

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ER	12/01/24
Planning Manager / Team Leader authorisation:	ML	17/01/2024
Planning Technician final checks and despatch:	ER	18/01/2024

Application: 23/01741/DETAIL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Peter Smith

Address: Winter Cottage Edith Road Kirby Le Soken

Development: Reserved matters submission for 21/00201/OUT for erection of one dwelling considering access, appearance, landscaping, layout and scale.

1. Town / Parish Council

FRINTON AND WALTON TOWN COUNCIL RECOMMEND APPROVAL

2. Consultation Responses

ECC Highways Dept
02.01.2024

The information submitted with the application has been assessed by the Highway Authority and conclusions reached based on a desktop study and on the submitted material. No site visit was undertaken in conjunction with this planning application. It is noted that this is a detailed application of earlier planning application: 21/00201/OUT and previous planning application: 15/00477/OUT, at the time the Highway Authority did not object to the proposals as submitted as it was observed that Edith Road is classified as a Private Road. Considering these factors:

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

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

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

2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the carriageway.

Reason: To avoid displacement of loose material onto the carriageway in the interests of highway safety in accordance with policy DM1.

3. Prior to occupation of the development the vehicular access shall be constructed at right angles to the private road and to the existing carriageway. The width of the access at its junction with the

private access road shall not be more than 4.5 metres (equivalent to 5 low kerbs), shall be retained at that width for 6 metres within the site.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

4. There shall be no discharge of surface water onto the carriageway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

5. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

6. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

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

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

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

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

Informative:

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

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

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

Tree & Landscape Officer
18.12.2023

The plan submitted showing details of new planting Ref: TQRQM23338211914419 shows the position of a new hedge to be planted on the boundary of the front garden with the highway but does not include details of plant species, specification, or quantity. This information will be necessary prior to the determination of the application.

Acceptable species would be Yew (*Taxus baccata*), Privet (*Ligustrum ovalifolium*) or Laurel (*Prunus rotundifolia*). Many other species would be equally acceptable.

Plants should be 60 to 90cm tall if 'bare rooted' or supplied in a container with a minimum capacity of 3 litres.

Plants should be planted at a spacing of 2 per linear metre.

Details of tree planting in the rear garden will not be required as it will not affect the amenity of the locality.

Environmental Protection
08.01.2024

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

Construction Method Statement: with reference to the submitted CMS; I can confirm the EP Team accept the submission; however we would request the below wording is included -

- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

- No materials produced as a result of the site development or clearance shall be burned on site.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

REASON: to protect the amenity of nearby residential premises

Contaminated Land: Given the sites surrounding areas historical use for agriculture and proximity to a piece of registered, historical contaminated land, we are requesting a Watching Brief be conditioned (on any subsequent approval) and adhered to throughout the demolition and construction phase. We request that the LPA are contacted in the event of unexpected ground conditions being

encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

Minimum requirements for dealing with unexpected ground conditions being encountered during construction.

1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.
2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.
4. The unexpected, contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.
5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.
9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.
10. A photographic record will be made of relevant observations.
11. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be: o re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or o treatment of material on site to meet compliance targets so it can be re-used; or o removal from site to a suitably licensed landfill or permitted treatment facility.
12. A Verification Report will be produced for the work.

Asbestos: Should any asbestos containing materials be present on the development site, or used within the original construction of the building in question, it must be safely removed by a qualified contractor, with relevant transfer notes being obtained to confirm safe and responsible removal and disposal.

REASON: It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land

contamination investigation and remediation works. The condition is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

Should you have any queries concerning this, please do not hesitate to contact me.

Tree & Landscape Officer The additional landscaping information is acceptable.
10.01.2024

3. Planning History

07/01696/FUL	Change of use of agricultural land to garden in association with the occupation of Trees, Stonechat and Pine Lodge.	Refused	14.12.2007
15/00477/OUT	Erection of a domestic dwelling.	Approved	19.05.2015
15/00699/FUL	Erection of two storey side extension to create new double garage, workshop, lobby and hobby room, following removal of existing detached garage.	Approved	23.07.2015
21/00201/OUT	Erection of a domestic dwelling (resubmission of 15/00477/OUT).	Approved	25.06.2021
23/01741/DETAIL	Reserved matters submission for 21/00201/OUT for erection of one dwelling considering access, appearance, landscaping, layout and scale.	Current	

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework (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
SP4 Meeting Housing Needs
SP7 Place Shaping Principles

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

SPL1 Managing Growth
SPL2 Settlement Development Boundaries

SPL3 Sustainable Design
HP5 Open Space, Sports & Recreation Facilities
DI1 Infrastructure Delivery and Impact Mitigation
LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
PPL5 Water Conservation, Drainage and Sewerage
CP1 Sustainable Transport and Accessibility

Local Planning Guidance
Essex County Council Car Parking Standards - Design and Good Practice
Essex Design Guide

No emerging or adopted neighbourhood plan

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.

5. Officer Appraisal (including Site Description and Proposal)

Site Context

The application site is located within the defined settlement limits of Kirby-le-Soken.

The plot is situated on the eastern side of Edith Road, which is a private road and laid to gravel.

The site measures 0.06 hectares and is generally level. The site forms part of the side garden of Trees and has been cleared. The boundaries are marked by close boarded fencing with the site's front boundary currently playing host to temporary fencing.

Proposal

This application seeks permission for the reserved matters for the erection of one dwelling.

This application follows the approval of outline planning permission 21/00201/OUT which was approved with all matters reserved.

This application now seeks approval for those reserved matters which includes access, appearance, landscaping, layout and scale.

Assessment

Scale, Layout and Appearance

The plans and information provided states that the new house will measure 14.9m by 7.9m and 4.95m in height. The house will be single storey and include two bedrooms, two bathrooms and a large open plan family area (kitchen and lounge).

The building will be set back on its plot and will maintain a 1m distance from each of the shared boundaries as well as an appropriate area of private amenity space to the rear which will measure approximately 290m².

The external walls of the new house will be finished in wood which will be stained mid to dark brown, and the roof will be dark grey tiles with the guttering and the window framings also being dark grey to match the roof. The building will also feature an open frontage with small terrace to the front.

The size and scale of the new house conforms to the general character of the area which predominantly consists of bungalows and chalet bungalow type houses. The size of the proposed property is considered appropriate to the plot and will allow for the retention of suitable space between the new house and its boundaries preventing it from appearing cramped or overbearing within the streetscene. An appropriate area of private amenity space will also be maintained.

The layout will see the house set back from the front boundary allowing for a sizeable front space which will be used for parking. This approach is mirrored in the surrounding houses who also benefit from large open frontages used for parking. The new house will be set back behind front walls of neighbouring houses which will allow it to comply with the relatively loose building line on this section of Edith Road and further reduces its visual impact. The retention of at least 1m between the new house and its shared boundaries will also allow for it to maintain levels of open space between buildings preventing a cramped appearance.

The immediate area comprises of predominantly single storey houses which vary in terms of design and materials and there is no real uniformity between the houses with them varying between each plot. The proposal will be in keeping with the general character of bungalows within the vicinity however the use of a forward-facing gable feature with small terrace area will allow it to establish its own character within the streetscene. The use of boarding will also differ to many of the other houses within the vicinity however due to the diverse materials within the area it would act as a suitable contrast and would not be visually harmful to the appearance/ character of the streetscene.

The scale, layout, and appearance of the proposal are acceptable.

Landscaping

The plans show that the front boundary will be marked by low picket fencing and with easily maintained shrubbery/foliage to blend in with neighbouring houses. The rear of the property will remain partially laid to lawn with the rear garden area created into an orchard style meadow garden with a mixture of mature and young trees. This will provide cover from neighbouring properties and promote biodiversity.

Following the request for more information pertaining to the front hedge the applicant has confirmed that the preferred hedging will be Yew (*Taxus Baccata*). This will mean 12 plants when planted at 2 per linear metre. Owing to the time of year it is likely they will be potted (5L) and between 60 - 90 cm in height.

The Council's Tree and Landscape officer is agreeable to this information and has confirmed that the details provided in respect of the rear of the building are acceptable.

The low hedging will appear as a pleasant addition to the site and will aid in reducing the impact of the proposed house as well as copy other sites within the area.

The details provided in regards of landscaping are acceptable.

Impact to Neighbours

The proposal will incorporate a pitched roof design with a low eaves height of 2.7m and will be sited at least 1m from each of the shared boundaries. The proposal will extend past the rear elevations of neighbouring sites and will therefore be visible from their rear gardens resulting in some disruption to light and outlook already received.

Due to the low height of the eaves and distance from the boundaries the existing boundary fencing between the sites will screen much of the new building reducing much of its impact in this regard. The Sunlight/ daylight calculations from the Essex Design Guide have also been applied to the proposed plans in this regard and in this instance whilst the 45 degree line when drawn in plan would fail the test by encompassing or striking through neighbouring windows, when this has been drawn in elevation it would only strike through the lower walls of the neighbouring houses. The proposal

therefore passes the test and in this instance the loss of light and outlook is considered not to be so significant to refuse planning permission here.

Finally, the two neighbouring houses benefit from side facing windows which will face onto the proposal and receive a reduced level of light and outlook. As these windows already look onto the boundary fencing it is considered they already receive some impact and therefore any further disruption from the proposal would be considered unreasonable to refuse planning permission upon here.

The new house will be single storey and will not incorporate any first-floor windows or Velux windows within the roof slope which face neighbouring properties. There will be openings in situ along the side elevations of the house however these are at ground floor level achieving only limited views which would also be screened by boundary treatment. The loss of privacy in this regard would therefore not be so significant to refuse planning permission upon here.

Highways

The ECC Parking Standards states that where a house comprises of two or more bedrooms that 2no off road parking spaces should be retained which measure 5.5m by 2.9m per space. The new house will be positioned back on its plot allowing the site to successfully include two off street spaces in line with the above.

Edith Road is classed as a "Private Road" and is accessed via Walton Road which is an adopted highway with a speed limit of 30mph through the village of Kirby-Le-Soken. The supporting information confirms that the new access will be 4.5m in width and retained 6m back onto the site.

Essex County Council as the Highway Authority have been consulted on the application and has stated that the proposal is acceptable subject to a number of conditions relating to vehicular and pedestrian visibility splays, no unbound materials, no discharge of water and space sizes, which will be imposed upon the permission.

The condition referring to cycle storage is not applicable to this application as it is not shown on the plans provided.

The outline planning permission previously contained conditions pertaining to residential travel packs and width of access and therefore they will not be imposed upon this permission.

Legal Obligations

This application is subject of a unilateral undertaking agreed under application 21/00201/OUT, securing a proportionate financial contribution in line with Essex Coast RAMS requirements to ensure that this proposal will not have an adverse effect on the integrity of the nearby European sites from recreational disturbance, when considered 'in combination' with other development.

An assessment of the proposal was carried out under the previous Outline Permission and no contribution was required from Open Spaces on this occasion.

Drainage

Paragraph 180 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 191 of the Framework states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment.

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

The outline permission 21/00201/OUT confirms that the new building will be connected to the mains sewer. This is in accordance with the above policy requirements and is therefore considered to be acceptable in the event of an approval.

Other Considerations

Frinton and Walton Town Council recommend approval for the application.

There has been one letter of representation received with the below concerns raised;

- Loss of Privacy

Officer Response - addressed in the above report.

- Loss of Light and Outlook

Officer Response - addressed in the above report.

- Increase to Flood Risk

Officer Response - The site is not located within a flood zone and therefore would not result in a harmful impact in this regard.

- Conflicting information and lack of information available.

Officer Response - After viewing and assessing the information readily available it is the view of officers that the plans and supporting documentation accurately describe the proposal and conform to national validation requirements.

Conclusion

The proposal is therefore considered to be compliant with national and local policy as assessed in the above report. In the absence of material harm resulting from the proposed development the application is recommended for approval.

6. Recommendation

Approval - Reserved Matters/Detailed

7. Conditions

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.

3D MODEL VIEW 1 - REC'D 06/12/23

3D MODEL VIEW 2 - REC'D 06/12/23

3D MODEL VIEW 3 - REC'D 06/12/23

3D MODEL VIEW 4 - REC'D 06/12/23

BLOCK PLAN - REC'D 06/12/23

PROPOSED FLOOR PLAN - REC'D 06/12/23

PROPOSED FRONT AND SIDE ELEVATIONS - REC'D 06/12/23

PROPOSED REAR AND SIDE ELEVATIONS - REC'D 06/12/23

SECTION A-A - REC'D 06/12/23

SECTION B-B - REC'D 06/12/23

SITE PLAN - REC'D 06/12/23
CONSTRUCTION METHOD STATEMENT - REC'D 06/12/23
DETAILS OF RESERVED MATTERS - REC'D 06-12/23

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 HIGHWAYS CONDITION

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

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

3 HIGHWAYS CONDITION

CONDITION: No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the carriageway.

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

4 HIGHWAYS CONDITION

CONDITION: There shall be no discharge of surface water onto the carriageway.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

5 HIGHWAYS PROVISION OF PARKING AND TURNING

CONDITION: The hereby approved development shall not be first occupied until such time as the areas for purposes of manoeuvring and parking of vehicles has been provided and made functionally available. The area shall then be retained and remain free of obstruction thereafter.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking and layout is provided 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.

6 CONSTRUCTION HOURS

CONDITION: No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

REASON: To protect the amenity of nearby residents.

7 BURNING OF MATERIALS

CONDITION: No materials produced as a result of the site development or clearance shall be burned on site.

REASON: Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

8 CONTAMINATED LAND

CONDITION - If during construction/demolition works evidence of potential contamination is encountered, works shall cease, and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build, then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

REASON - To ensure that any risks from land contamination to the future users of the land and neighbouring land are minimised.

9 COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED - LANDSCAPING SCHEME

CONDITION: All changes in ground levels, soft/hard landscaping shown on drawing no TQRQM23338211914419 and detailed within the supporting statement received 06/12/23 and email of 26th December 2023 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: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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

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

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