainage systems, to drain surface water run-off, and in this case infiltration within the site, which will need to meet building regulation standards will be installed and is considered acceptable.

Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)

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.

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public

interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

The application scheme proposes a new dwelling on a site that lies within the Zone of Influence (Zol) being approximately 2600 metres from Hamford Water SPA, SAC and RAMSAR. However, new housing development within the Zol would be likely to increase the number of recreational visitors to Hamford Water; and, in combination with other developments it is likely that the proposal would have significant effects on the designated site.

Mitigation measures must therefore be secured prior to occupation. A unilateral undertaking has been prepared to secure this legal obligation. This will ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Other considerations

The Council's Open Space Team have been consulted as part of the application process and they have confirmed that although there is currently a deficit of 14.12 hectares of equipped play in Frinton, Walton and Kirby, no contribution is being requested on this occasion.

The Council's Environmental Protection Officer had no comments to make on the proposal.

Frinton and Walton Town Council object to the application and recommend refusal as they consider it not in keeping with the area.

11 letters of objection have been received which raise the following concerns:

1. Bottom of the hill prone to flooding/possible watercourse under the site
2. Not in keeping with the area/locality in terms of typology of the dwelling and housing density/plot size and cramped appearance/over-development of the site
3. Loss of light/overshadowing
4. Loss of privacy
5. In our line of sight
6. Lack of garden space for the new dwelling and host dwelling of 4 Upper Second Avenue
7. Parking concerns leading to on road parking and congestion
8. Unnecessary development as no lack of housing
9. Conflicts with 'garden city' ethos of Frinton
10. Close to conservation area boundary
11. Disruption and safety during construction works
12. Previous structural damage and subsidence to neighbouring properties
13. Contravenes title deeds
14. Removal of street tree
15. Hedges already cut down
16. Concern for damage to the roots of the pollarded Willow and conifer hedge in addition to concern for damage to the new property caused by the roots
17. Set a precedent for infill development
18. Historic planning decision refused FRW/139/70 and subsequent appeal dismissed for one dwelling on the plot

Officer comments:

Points 1 to 11 have been addressed in the report.

Points 12 and 13 – These are not material planning considerations.

Point 14 – the amended drawings show the street tree will be retained.

Point 15 – vegetation including hedges and trees on the application site are not subject to protection, either by a tree preservation order or a designation such as a conservation area and therefore they can be cut or removed, other than those on the submitted drawings which confirm they are to be retained.

Point 16 – The Council’s Tree and Landscape Officer visited the site and through his observations did not raise any concerns in respect of the Willow and conifer hedge in the garden of 2 The Close. Any damage that may be so caused by tree roots is not a material planning consideration.

Point 17 – Any new planning application will be assessed against Local Plan policies.

Point 18 – The planning application subject of this report has been assessed against the policies of the current adopted Local Plan made up of Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities’ Shared Strategic Section 1 and Tendring District Local Plan 2013-2033 and Beyond, Section 2. Planning history is a material consideration, however given the previous refusal on the site was in the early 1970’s it holds very little weight in the overall planning balance of this planning application and must be assessed against current local and national planning policies.

No other letters of representation have been received.

Conclusion

In the absence of any conflict with the key and most important policies (for the determination of this application) and the absence of any material harm resulting from the development, the application is recommended for approval subject to necessary conditions.

6. Recommendation

Approval - Full

7. Conditions

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below 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 subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

The approved red line plan is drawing no. 6 revision B received 20th January 2023
drawing no. 9 revision A
drawing no. 8 revision B
drawing no. 7 revision B (proposed site plan)
drawing no. 7 revision A (construction details)
drawing no. 11 revision A

drawing no. 10 revision A
Design and Access Statement received 25th January 2023
Construction Method Statement received 25th January 2023

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

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

Reason - It is necessary for the local planning authority to be able to consider and control further development in the interests of visual and residential amenities.

- 4 Prior to any above ground works, a scheme for the provision of electric vehicle charging facilities shall have first been submitted to and approved in writing by the local planning authority. Thereafter the charging facilities shall be installed in a working order, prior to first occupation of the dwelling.

Reason - In order to promote sustainable transport.

- 5 As indicated on drawing no. 07 rev. B and prior to occupation of the new dwelling a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason - To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

- 6 Prior to occupation of the new dwelling 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 less than 3.6 metres (equivalent to 4 drop 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 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

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

- 8 The proposed 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 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.

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

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 12 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved drawing no. 7 revision B 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 the adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character of the development.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017. Please note that any subsequent variation / removal of condition applications (s73 applications) will require a new legal agreement to secure this obligation unless the development has commenced (subject to all necessary condition discharges) and the contribution has already been paid.

Highways 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

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

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.

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