

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case Officer recommendation:	MP	02/03/23
Planning Manager / Team Leader authorisation:	SCE	02.03.2023
Planning Technician final checks and despatch:	ER	02/03/2023

Application: 22/02137/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Shaun Watcham - Principal Homes Ltd

Address: Land to The rear of 161 Thorpe Road Kirby Cross Frinton On Sea

Development: Proposed erection of bungalow.

1. Town / Parish Council

Frinton and Walton Town Council
27.01.2023

Recommends - Refusal - backland development. Not needed.

2. Consultation Responses

Tree & Landscape Officer
01.02.2023

The main body of the application site does not contain any important trees or other significant vegetation.

Close to the existing dwelling on the boundary of 161 Thorpe Road with 163 Thorpe Road there is a tall hedge comprising of hedgerow conifers.

The hedge can be seen above the roof of the existing dwelling and makes a reasonable contribution to the amenities of the locality, nevertheless it does not fall within the scope of legislation under which it can be formally protected. It appears that the hedge is situated on land that will be retained within the curtilage of 161 Thorpe Road.

In terms of soft landscaping there appears to be little opportunity for, or public benefit to be gained from new planting.

ECC Highways Dept
27.01.2023

The information submitted with the application has been fully assessed by the Highway Authority and conclusions reached based on a desktop study in conjunction with a previous site visit. It is noted that the application is similar to an earlier application: 18/01919/OUT that was for two dwellings and the new application will be for one dwelling. The site is situated in an existing 30-mph speed limit, the application utilises the existing vehicle access for 161, and the proposed bungalow retains adequate room for off street parking and turning, for the host and proposed dwelling, 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. There should be no obstruction above ground level within a 2.4-metre-wide parallel band visibility splay as measured from and along

the nearside edge of the carriageway across the entire site frontage of 161. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of obstruction above 600mm at all times.

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

2. As indicated on drawing no. 2 and prior to occupation of the 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.

3. Prior to the first occupation of the dwelling, the proposed vehicular access shall be constructed/ upgraded at right angles to the highway boundary and existing carriageway. The width of the access at its junction with the highway shall be a maximum of 5.5m for at least the first 6 metres from the back of Footway / 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 in the interest of highway safety in accordance with policy DM1.

4. 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.

5. Prior to the occupation of the proposed dwelling the internal layout and access shall be provided in principle and accord with:
o Drawing No. 2 - proposed site and block plan

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

6. 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

7. Prior to occupation of the proposed dwelling the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack, for sustainable transport, approved by Essex County Council.

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

4: Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

UU Open Spaces
03.02.2023

Response from Public Realm
Open Space & Play

Application Details

Application No: 22/02137/FUL

Site Address: Land to The rear of 161 Thorpe Road Kirby Cross
Frinton On Sea Essex

Description of Development Proposed erection of bungalow
Current Position

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

Recommendation

No contribution is requested on this occasion, however should there be further development on this site a contribution may be required.

Environmental Protection
30.01.2023

With reference to the above application, please see below for comments from the EP Team:

Construction Method Statement: We are satisfied with the submitted CMS and have no adverse comments to make.

3. Planning History

93/01224/FUL	Extension to provide ground floor bedroom and bathroom for registered disabled person	Approved	26.11.1993
18/01919/OUT	Erection of two bungalows (all matters reserved).	Approved	23.03.2020

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)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

DI1 Infrastructure Delivery and Impact Mitigation

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP8 Backland Residential Development

PPL3 The Rural Landscape

PPL5 Water Conservation, Drainage and Sewerage

PPL10 Renewable Energy Generation

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

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

Site Description

The application site is located to the southern section of Thorpe Road, to the rear of Number 161, within the parish of Kirby Cross. The site is roughly square in shape, excluding the access.

The character of the area is relatively urbanised; there is significant development, predominantly residential, running along east to west in this section of Thorpe Road. Furthermore, adjacent to the south is a large residential development of 110 dwellings that, at the time of the site visit, were under construction and nearing completion.

The site falls within the Settlement Development Boundary for Kirby Cross within the adopted Local Plan 2013-2033.

Description of Proposal

This application seeks full planning permission for the erection of one dwelling, which is to be single storey and served by two bedrooms.

Site History

Under planning reference 18/01919/OUT, planning permission has previously been granted on the current application site and land adjacent to the rear of Number 163 for the construction of two dwellings. This permission was outline only with all matters reserved and was issued on 23rd March 2020. This permission therefore remains extant until 23rd March 2023, which is a material consideration in the determination of this current application.

It is important to note that this consent as well as the current application could not both be implemented, and therefore the current application represents an alternative to 18/01919/OUT.

Assessment

1. Principle of Development

The site is located within the Settlement Development Boundary (SDB) for Kirby Cross, as established in the adopted local plan. Adopted Policy SPL2 states that within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local plan policies.

In addition, it is noted that under planning permission 18/01919/OUT there is consent for two dwellings on the application site and land adjacent. While a reserved matters application has yet to be submitted at the time of writing, this permission does remain extant until 23rd March 2023 and therefore can be implemented regardless of the determination of this current application.

As such, at an overarching high level, the principle of residential development on the site is acceptable, subject to the detailed considerations below.

2. Backland Development

Paragraph 130 of the National Planning Policy Framework 2021 (NPPF) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings, create a unique sense of place. Furthermore, Adopted Policy LP4 states the design and layout of new residential developments is expected to provide for amenity space of a size and configuration that meets the needs and expectations of residents, and which is commensurate to the size of the dwelling and character of the area.

The development will result in the creation of one detached dwelling located to the rear of Number 161 Thorpe Road, and therefore Officers consider that it constitutes a form of backland development.

The main problems that can arise as a result of backland development include undermining the established character of an area (especially if similar schemes were to be repeated elsewhere in a locality); dwelling plots appearing cramped relative to their surroundings; the fragmentation of established gardens with a loss of mature landscaping; and the infringement of neighbouring residents' amenities. Development behind an established building line can also appear incongruous, particularly with isolated dwellings. There must also be proper means of access to backland development, which is safe and convenient for both drivers and pedestrians, with a turning area where necessary to avoid the need for vehicles to reverse onto a public highway. A proposed access should avoid excessive disturbance or loss of privacy to neighbouring residents through, for example, an access drive passing unreasonably close to an adjoining dwelling. The likely frequency of use by vehicular traffic and the suitability of the access for service vehicles and the emergency services will also be relevant material considerations.

Of particular relevance in this instance is also Policy LP8 of the adopted Local Plan, which states that proposals for the residential development of backland sites must comply with the following criteria (officer assessment in italics):

a) where the development would involve the net loss of private amenity space serving an existing dwelling, that dwelling must be left with a sufficient area of private amenity space having regard to the standards in this Local Plan;

As stated above, to comply with adopted Policy LP4, the design and layout of new residential developments is expected to provide for amenity space of a size and configuration that meets the needs and expectations of residents, and which is commensurate to the size of the dwelling and character of the area. The proposed dwelling, as well as Number 161 Thorpe Road, will provide for sufficient private amenity space that will be appropriately sized, and therefore comply with this criterion (and Policy LP4). Matters relating to impact on the character of the area are covered below.

b) a safe and convenient means of vehicular and pedestrian access/egress must be provided that does not cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will not be permitted;

The dwellings will be accessed via a new access point from Thorpe Road to the north of the site, which is narrow but not significantly long. The vehicular movements associated with one additional dwelling will be relatively minor, and Officers acknowledge there is an extant permission for two dwellings using the same proposed access. Furthermore, the dwelling is sited a significant distance apart from the existing dwellings and is of a single storey nature, so will not be harmful in respect of loss of daylight/sunlight, overlooking or the dwelling appearing oppressive. The new access would not cause undue visual harm to the street scene given the existence of other access points in the vicinity. This criterion is therefore met.

c) the proposal must avoid "tandem" development using a shared access;

The proposed development will include for a new vehicular access, but will not be shared with existing residential properties or result in a form of tandem development, and this criterion is therefore met.

d) the site must not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution;

The site is not considered to comprise an irregular and awkward shape, and will not prejudice a more appropriate comprehensive development solution, and therefore this criterion is met.

e) the site must not be on the edge of defined settlements where likely to produce a hard urban edge or other form of development out of character in its particular setting; and

The development of the site would not form a hard urban edge to the edge of the settlement of Kirby Cross given the development of 110 dwellings adjacent to the south, and other existing development to all sides. This criterion is therefore met.

f) the proposal must not be out of character with the area or set a harmful precedent for other similar forms of development.

The character of the area does see a relatively strong building line running east to west along this section of Thorpe Road. However, it is noted there are also 110 dwellings located to the south of the site that are nearing full completion, and there is also the extant permission for two dwellings on this application site and the land adjoining it. As such the development of one dwelling in this location would not be out of character or set a harmful precedent, and therefore this criterion is met.

3. Design, Layout and Appearance

Paragraph 130 of the National Planning Policy Framework (NPPF) (2021) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Adopted Policy SPL3 Part A (b) requires that development relates well to its site and surroundings, particularly in relation to its siting, height, scale, massing, form, design and materials.

The proposed development would see the erection of one detached, single storey dwelling, that would be served by two bedrooms. In terms of the principle of a single storey property, it is noted that this section of Thorpe Road contains a mix of property types and therefore this would not appear out of keeping.

In terms of the design, while it is of a relatively bland appearance it does include features such as a front gable and window detailing that help to break up its overall bulk. Given this and that it will not be particularly visible from the street scene, Officers do not consider on balance that this identified is sufficient to justify a reason for refusal.

4. Impact to Neighbouring Amenities

Paragraph 130 of the National Planning Policy Framework (2021) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The proposed dwelling is to be sited in reasonably close proximity to Numbers 159, 161 and 163 Thorpe Road, as well as properties to the south currently under construction. However, given there is good separation distances, and that the proposed dwelling is single storey, Officers do not consider there will be significant harm in respect of overlooking, loss of daylight/sunlight or the dwelling appearing oppressive.

5. Highway Safety

Paragraph 110 of the National Planning Policy Framework 2021 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 104 requires that streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people.

Essex Highways Authority have been consulted and have confirmed that they raise no objections subject to conditions relating to visibility splays, the width of the access, the use of no unbound materials, and the submission of a Residential Travel Information Pack.

Furthermore, the Essex County Council Parking Standards set out the parking requirements for new development, and confirm that for residential properties of one bedroom there should be one parking space measuring a minimum of 5.5 metres x 2.9 metres or, if being used as one of the parking spaces, a garage should measure a minimum of 7 metres x 3 metres. The submitted plans demonstrate that this will be achievable.

6. Impact to Trees

The Council's Tree and Landscape Officer has been consulted, and has provided the following comments:

"The main body of the application site does not contain any important trees or other significant vegetation.

Close to the existing dwelling on the boundary of 161 Thorpe Road with 163 Thorpe Road there is a tall hedge comprising of hedgerow conifers.

The hedge can be seen above the roof of the existing dwelling and makes a reasonable contribution to the amenities of the locality, nevertheless it does not fall within the scope of legislation under which it can be formally protected. It appears that the hedge is situated on land that will be retained within the curtilage of 161 Thorpe Road.

In terms of soft landscaping there appears to be little opportunity for, or public benefit to be gained from new planting."

There are therefore no objections raised in this regard.

7. Drainage

Paragraph 174 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 185 of the Framework states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment.

Policy PPL5 of Section 2 of the adopted Local Plan states that all new development must make adequate provision for drainage and sewerage. Private sewage treatment facilities will not be permitted if there is an accessible public foul sewer. Where private sewage treatment facilities are the only practical option for sewage disposal, they will only be permitted where there would be no harm to the environment, having regard to preventing pollution of groundwater and any watercourses and odour.

The agent for the application has confirmed via an email dated 23rd November 2022 that the development would be connected to the existing public foul sewer. This is in accordance with the above policy requirements and is therefore considered to be acceptable in the event of an approval.

8. Financial Contributions - Open Space and RAMS

(i) Open Space

Paragraph 55 of the National Planning Policy Framework (2021) states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 57 of the NPPF states planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly relate to the development and fairly and reasonably relate in scale and kind to the development.

Section 2 Policy HP5 states that the Council will work with partners and sports providers across the district to maintain, expand and improve the quality and accessibility of public open space, sports and recreational facilities of different types and will aim to achieve and exceed standards set out in the Council's 2017 Open Spaces Strategy or any future update.

The Council's Public Realm consultee identifies that there is currently a deficit of 14.12 hectares of equipped play in Frinton, Walton & Kirby, however no contribution is requested on this occasion.

(ii) Habitat Regulations Assessment

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 residential on a site that lies within the Zone of Influence (Zoi) being approximately 2,300 metres from the Hamford Water SAC. New housing development within the Zoi would be likely to increase the number of recreational visitors to these sites 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

Frinton and Walton Town Council recommend refusal on the grounds the proposal is backland development that is not needed.

In response to this point, it has been addressed within the main body of the report above.

There have been no other letters of representation received.

Conclusion

The application site falls within the Settlement Development Boundary for Kirby Cross, and there is also an extant planning permission for two dwellings on this and the adjoining site, and therefore the principle of one dwelling is acceptable. The design and scale is considered to be acceptable and there will be no harm to neighbouring amenities or trees on site. In addition, Essex Highways Authority do not object. Accordingly, the application is considered to be compliant with local and national planning policies and is therefore recommended for approval.

6. Recommendation

Approval.

7. Conditions

- 1 The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

Reason - To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) 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 consent becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk of both Enforcement Action and Criminal proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

- 2 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.

Drawing Numbers 1, 2, 3, 4 and the untitled Construction Management Plan.

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 There should be no obstruction above ground level within a 2.4-metre-wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage of Number 161 Thorpe Road. Such vehicular visibility splays shall be provided before the road junction/access is first used by vehicular traffic and retained free of obstruction above 600mm at all times.

Reason: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety.

- 4 Prior to the first occupation of the dwelling, the proposed vehicular access shall be constructed/ upgraded at right angles to the highway boundary and existing carriageway. The width of the access at its junction with the highway shall be a maximum of 5.5m for at least the first 6 metres from the back of Footway / 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 in the interest of highway safety.

- 5 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

- 6 Prior to occupation of the proposed dwelling the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack, for sustainable transport, approved by Essex County Council.

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

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: 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.

4: Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.