

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case Officer recommendation:	SCE	15.03.2023
Planning Manager / Team Leader authorisation:	ML	17/03/2023
Planning Technician final checks and despatch:	ER	17/03/2023

**Application:** 22/00660/VOC **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr Paul Smith - Beaumont Retirement Living

**Address:** Land off Kirby Road Great Holland

**Development:** Variation of conditions 20 and 22 of application 17/01988/FUL to alter the timing of information to be submitted for Condition 20, and to specify the protection of trees relating to the development of Plots 3, 4 and 5 under Condition 22.

### **1. Town / Parish Council**

Mr FRINTON & WALTON  
TOWN COUNCIL  
07.06.2022

Recommend approval

### **2. Consultation Responses**

Tree & Landscape Officer  
19.05.2022  
(original comments)

The information provided by the applicant is accurate inasmuch as there are no trees or other significant vegetation on the application site.

However, immediately adjacent to the western boundary of the application site and situated between the application site and the highway there is an established hedgerow comprising indigenous species.

At the present time the hedgerow, and trees contained therein, provides a good screen for the site.

Trees are a material consideration in the planning process and BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations sets out the need to assess trees in relation to development.

In this regard any trees that could be affected by a development proposal should be assessed in accordance with the British Standard. This relates to trees on application sites and on land immediately adjacent to application sites.

Taking into account the importance of the existing hedgerow, primarily for its screening value, but also for the softening impact that it would have on any development, it is considered essential that the developer provides information to show that it will not be harmed by the development proposal.

It will also be necessary to show that measures will be put in place to

physically protect Root Protection Areas (RPA's) of the hedgerow and trees in the hedgerow for the duration of the construction phase of any development for which planning permission may be granted.

Therefore it is considered that a tree report for the trees on land adjacent to the application site is required and that the condition requiring this information should remain extant.

Tree & Landscape Officer  
29.06.2022  
(amended comments)

It has been agreed that there are no trees or other significant vegetation on the application site but, immediately adjacent to the western boundary of the application site and situated between the application site and the highway there is an established hedgerow comprising indigenous species.

As long as information is provided by the applicant to show that the above boundary hedgerow will be physically protected during the construction phase of development close to the trees then the variation of condition 22 as proposed is acceptable

This information should be in accordance with BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations.

Environmental Protection  
19.05.2022

I have reviewed the proposal and submitted documents; please see below for observations from the EP Team.

Removal of condition 20 (Noise and Odour Assessment) of approved application 17/01988/FUL: I can advise we have no adverse comments to make in relation to the removal of the condition; however, I am not sure on how appropriate this is as it was not the Environmental Health Team that requested the above be performed in respect of the nearby pumping station. The EP Team submitted comments in February 2018 regarding the request for a noise impact assessment, in relation to the nearby railway line; this report was submitted and accepted in March 2018. Therefore, as expressed I am not sure on the appropriateness of this team confirming the removal of the condition, when it was requested by Anglian Water.

Anglian Water Services  
Ltd

No comments received

### 3. Planning History

05/00828/FUL	Sewage pumping station and associated infrastructure	Approved	23.08.2005
05/00924/HRN	Removal of hedges.	Approved	06.07.2005
09/00052/FUL	Erection of 58 bed high dependency dementia unit and 15 close care dwelling units with associated car parking, amenity space, landscaping and supporting infrastructure.	Withdrawn	01.06.2009
09/00597/FUL	Erection of 58 bed high dependency dementia unit and 15 close care dwelling units with associated car parking, amenity space, landscaping and supporting infrastructure.	Allowed At Appeal	21.10.2009

10/00388/FUL	Variation of condition 6 and 9 of planning permission 09/00597/FUL to change cycle storage and highway provisions.	Withdrawn	24.08.2011
10/01019/FUL	Erection of 58 bed high dependency dementia unit and 15 close care dwelling units with associated car parking, amenity space, landscaping and supporting infrastructure (variation of conditions 06 and 09 of planning permission 09/00597/FUL to change cycle storage and highway works).	Approved	16.08.2011
11/01473/FUL	Erection of 74 bed high dependency dementia unit and 20 close care dwelling units with associated car parking, amenity space, landscaping and supporting infrastructure.	Approved	13.04.2012
13/01002/DISCON	Discharge of conditions on planning permission 11/01473/FUL - 02 - External Materials, 03 - Hard and soft landscaping details, 06 - Details of on site cycle provision, 20 - Remediation scheme, 22 - Ecological enhancement works.	Split Decision	15.04.2014
16/01629/DISCON	Discharge of conditions 3 (Landscaping) and 7 (External Lighting) of approved planning application 11/01473/FUL.	Approved	14.03.2017
16/01948/NMA	Minor changes to the cycle and car parking arrangements, to one external balcony and to the internal arrangements of the main care unit.	Approved	26.01.2017
17/00193/ADV	Two brick piers with signage (stainless steel logo and letters on facing brick freestanding panel).	Approved	21.07.2017
17/01988/FUL	Construction of 41 dwellings for use by residents over 55 years, including a mix of 1 and 2 bed apartments and 2 bed dwellinghouses, with associated car parking and landscaping.	Approved	11.06.2019
19/01182/FUL	Variation of Condition 24 of planning permission 11/01473/FUL and Condition 1 of non-material amendment application 16/01948/NMA to allow a change to the internal layout from 10 no.	Approved	28.02.2020

	self contained apartments to 21 no. individual care rooms within the northern portion of the building.		
20/00836/FUL	Variation of Condition 1 of 19/01182/FUL to allow for the addition of drawing number 7260-01H and minor variation to drawing number 16.2013.01 (Landscape Planning Ltd) approved under 16/01629/DISCON to facilitate the creation of 9 no. additional parking spaces.	Approved	25.09.2020
20/01072/FUL	Proposed dropped kerb and retention of the existing gates.	Approved	10.05.2021
22/00547/DISCON	Discharge of condition 5 (Vehicular turning facility) of application 20/01072/FUL	Approved	20.05.2022
22/00657/DISCON	Discharge of conditions 13 (Construction method statement) and 19 (Piling method statement) of application 17/01988/FUL.	Approved	09.06.2022
22/00658/DISCON	Discharge of conditions 14, (Surface water drainage scheme) 15, (Scheme to minimise the risk of offsite flooding) 16, (Maintenance plan) and 17 (Foul water strategy) of application 17/01988/FUL.	Approved	09.06.2022
22/00660/VOC	Variation of conditions 20 and 22 of application 17/01988/FUL to alter the timing of information to be submitted for Condition 20, and to specify the protection of trees relating to the development of Plots 3, 4 and 5 under Condition 22.	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)

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

HP1 Improving Health and Wellbeing

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

### **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 (including Site Description and Proposal)**

### Site Description

The site is situated to the eastern side of Kirby Road (B1032), the boundary for which is predominantly demarcated by an indigenous hedge, and which expires just north of the access into the site. This access leads into an internal estate road which also serves Beaumont Manor Care Home, and which is located to the east of the site. Beyond the north-western corner of the site is a sewage pumping station, located to the south of the Holland Road/Kirby Road railway bridge.

To the south of the site is a soft landscaped belt, including field hedging which separates the site from the open countryside which runs down to the village of Great Holland and the coast. The northern boundary of the site is formed by the railway line which connects Frinton, Kirby Cross and Walton to Colchester and beyond with scrub and an earth mound intervening.

On the opposite side of the railway line is the built-up area of Kirby Cross, with the residential street of Crossfield Way and houses fronting Holland Road being the closest dwellings. The Kirby Cross Cemetery is located on the western side of Kirby Road.

Since the submission of this application works have started on the development and therefore the site is now a construction site.

### Proposal

This application seeks permission to vary conditions No. 20 and 22 of planning application 17/01988/FUL.

Application No. 17/01988/FUL granted permission for the construction of 41 dwellings (a mix of 1 and 2 bed apartments and 2 bed dwellings, with associated car parking and landscaping) for use by residents over 55 years.

Condition No. 20 required that prior to the commencement of development a noise and odour assessment be submitted and approved in writing by the LPA (Local Planning Authority), to either demonstrate that the pumping station would not adversely impact on the dwellings or include necessary mitigation measures. It is proposed to amend this condition so that this information is provided prior to occupation of the development.

Condition No. 22 required that prior to the commencement of development details of temporary protective fences to protect the existing trees on site are submitted and approved in writing by the LPA. It is now proposed to amend the conditions so that the information requested is not required prior to the commencement of development, but prior to the commencement of development of Plots 3, 4 and 5 and make it clear that it relates to the existing hedge adjacent to the western boundary of the site.

### Assessment

#### Amendments to Condition No. 20

As part of this application a Briefing Note from Sharps Redmore Acoustic Consultations has been submitted. This states that any noise from the nearest sewage pumping station (approx. 200m to the south west) would be imperceptible at the proposed residential dwellings given the distance and existing noise levels from road traffic noise. It also states that any noise associated with the

gas pump station to the north west of the proposal will also be imperceptible given the type of plant and existing building/enclosures surrounding the plant.

It is considered that the above information is sufficient to demonstrate that the mitigation measures with regard to noise are unlikely to be needed and therefore that works can proceed. However, this would need to be clarified by a further assessment before the properties are occupied.

In relation to the potential of odour, it is considered that a report prior to occupation would be acceptable, as if any mitigation measures are needed these can be retrospectively fitted.

#### Amendments to Condition No. 22

The purpose of this condition was to ensure that the hedge along the western boundary of the site was retained and protected. The current condition is not clear in that respect and the amendments will provide the necessary clarity required.

#### Other Conditions

As this is an application for a variation of condition, the conditions on decision notice 17/01988/FUL will be re-applied and amended where necessary.

### **6. Recommendation**

Approval Full

### **7. Conditions / Reasons for Refusal**

#### 1 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.

8540/01  
8540/02 Rev. B  
8540/03 Rev. D  
8540/04 Rev. B  
8540/05  
8540/10 Rev. B  
8540/11 Rev. A  
8540/12 Rev. A  
8540/13  
8540/14  
8540/15  
8540/16  
8540/17  
8540/18 Rev. B  
8540/19 Rev. B  
8540/20 Rev. B  
8540/21 Rev. A  
8540/22 Rev. A  
8540/23 Rev. A  
8540/24 Rev. A  
8540/25 Rev. A

8540/26 Rev. A  
8540/30 Rev. C  
8540/31 Rev. C  
8540/32 Rev. B  
8540/033 Rev. B  
8540/034 Rev. C  
8540/035 Rev. B  
8540/036 Rev. B  
18.4008.01 Rev. A

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.

2 SPECIFIC RESTRICTION ON DEVELOPMENT: OCCUPATION

The residential units hereby approved shall be occupied only by persons aged 55 years or over.

Reason - For the avoidance of doubt and to ensure that the development is as applied for.

3 FURTHER APPROVAL: AGREEMENT OF MATERIALS

CONDITION: No development shall be commenced above slab level until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

REASON: To secure an orderly and well designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

NOTE/S FOR CONDITION:



Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

While this condition does not detail in what form the materials sought shall be detailed to the Local Planning Authority, it is suggested that a plan is submitted with the details to show where the materials will be located and the extent of coverage.

#### 4 FURTHER APPROVAL: AGREEMENT OF BOUNDARY TREATMENTS

CONDITION: No development shall be commenced above slab level until precise details of the provision, siting, design and materials of screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the dwellings to which they relate being first occupied and thereafter be retained in the approved form.

REASON: To protect the amenities and privacy of occupiers of the adjoining property and in the interests of visual amenity.

##### NOTE/S FOR CONDITION:

Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

#### 5 ACTION REQUIRED: HIGHWAYS WIDTH OF ACCESS

CONDITION: Prior to the first occupation of the development hereby permitted, the access drive shall be constructed as a shared use route measuring no less than 6 metres in width to the satisfaction of the Local Planning Authority, in conjunction with the Highway Authority.

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.

##### NOTE/S FOR CONDITION:

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

#### 6 ACTION REQUIRED: HIGHWAYS OVERHANG STRIP

CONDITION: Prior to the first occupation of the development, a 500mm wide overhang strip shall be provided adjacent to the carriageway, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that adequate clearance for vehicles swept paths is provided in the interests of highway safety.

7 COMPLIANCE: ACCESS SURFACE

CONDITION: The access/s hereby approved shall have a bound material surface and shall be laid out for a minimum distance of 6 metres from the edge of the carriageway prior to first use. The bound material as implemented shall then be retained thereafter.

REASON: In the interests of highway safety to prevent hazards caused by loose materials on the highway.

NOTE/S FOR CONDITION:

Carriageway is the part of a road intended for vehicles rather than pedestrians normally define by kerb if available or edge of a bound surface.

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

8 ACTION REQUIRED: HIGHWAYS PARKING AND TURNING PROVISION

CONDITION: The dwellings hereby permitted shall not be occupied until the area within the site shown on approved drawings for the purposes of manoeuvring and parking (including garage spaces as applicable) of vehicles has been provided and made functionally available. The parking area shall then be retained and remain free of obstruction.

REASON: To ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would otherwise be detrimental to highway safety.

9 ACTION AND DISCHARGE REQUIRED: RESIDENTIAL TRAVEL PACK

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

10 COMPLIANCE: ENVIRONMENTAL CONSTRUCTION MANAGEMENT PLAN

CONDITION: The development hereby permitted shall be constructed in accordance with the Construction Method Statement and Drawing No. 8540/02/WW Rev. A as approved by application 22/00657/DISCON.

REASON: To ensure that development is carried out in a controlled manner while minimising impacts on the surrounding residential properties and also in the interests of highway safety.

11 COMPLIANCE: SURFACE WATER DRAINAGE

CONDITION: The development hereby permitted shall be constructed in accordance with details approved under application 22/00658/DISCON.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment.

## 12 FURTHER APPROVAL: UNEXPECTED CONTAMINATION

CONDITION: If unexpected contamination is found after development has commenced, no further development shall be carried out on that part of the site affected by the unexpected contamination until it has been reported in writing to the Local Planning Authority. An investigation and risk assessment shall then be undertaken to assess the nature and extent of any contamination of the site. The investigation and risk assessment shall be undertaken by a competent person and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments; and
- (iii) an appraisal of options for remediation and a proposal with preferred option(s). This appraisal shall be conducted in accordance with the Environment Agency "Model Procedures for the Management of Land Contamination (CLR 11)".

Where remediation is necessary, a detailed Remediation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works of remediation to be undertaken, remediation objectives and criteria, timetable of works and related site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the use of land after remediation. Following completion of the measures identified in such approved Remediation Scheme, a verification report to demonstrate the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority. In such circumstances, no further works of development shall be carried out to that part of the site until such time as the above requirements have been satisfied

REASON: To ensure that any risks (to future users of the land and neighbouring land and to controlled waters, property and ecological systems) arising from any land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

## 13 COMPLIANCE: PILING METHOD STATEMENT

CONDITION: The development hereby permitted shall be constructed in accordance with details set out in the Piling Method Statement approved under application 22/00657/DISCON.

REASON: In the interests of residential amenity.

## 14 FURTHER APPROVAL: NOISE AND ODOUR ASSESSMENT

CONDITION: Prior to occupation, details of a noise and odour assessment shall be submitted to and approved in writing by the Local Planning Authority. The noise and odour assessment shall either demonstrate that the pumping station would not adversely impact on the dwellings hereby permitted or include necessary mitigation measures. Any identified mitigation measures shall be carried out prior to first occupation of any dwellings and retained at all times.

REASON: To avoid noise and odour nuisance in the interest of the amenity enjoyed by the nearest proposed residential dwellings.

15 FURTHER APPROVAL: EXTERNAL LIGHTING SCHEME

CONDITION: Other than for external lighting within the curtilage of a dwellinghouse and any lighting within the public highways, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting strategy shall consider how the use of such lighting will avoid, or minimise, harm caused by light pollution and the development shall be carried out in accordance with the approved scheme.

REASON: To ensure that new external lighting of the development is not harmful to biodiversity or local amenity.

16 FURTHER APPROVAL: HEDGE PROTECTION

CONDITION: No development of Plots 3, 4 and 5 shall take place until the hedgerow adjacent to the western boundary of the site has been protected by the erection of temporary protective fences of a height, size and in positions which shall previously have been agreed, in writing with the Local Planning Authority,. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the hedgerow.

REASON: To enable existing landscaping to be protected and retained in the interests of visual amenity.

17 COMPLIANCE: LANDSCAPING

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

REASON: In the interests of visual amenity and the character of the area.

18 APPROVAL REQUIRED: LANDSCAPE MANAGEMENT PLAN

CONDITION: No development above slab level shall take place until a Landscape Management Plan for the relevant phase or phases of the development has been submitted to, and approved in writing by, the Local Planning Authority. The Landscape Management Plan(s) shall include design objectives, management responsibilities and maintenance schedules for the landscaped elements of the development. The development shall be implemented and thereafter maintained in line with the details and timescales in the approved plan.

REASON - To ensure proper planning, management and maintenance of the approved landscaping; landscaped areas; sustainable urban drainage features; public open space; amenity space and play areas and equipment in the interests of amenity; sustainability and the character and appearance of the area.

NOTE/S FOR CONDITION:

Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be

visually above ground level or seek confirmation from the Local Planning Authority for your development.

19 APPROVAL REQUIRED: ECOLOGICAL MANAGEMENT PLAN

CONDITION: No development above slab level shall take place until an Ecological Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The Ecological Management Plan will reflect the conclusions, recommendations and enhancement opportunities as set out in the Preliminary Ecological Appraisal by Landscape Planning Limited (ref. 69889).

REASON: In order to safeguard protected wildlife species and their habitats and in the interests of biodiversity and to ensure best practice measures are used on site during both construction and occupation phases of development to minimise the impact on birds and wildlife and to promote biodiversity.

20 COMPLIANCE: SITE CLEARANCE

CONDITION: Vegetation clearance in relation to the development hereby permitted shall only be carried out outside of the bird nesting period (from 31st March - 1st September), unless the Local Planning Authority first gives written approval to any variation subsequent to the submission of satisfactory evidence from a suitably qualified ecologist that nesting birds are absent from the site.

REASON: In the interests of wildlife protection.

**8. Informatives**

LEGAL AGREEMENT

The applicant is reminded that this permission is linked to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

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.

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

