

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case Officer recommendation:	MP	29/03/23
Planning Manager / Team Leader authorisation:	ML	31/03/23
Planning Technician final checks and despatch:	ER	31/03/2023

Application: 22/01886/FUL **Town / Parish:** Clacton Non Parished

Applicant: ESNEFT

Address: Clacton and District Hospital Tower Road Clacton On Sea

Development: Proposed demolition of Seaview building and extension and reconfiguration of existing surface car park.

1. Town / Parish Council

Clacton – Non Parished.

2. Consultation Responses

Tree & Landscape Officer
15.12.2022

The grounds of the existing building contain areas of soft landscaping; primarily along the boundary with Marine Parade West with 3 early mature Pine trees and a young Sorbus elsewhere on the site.

Two of the Pines and the Sorbus are situated at the rear of the building and do not feature prominently in the public realm. The third Pine is situated in an open area to the south west of the building and makes a positive contribution to both the character and appearance of the locality.

In order to show the likely impact of the proposed development on the character and appearance of the area the applicant has submitted a Landscape Appraisal which describes the current baseline situation and shows the extent of changes to the application site and consequently to the surrounding area.

The conclusion of the Landscape Appraisal is that the proposed development will, in terms of landscape character, not have an adverse impact on either the character or appearance of the local street scene or the wider area. The Landscape Appraisal is considered to be an accurate reflection of the impact of the proposed development that is considered acceptable in landscape terms.

Both the Landscape Appraisal and The Design and Access Statement make reference to the need for, and importance of, soft landscaping on the boundary with Marine Parade West in order to soften, screen and enhance the appearance of the development.

In this regard it is considered important to introduce small trees to add some height to the soft landscaping and to replicate the current amenity value provided by the Pine closest to the highway. An ideal and unusual species for an exposed coastal location such as this would be Hippophae salicifolia 'Robert'.

Should planning permission be likely to be granted then a condition

should be attached, to any such permission, to secure details of soft landscaping.

ECC Highways Dept
12.12.2022

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2019

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

1. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres. The distance between the proposed parking spaces and opposite spaces/boundary should be separated by at least 6m to allow manoeuvring in and out.

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.

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: 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.

Historic England
21.12.2022

Significance of the historic environment

The application site is located in close proximity to the scheduled monument of 'Martello tower F, Marine Parade West, Clacton-on-Sea', List Entry Number 1016555 <https://historicengland.org.uk/listing/the-list/list-entry/1016555>. It is also a grade II listed building (LEN 1111520).

In terms of the National Planning Policy Framework the site is a designated heritage asset and regarded as being of national significance on account of its high historical, architectural and aesthetic value.

Tower 'F' is one of 18 surviving Martello towers along the east coast, and one of six remaining in Essex. Martello tower F is the only remaining moated example on the Essex coast. The Martello tower, set within a dry moat, is illustrative of the response to

the very serious threat of invasion with Britain faced in the early 19th century.

The scheduled monument is an important strategic military heritage asset and the Martello tower is a prominent visual landmark overlooking the promenade and sea front to the west of Clacton Pier. The setting of the monument, therefore, contributes to its significance and how the Martello Tower is experienced.

The chain of Martello towers and associated structures represent a unique point in British military design and can be seen as a precursor to the defensive strategies of both the First and Second World Wars. As the main component of a long line of coastal defence, the remaining Martello towers are important symbols of the importance which has always been attached to the defences which protect the British coastline.

In addition, there is also potential for encountering non-designated archaeological remains relating to The Palace-by-the-Sea theatre, which was situated at this prominent sea front location. The Palace theatre was erected in 1906 as a 'miniature Earl's Court' and demolished in the late 1970s.

Impact on the significance of the historic environment

The application concerns the proposed demolition of Seaview building and extension and reconfiguration of existing surface car park.

This proposed development concerns the demolition of a three-storey building to the south of the scheduled monument and the construction of a car park in its place. The proposed development would, therefore, result in a change to the setting of the scheduled monument.

The removal of the building on Marine Parade West would enhance the setting of the scheduled monument, opening up views to the south, to and from the Martello tower, which is a public benefit.

In terms of the creation of a new car park in this area, however, we are concerned by the proposed car port structure and car parking on the east side of the application site, adjacent to the scheduled monument. We would recommend that further opportunities are identified in the new scheme for appropriate enhancement of the Martello tower.

Policy considerations for this proposal

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development in the planning system (paragraphs 7, 8, 10 and 11) which also identifies protection of the historic environment as an important element of achieving sustainable development. Further policy principles relating to the historic environment are set out in Chapter 16 of the NPPF.

In particular, it emphasises the importance of conserving heritage assets, which are an irreplaceable resource, in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations (NPPF paragraph 189).

Paragraph 194 of the NPPF establishes that 'local planning

authorities should require an applicant to describe the significance of any heritage assets affected' at a level of detail proportionate to the assets' importance and through consultation of the relevant historic environment record and the use of appropriate expertise'.

The NPPF goes on to state in paragraph 195 that, 'local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal' and 'take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'.

When considering the impact of a proposed development upon the significance of scheduled monuments, NPPF paragraph 199 requires great weight to be given to the monument's conservation.

As NPPF paragraph 200 sets out, any harm to the significance of a scheduled monument, including from development within its setting, requires clear and convincing justification irrespective of the level of potential harm.

Where a development proposal would lead to less than substantial harm to the significance of a scheduled monument, NPPF paragraph 202 requires that the harm is weighed against the public benefits of the proposal.

Paragraph 206 goes on to state that, 'Local planning authorities should look for opportunities for new development... within the setting of heritage asset, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably'.

Historic England's Position

Historic England considers that the proposed development would result in a change to the setting of the scheduled monument known as "Martello tower F, Marine Parade West, Clacton-on-Sea". In our view, the demolition of the Seaview building on Marine Parade West would enhance the setting of the scheduled monument, opening up views to the south, to and from the Martello tower.

The Seaview building, however, would be replaced by an extension to the existing car park. While we do not object to the extension of the proposed car park in principle, we consider that further opportunities should be identified to enhance the setting of the scheduled monument.

We consider the proposed location of the car port structure and electric charging points is not appropriate. We recommend this structure and the charging points are relocated away from the eastern side of the car park that is adjacent to the scheduled monument. This is in order to minimise the impact of the new car parking scheme on the significance of the scheduled monument. Likewise, we would advise that the positioning of new signage, and any other car park facilities, should be avoided along the east side of the proposed site.

Appropriate enhancement might include the addition of a footpath/walkway along the east side of the proposed car park to create a wider margin (buffer) between the edge of the monument

and the parking spaces. It might include a reduction in car parking spaces on the east side, to better reveal the significance of the Martello tower. These options would allow the scheduled monument to be better appreciated from the car park.

We would also recommend the provision of an interpretation panel within the new car park, to improve public perception and understanding of the adjacent scheduled Martello tower F. In addition, there is an opportunity to provide information about The Palace-by-the-Sea theatre that previously occupied this site.

Recommendation

Historic England has no objection to the proposed demolition of the Seaview building, which would enhance the setting of the scheduled monument 'Martello tower F, Marine Parade West, Clacton-on-Sea'.

In terms of the proposed extension of the car parking, following demolition of the building, we have some concerns regarding this aspect of the application on heritage grounds and consider that, with amendments to the proposed car park, wider public benefits could be secured for the historic environment.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraph 206 of the NPPF. We would welcome the opportunity to work with the applicant to identify opportunities to enhance and better reveal the significance of the scheduled Martello tower F.

We would recommend an interpretation panel is provided within the new car park, to improve public perception and understanding of Martello tower F. This could be secured by condition attached to any planning permission.

We also advise you seek the views of your specialist archaeological advisers for advice on any non-designated archaeological remains that might be impacted by this proposal.

If there are any material changes to the proposals, or you would like further advice, please contact us.

Historic England
29.03.2023 (additional
comments following
receipt of additional
information)

Although the construction a new car park is not ideal next to the Scheduled Monument, it is probably an improvement on the existing building in terms of greater visibility and appreciation of the Monument. I can confirm, therefore, that we would have no objection to the amend scheme.

3. Planning History

93/00900/FUL	(Peter Bruff Ward, Clacton and District Hospital, Freeland Road, Clacton on Sea) Single storey extension to existing psychiatric ward to give two additional single bedrooms	Approved	06.09.1993
94/01022/OUT	(Sea front plot adjoining Clacton Hospital, Marine Parade West, Clacton on Sea) Day centre for	Approved	11.10.1994

stroke victims

95/00834/FUL	(Clacton and District Hospital, Tower Road, Clacton on) Construction of new unit for the elderly mentally ill, including inpatient bedrooms, day hospital and rehabilitation facilities	Approved	20.10.1995
95/00835/FUL	(Clacton and District Hospital, Tower Road, Clacton on) Road and parking proposals in connection with new developments for an Outpatients Department (ERH) and unit for the elderly mentally ill (NEEMHS)	Approved	26.09.1995
95/00847/FUL	(Clacton Day Hospital, Tower Road, Clacton on Sea) Proposed demolition of single storey clinic and erection of two storey out patients department. Car parking displaced, to be re-allocated within site	Approved	26.09.1995
95/01459/FUL	(Clacton Hospital, Tower Road, Clacton on Sea) Extension to form a medical gas store	Approved	02.01.1996
96/01492/ADV	(Clacton and District Hospital, Freeland Road, Clacton on Sea) Direction signs, building identification signs, finger posts, site map, traffic signs	Approved	06.01.1997
96/01493/ADV	(Clacton and District Hospital, Freeland Road, Clacton on Sea) Site identification signs	Approved	06.01.1997
98/01318/FUL	Extension to existing day room and office (The Landermere Centre)	Approved	21.10.1998
04/00091/FUL	New packaged plant room and chimney flue	Approved	21.04.2004
05/01341/FUL	Construction of fire escape staircase to existing first floor.	Approved	21.09.2005
21/01766/FUL	Proposed internal alterations and single storey infill extension to Peter Bruff and Martello buildings.	Approved	13.12.2021
21/01946/FUL	Proposed construction of a new single storey high voltage sub-station and associated metering kiosk. To include for installation of new below ground electrical cables from the new sub-station and kiosk to the existing building.	Approved	13.01.2022

21/02150/FUL	Proposed free standing pre-fabricated single storey training facility.	Approved	15.02.2022
22/00645/DISCON	Discharge of condition 3 (Fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition) of application 21/01766/FUL.	Approved	29.06.2022
22/01122/DISCON	Discharge of condition 3 (Landscape) of application 21/02150/FUL.	Approved	31.10.2022
22/01594/FUL	Proposed new single storey extension to existing hospital to provide additional endoscopy procedure room.	Approved	14.11.2022
22/02021/DISCON	Discharge of condition 3 (Construction management plan) of application 22/01594/FUL	Approved	23.01.2023

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

SP3 Spatial Strategy for North Essex

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

CP1 Sustainable Transport and Accessibility

PPL7 Archaeology

PPL9 Listed Buildings

Local Planning Guidance

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal

Site Description

The application site is Clacton and District Hospital, which is located to the north of Marine Parade West and to the west of Tower Road, within the parish of Clacton-on-Sea.

The character of the area is heavily urbanised, with residential and commercial development located to all sides. Further to the south is the Clacton-on-Sea seafront. The site falls within the Settlement Development Boundary for Clacton-on-Sea.

Description of Proposal

This application seeks planning permission for the demolition of the existing 'Seaview' building, which is a two storey structure located along the southern boundary adjacent to Marine Parade West. In its place, it is proposed to extend and reconfigure the existing car park, resulting in an additional 19 parking spaces including one additional disabled persons space.

During the course of the applications determination, plans have been amended to provide for an enhanced soft landscaping scheme and the removal of the car port along the eastern boundary.

Site History

Under planning reference 22/01594/FUL, permission was granted in November 2022 for the erection of a single storey extension to the south-western corner of the site to accommodate extended endoscopy facilities.

Assessment

1. Principle of development

Adopted Local Plan Policy HP1 (Improving Health and Wellbeing) states the Council will work to improve the health and wellbeing of residents in Tendring by working in partnership with the NHS and Public Health to ensure that residents can access high quality primary and secondary health care services, and that new and improved services are put in place, where appropriate, to serve the growing population. In addition the Council will support the NHS and Public Health to deliver a service which meets the needs of residents in Tendring District.

The submission outlines that the 'Seaview' building is currently unoccupied, having previously been utilised for storage and security. It was considered to be used as a community diagnostics centre (CDC), however ultimately this was not a viable option. Given this, the proposal represents the removal of a building with no foreseeable use which would generate much required additional car parking provision.

Officers consider that the application will therefore provide a small improvement to access to high quality health services within the District, and accordingly the principle of development is acceptable subject to the more detailed considerations below.

2. Visual Impacts

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 Section 1 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 existing building is a large two storey structure prominently located along the southern boundary adjacent to Marine Parade West. Whilst it is not necessarily out-of-keeping with the areas surrounding character, Officers do not consider that it provides any visual enhancement and certainly poses no special merits to insist it be retained. Its demolition is therefore not objected to on these grounds, and the replacement extended car park will result in a neutral impact to the character and appearance of the surrounding area.

3. Highway Safety/Parking

Paragraph 111 of the Framework states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy SPL3 (Part B) of the Adopted Local Plan seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking.

Adopted Policy CP1 (Sustainable Transport and Accessibility) states 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.

Essex Highways Authority have been consulted and have stated they have no objections.

In addition, it is acknowledged that the application would result in an increase to the existing parking provision, resulting in an additional 19 spaces (one of which for disabled persons). Accordingly, there are no objections raised in this regard.

4. Impact to Residential 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 development will see the demolition of a large two storey building, however this is sited sufficient distance apart from the neighbouring property to the west. That notwithstanding, there will be a minor enhancement to their existing amenities in this regard. Further, the additional vehicular movements associated with the additional parking facilities is not considered to generate a level of noise disturbance that would warrant recommending a reason for refusal.

5. Impacts to Trees

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

"The grounds of the existing building contain areas of soft landscaping; primarily along the boundary with Marine Parade West with 3 early mature Pine trees and a young Sorbus elsewhere on the site.

Two of the Pines and the Sorbus are situated at the rear of the building and do not feature prominently in the public realm. The third Pine is situated in an open area to the south west of the building and makes a positive contribution to both the character and appearance of the locality.

In order to show the likely impact of the proposed development on the character and appearance of the area the applicant has submitted a Landscape Appraisal which describes the current baseline situation and shows the extent of changes to the application site and consequently to the surrounding area.

The conclusion of the Landscape Appraisal is that the proposed development will, in terms of landscape character, not have an adverse impact on either the character or appearance of the local street scene or the wider area. The Landscape Appraisal is considered to be an accurate reflection of the impact of the proposed development that is considered acceptable in landscape terms.

Both the Landscape Appraisal and The Design and Access Statement make reference to the need for, and importance of, soft landscaping on the boundary with Marine Parade West in order to soften, screen and enhance the appearance of the development.

In this regard it is considered important to introduce small trees to add some height to the soft landscaping and to replicate the current amenity value provided by the Pine closest to the highway. An ideal and unusual species for an exposed coastal location such as this would be Hippophae salicifolia 'Robert'.

Should planning permission be likely to be granted then a condition should be attached, to any such permission, to secure details of soft landscaping."

While the comments above are noted, the amended plans provided by the agent for the application include full details of soft landscaping proposed, and it is therefore not necessary to include planning conditions relating to soft landscaping details on this occasion.

6. Heritage Impacts

Paragraph 200 of the NPPF sets out, any harm to the significance of a scheduled monument, including from development within its setting, requires clear and convincing justification irrespective of the level of potential harm.

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The application site is located in close proximity to the scheduled monument of 'Martello tower F, Marine Parade West, Clacton-on-Sea', which lies to the north-east of the application site. Accordingly Historic England have been consulted on the proposed works. Initially, they raised no objection to the proposed demolition of the building, which would enhance the setting of the scheduled monument by opening up views to the south, to and from the Martello tower. However, in terms of the proposed extension of the car parking, while the principle of an extension to the existing car park was acceptable, concerns were raised that the location of the car port structure and electric charging points was not appropriate. It was therefore suggested that revised plans be provided to relocate the structure and charging points away from the eastern side of the car park.

To overcome these concerns, revised plans have been provided by the agent for the application that acknowledge the consultee comments raised and have removed the previous car port along the eastern boundary. Upon re-consultation Historic England have confirmed that the proposal will be an enhancement to the existing building in situ in terms of greater visibility and appreciation of the Scheduled Monument. Accordingly, the objection previously raised has not been overcome.

Other Considerations

Clacton is non-parished so no comments are required.

There have been no other letters of representation received.

Conclusion

The application meets the requirements of Policy HP1 and is therefore supported in principle. The existing building is of no special design merit and there are no objections to its demolition, whilst the additional parking provision is welcomed. In addition, Essex Highways Authority and the Council's Tree and Landscape Officer have raised no objections. Whilst Historic England initially raised an objection, amended plans have been provided that have overcome this. Accordingly, the application is policy compliant and is recommended for approval.

6. Recommendation

Approval.

7. Conditions

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: 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 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.

Drawing Numbers 5405-9400 P01, 5405-9403 P02, 5405-9502 P09, 5405-9514 P01, PP01, and the documents titled 'Design and Access Statement' 'Transport Statement', 'Landscape Appraisal' and 'Plant Mood Board'.

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 COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED - LANDSCAPING SCHEME

CONDITION: All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full 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 approved, in writing, by the Local Planning Authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

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: 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.