

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	AN	12/12/23
Planning Manager / Team Leader authorisation:	ML	13/12/2023
Planning Technician final checks and despatch:	ER	14/12/2023

Application: 22/01640/VOC **Town / Parish:** Frinton & Walton Town Council

Applicant: Taylor Wimpey UK Ltd

Address: Land to South of Thorpe Road Kirby Cross

Development: Application under Section 73 of the Town and Country Planning Act, to allow a variation of conditions 1 (Approved Plans) and 4 (Highways) of 19/01269/DETAIL to reflect changes to the approved landscaping and surface water drainage scheme (removal of proposed trees within approved northern attenuation basin, relocation of trees outside of overhead lines easement, and amended gradient of approved southern attenuation basin) and to update plan references to reflect 22/00431/NMA.

1. Town / Parish Council

FRINTON AND WALTON
TOWN COUNCIL

Recommend approval

FRINTON & WALTON
TOWN COUNCIL

Recommends Approval - Leave to opinion of officer at Tendring District Council. Too technical.

2. Consultation Responses

Tree & Landscape
Officer
03.11.2022

The proposed removal and replacement of soft landscaping plans from list of approved documents relating to the development of the land in order to reflect the changes to the Sustainable Drainage Scheme and the conflict with the current soft landscaping proposals is acceptable.

The proposed changes will not significantly alter the overall character or appearance of the area and will avoid planting trees in impractical positions where they would be unlikely to thrive.

ECC Highways Dept
05.12.2022

The information submitted with the application has been fully assessed by the Highway Authority and conclusions reached based on a desktop study. It is noted that the wording of the condition remains unchanged, but the list of drawings has been updated to reflect the changes to the landscaping scheme, considering these factors:

The Highway Authority does not object to the proposals as submitted.

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 area(s) directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway.

In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

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.

Tree & Landscape
Officer
16.11.2023

Amendments to the proposed soft landscaping scheme are required to address discrepancies between approved soft landscaping proposal plans and those dealing with surface water attenuation.

The changes will not significantly affect the degree to which the soft landscaping softens, screen and enhances the completed development.

The covering letter submitted with the applications confirms that there is no decrease in the number of trees planted on the site.

On balance the proposals are acceptable and will not diminish the effectiveness of the soft landscaping of the site

3. Planning History

15/01710/OUT

Demolition of one dwelling and outline application for up to 110 no. residential units with all matters reserved except for access.

Refused

12.04.2016

16/00804/OUT	Demolition of one dwelling and outline application for up to 109 no. residential units with all matters reserved except for access.	Withdrawn	09.11.2016
18/01728/DETAIL	Demolition of one dwelling and reserved matters application for 105 no. residential units.	Approved	21.11.2019
19/01269/DETAIL	Demolition of two dwellings and reserved matters application for 110 no. residential units following outline planning permission 15/01710/OUT.	Approved	17.03.2020
20/00224/TPO	G7, 12 Oaks - Crown lift to 3 metres and reduce the crown by 1 - 3.5 metres. T12, T14, T15 and T17, Oaks - Reduce crown by 2 - 3.5 metres.	Approved	21.03.2020
20/00432/DISCON	Discharge of conditions 3 (biodiversity monitoring strategy for Barn Owls), 5 (estate roads and footways), 7 (foul water), 9 (bicycle parking), 18 (underground power line) and 19 (railway boundary fence) for approval 19/01269/DETAIL.	Approved	10.07.2020
20/00462/FUL	Re-plan of part of approved application 19/01269/DETAIL to change 6 No.4 Bed Properties to 12 No. 2 Bed Properties; change the house type of 4 No. 4 bedroom plots; alterations to the siting/boundaries of some plots; alteration/removal of garages; and alteration/addition of parking spaces.	Approved	10.12.2020
20/00464/DISCON	Discharge of conditions 4 (Phasing Plan), 5 (materials), 7 (tree protection), 8 (boundary treatments), 9 (surface water drainage scheme), 10 (flooding during construction), 11 (drainage maintenance plan), 12b) upgrading of the two bus stops on Thorpe Road, 13 (bicycle storage), 14 (ecological mitigation and management scheme), 15 (construction method statement), 16 (noise mitigation), 17 (refuse storage and collection), and 18 (lighting) for 15/01710/OUT allowed at appeal APP/P1560/W/16/3150967.	Approved	20.10.2020

20/01838/DISCON	Discharge of condition 15 (construction method statement) for 15/01710/OUT allowed at appeal APP/P1560/W/16/3150967.	Approved	13.01.2021
22/00431/NMA	Non-material amendment sought for application 19/01269/DETAIL - Updates to the approved scheme: fence to the north western boundary, surfacing of parking spaces and speed tables, positions of plots 67/68 and 71/72 and driveway to plots 62 - 64.	Approved	14.10.2022
22/00436/NMA	Non-material amendment of approved application 20/00462/FUL - Updates to the approved scheme: positions of plots 109 - 111; surfacing materials to parking spaces and raised tables; and change of brick type to Plot 47.	Approved	17.06.2022
22/01055/NMA	Non-material amendment of approved application 20/00462/FUL to update the brick type used for the garage of plot 47 to match the dwelling.	Approved	20.07.2022

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2023 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic [Section 1](#) (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
- HP1 Improving Health and Wellbeing
- HP3 Green Infrastructure
- HP5 Open Space, Sports and Recreation Facilities
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP5 Affordable Housing
- PP12 Improving Education and Skills
- PPL1 Development and Flood Risk
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage
PPL9 Listed Buildings
PPL10 Renewable Energy Generation and Energy efficiency Measures
CP1 Sustainable Transport and Accessibility
CP2 Improving the Transport Network
CP3 Improving the Telecommunications Network

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)
Tendring Provision of Recreational [Open Space for New Development SPD](#) 2008
[Essex Design Guide](#)

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) 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.

Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

There is no relevant Neighbourhood Plan.

5. Officer Appraisal (including Site Description and Proposal)

Context

The site relates to a very recently completed residential development of 110 dwellings known as The Laurels within the settlement development boundary of Kirby Cross. The elements of the previously approved development seeking variation are located in the centre of the site completely screened from outside the development and from any neighbouring listed buildings.

Proposal

Application under Section 73 of the Town and Country Planning Act, to allow a variation of conditions 1 (Approved Plans) and 4 (Highways) of 19/01269/DETAIL to reflect changes to the approved landscaping and surface water drainage scheme (removal of proposed trees within approved northern attenuation basin, relocation of trees outside of overhead lines easement, and amended gradient of approved southern attenuation basin) and to update plan references to reflect 22/00431/NMA.

The application and description have been amended since original submission, and subject to re-consultation which has now expired.

The amendments comprise: Superseding landscaping plans which relate to the wider site (only sheets 5 and 6 are relevant); altering the description to include condition 4 as it refers to an older revision for one of the plans amended by 22/00431/NMA; amended plans and description to refer to relocation of approved trees outside of overhead lines easement and the amended gradient of the approved southern attenuation basin; and adding back the approved hedge planting around the pump station.

The application has been submitted to address inconsistencies in the approved drawings, which show an attenuation basin in the central public open space (listed as one of the approved drawings in condition 1 of 19/01269/DETAIL) and tree planting in the same area on the approved landscaping plans. ECC SUDS will not accept trees in an attenuation basin, so these are now proposed for removal in accordance with the approved surface water drainage plans. The surface water drainage infrastructure is now in place and operational to serve the new homes and is constructed in accordance with the detailed drainage drawings which have been approved under 20/00464/DISCON and are now shown on the amended plans. Overhead cables now cross the railway line to the south of the site and are protected by an easement so the approved trees in that area are now relocated to the east.

In addition, to ensure that the approved plans list is comprehensive and up to date, it includes the revisions to the two layout drawings that were approved as a non-material amendment to the approved scheme under reference 22/00431/NMA: TW019-PL-02 P and TW019-PL-03 M.

Representations

The Town Council commented on the original proposal - recommend approval leave to opinion of TDC as too technical. They recommend approval to the amended proposal.

Following the amendments, a new site notice was posted and additional neighbours were consulted who face onto the open space: 11, 17, and 19 Woodpecker Way and 1, 2, 3, 5, and 7 Sanderling Close.

Landscaping

ECC SUDS will not accept trees in an attenuation basin, so the previously approved trees have now been removed from the plans.

The approved plans included a semi native mix hedge around the large pump station to the north of the open space and two trees planted in front. The hedge was removed from the original proposal but has now been added back to the amended plans to help soften the appearance of the large pump station in the street scene. Evidence has been provided that the two trees cannot be planted

because of the below ground infrastructure constraints of the pump station which serves both the surface water drainage system and the foul drainage system.

Overhead cables cross the railway line to the south of the site and are protected by an easement so the approved trees in that area are now relocated to the east so there is no reduction in the total number of trees on this southern edge of the open space.

The Tree and Landscape Officer has been reconsulted on the amended plans and confirms the changes will not significantly affect the degree to which the soft landscaping softens, screens and enhances the completed development. On balance the proposals are acceptable and will not diminish the effectiveness of the soft landscaping of the site.

Highway safety

Condition 4 (Highways) is seeking variation as it refers to an older revision for one of the plans already approved by 22/00431/NMA. There are no further changes to the approved highway layout and no impact upon highway safety from this current application which relates purely to the areas of open space on the development.

The Highway Authority confirm no objection to the original proposal. They were not reconsulted on the amendments as they have no impact on the highway/highway safety.

Surface water drainage

The submitted plans reflect the surface water drainage already approved under 20/00464/DISCON in consultation with ECC SUDS. The attenuation basins were altered from the originally approved plans when the detailed calculations were undertaken, and the current application is therefore regularising the situation. It was not therefore necessary to reconsult ECC SUDS as the attenuation basins are unchanged from the 20/00464/DISCON approval.

Residential amenity

All the proposed changes relate to areas of open space which are sufficiently separated from all dwellings to prevent any material harm to outlook or light.

Legal agreement

The application to be varied (19/01269/DETAIL) had a legal agreement to provide a financial contribution towards RAMS, however this has already been paid so there is no need to vary the legal agreement.

Conclusion

The changes proposed under this application largely relate to details already approved under 20/00464/DISCON and 22/00431/NMA. The additional changes are considered in the report above to result in no material harm to visual or residential amenity, or highway safety and are therefore recommended for approval. The previous conditions on 19/01269/DETAIL will be reimposed/altered where necessary as considered within this report.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site Location Plan - TW019-PL-01
Concept Development Layout - TW019-PL-02 Rev P
Detailed Layout - TW019-PL03 Rev M
Landscape Plan - TW019-PL04 Rev J
HA Location Plan - TW019-PL06 Rev I
Storey Height Plan - TW109-PL08 Rev I
Garden Areas - TW109-PL09 Rev G

Housetype Ashenford NA20a - TW019-HA-NA20a-01 Rev 00
 Housetype Ashenford NA20b - TW019-HA-NA20b-02 Rev A
 Housetype Coltford NA34 - TW019-HA-NA34-01 Rev 00
 Housetype Byford NA32a - TW019-HT-NA32a-01 Rev A
 Housetype Byford NA32b (Boarding) - TW019-HT-NA32b-02 Rev A
 Housetype Manford NA44 - TW019-HT-NA44-01 Rev B
 Housetype Possdale NA40a - TW019-HT-NT40a-01 Rev C
 Housetype Possdale NA40c - TW019-HT-NT40c-02 Rev B
 Housetype Waysdale NT42 - TW019-HT-NT42-01 Rev B
 Housetype Waysdale NT42a - TW019-HT-NT42a-02 Rev C
 Housetype Waysdale (Boarding) - NT42b - TW019-HT-NT42b-03 Rev B
 Housetype Waysdale NT42c - TW019-HT-NT42c-04 Rev A
 Housetype Canford PA25 - TW019-HT-PA25-01 Rev C
 Housetype Gosford PA34a - TW019-HT-PA34a-01 Rev C
 Housetype Gosford PA34b - TW019-HT-PA34b02 Rev C
 Housetype Gosford PA34c - TW019-HT-PA34c-03 Rev A
 Housetype Easedale PT36a - TW019-HT-PT36a-01 Rev A
 Housetype Easedale PT36c - TW019-HT-PT36c-02 Rev B
 Housetype Yewdale PT37a - TW019-HT-PT37a-01 Rev E
 Housetype Yewdale PT37b - TW019-HT-PT37b-02 Rev B
 Housetype Yewdale PT37c - TW019-HT-PT37c-03 Rev A
 Garage Types - TW019-GR-01
 Garage Types - TW109-GR-02
 Sub-Station - Tw019-sub-01 rev a
 Street Scenes - TW019-ST01 Rev.B
 Soft Landscape Proposals 1 of 10 - 19.4068.01.F
 Soft Landscape Proposals 2 of 10 - 19.4068.02 D
 Soft Landscape Proposals 3 of 10 - 19.4068.03.E
 Soft Landscape Proposals 4 of 10 - 19.4068.04.D
 Soft Landscape Proposals 5 of 10 - 22.5296.05 A
 Soft Landscape Proposals 6 of 10 - 22.5296.06 B
 Soft Landscape Proposals 7 of 10 - 19.4068.07.D
 Soft Landscape Proposals 8 of 10 - 19.4068.08.D
 Soft Landscape Proposals 9 of 10 - 19.4068.09.E
 Soft Landscape Proposals 10 of 10 - 19.4068.10.J
 Updated Barn Owl Ecological Advice Note (SES, November 2019)
 Reptile Mitigation Strategy (SES, November 2019)
 Attenuation Basin Plan
 Circular Dog Walking Route 19.4668.11A
 Pump Station Details 5793:101 Rev B
 AIA 7658.D.AIA Rev A
 Root Investigation 7816-D-R1
 Root Investigation 2 7816-D-R1 2
 Preliminary Arboricultural Method Statement Proj, 7658 Rev A
 Arboricultural Monitoring Report Proj. 7816

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

- 2 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Updated Barn Owl Ecological Advice Note (SES, November 2019) and Reptile Mitigation Strategy (SES, Nov 2019). This may include the appointment of an appropriately competent person e.g. a suitably qualified ecologist holding a Natural England Barn Owl Licence, to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason - To conserve Protected species and allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 as amended and s17 Crime & Disorder Act 1998 (wildlife crime).

- 3 Development shall be carried out in accordance with the biodiversity monitoring strategy for Barn Owls approved under 20/00432/DISCON.

A report describing the results of monitoring shall be submitted to the Local Planning Authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the Local Planning Authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

Reason - To allow the Local Planning Authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended.

- 4 Prior to the occupation of each dwelling the internal road and footway serving that dwelling shall be provided in principal and accord with drawing number TW019-PL-02 Rev P Concept Layout Drawing.

Reason - To ensure acceptable vehicle and pedestrian access to each dwelling.

- 5 The estate roads, footways, and three footway links to Thorpe Road and Chapel Lane shall be as approved under 20/00432/DISCON. Development shall be carried out in accordance with the approved details.

Reason - To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

- 6 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason - To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

- 7 On-site foul water drainage works shall be as approved under 20/00432/DISCON. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been completed in full accordance with the approved scheme.

Reason - To prevent environmental and amenity problems arising from flooding.

- 8 Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles and each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres. All single garages should have a minimum internal measurement of 7m x 3m and all double garages should have a minimum internal measurement of 7m x 5.5m

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety.

- 9 The cycle parking facilities shall be as approved under 20/00432/DISCON. The approved cycle parking facility shall be provided prior to occupation of each dwelling that it will serve.

Reason - To ensure appropriate bicycle parking is provided in accordance with the Council's adopted Parking Standards.

- 10 No dwelling shall be occupied until such time as its car parking/garaging and turning area as shown on the approved plans has been provided. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 11 The garage hereby permitted on Plots 1, 16, 17, 20, 23, 27, 28, 31, 32, 33, 86, 87, 92, 93, 101, 102 and 110 shall only be used for the parking of vehicles or for domestic storage associated with the dwelling and not used for living accommodation.

Reason - To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the local planning authority.

- 12 The bathroom window on the west facing elevation on Plot 2 shall be glazed with obscure glass and shall be so maintained at all times.

Reason - In order to safeguard the privacy of adjoining occupiers.

- 13 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no additional windows, doors, rooflights, or dormer windows, as permitted by Classes A, B and C of Part 1 of Schedule 2, other than those indicated on the approved plans shall be constructed on the western elevation/roof slope of the dwelling hereby permitted on Plot 2 without first obtaining planning permission from the local planning authority.

Reason - In order to safeguard the privacy of adjoining occupiers.

- 14 Prior to occupation of Plots 36, 37, 38, 39, 40 or 41 the pedestrian link between the estate road and Thorpe Road, and running between no. 155 Thorpe Road and no. 159 Thorpe Road, shall have been constructed in accordance with the approved details and shall be available for public access and thereafter retained and maintained in the approved form.

Reason - To ensure footways are constructed to an acceptable standard and available for the public to use, to encourage more sustainable modes of transport and to reduce reliance on the private car.

- 15 Prior to occupation of Plots 54, 55, 56 or 57 the pedestrian link between the estate road and Thorpe Road, and running between no. 129 Thorpe Road and no. 127 Thorpe Road, shall have been constructed in accordance with the approved details and shall be available for public access and thereafter retained and maintained in the approved form.

Reason: To ensure footways are constructed to an acceptable standard and available for the public to use, to encourage more sustainable modes of transport and to reduce reliance on the private car.

- 16 The Residential Travel Packs that are to be provided pursuant to Condition no.12 of planning permission 15/01710/OUT, shall include the following;

- a) Information regarding the safe use of level crossings over the railway lines and the dangers of failing to use them properly.
- b) Details of the approved circular walking routes to and from the site, which can be used by residents along with specific encouragement for dog walkers to use these routes.

As required by condition no.12 of planning permission (15/01710/OUT) the Residential Travel Information Packs shall have been previously submitted to and approved in writing by the local planning authority, and shall be provided to the first occupant of each new dwelling.

Reason - To promote the safe use of railway level crossings and to encourage the future residents to remain on-site for day to day recreation/dog walking, so as to minimise pressures upon Hamford Water SPA and Ramsar, Colne Estuary SPA and Ramsar, Blackwater Estuary SPA and Ramsar, Dengie SPA and Ramsar, and Essex Estuaries SAC

pursuant to the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy.

- 17 The scheme of landscaping as shown on the approved Soft Landscape Proposals Plans, or such other scheme as may be agreed in writing by the local planning authority, shall be carried out during the first available planting season after the commencement of the development. Any trees or plants which die, are removed or become seriously damaged, or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

Reason - To ensure a satisfactory scheme of hard and soft landscaping to enhance the appearance of the development.

- 18 The underground power line shall be as approved under 20/00432/DISCON. Development shall be carried out in accordance with the approved details.

Reason - As insufficient information has been provided with the application, in the interests of visual and residential amenity, and the Grade II listed building Mill House at 127 Thorpe Road.

- 19 Development shall be carried out in accordance with the railway line boundary fence strategy as approved under 20/00432/DISCON. Any works specified in the approved strategy shall be carried out in accordance with the approved strategy prior to the first occupation of the development.

Reason - To ensure that the increase in public activity resulting from the development does not result in an increase in trespass or anti-social behaviour on the railway line that would be detrimental to the safety of member of the public and railway users.

8. 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 or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

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.

- 2) All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.

3) Prior to occupation, the development shall be served by a system of operational street lighting of design approved from the Highway Authority along the Primary route, which shall thereafter be maintained in good repair.

4) Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.

5) Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy. If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team.

Foul water drainage strategy will need to include a feasible drainage strategy agreed with Anglian Water detailing the discharge solution including:

Development size; Proposed discharge rate (Should you require a pumped connection, please note that our minimum pumped discharge rate is 3.8l/s); Connecting manhole discharge location (No connections can be made into a public rising main); Notification of intention to connect to the public sewer under S106 of the Water Industry Act.

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

6) Anglian Water advise that they have assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

7) Given the close proximity to the operational railway line, if and before any works are undertaken the developer would need to engage with the ASPRO team (AssetProtectionAnglia@networkrail.co.uk) to ensure the protection of the railway line.

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.

9. **Equality Impact Assessment**

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an

obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

The proposal overall shall have a neutral impact

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