



**Application No:** 161860

**Location:** 9 Welshwood Park Road, Colchester, CO4 3JB

**Scale (approx):** 1:1250

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**7.4 Case Officer: Eleanor Moss**

**Due Date: 07/10/2016**

**HOUSEHOLDER**

**Site:** 9 Welshwood Park Road, Colchester, CO4 3JB

**Application No:** 161860

**Date Received:** 19 July 2016

**Agent:** Mr Patrick McHugh

**Applicant:** Mr Jared Doouss

**Development:** Two storey side and rear extension, first floor extension with new roof and first floor habitable accommodation and single storey side extension involving removal of existing garage, new vehicular access, enlarging existing access and new carriage driveway to front

**Ward:** St Anne's & St John's

**Summary of Recommendation:** Conditional Approval

## **1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee because Councillor Smith has called it in on the grounds that the proposal is out of character with the surrounding area.

## **2.0 Synopsis**

- 2.1 The key issues explored below are the principle of the development, the design and layout of the scheme, the impact it will have on protected trees and the impact the scheme will have on neighbouring amenity.
- 2.2 It is concluded that the scheme is acceptable in terms of design and amenity and approval is recommended.

## **3.0 Site Description and Context**

- 3.1 The application site comprises the plot of a single-storey bungalow. It is situated to the west of Welshwood Park Road, with the highway fronting the existing bungalow. It has a large plot, which is very typical for Welshwood Park. The existing bungalow takes its access from Welshwood Park Road and this is unchanged within the proposal. To the east of the site is a detached two-storey chalet bungalow (No. 11 Welshwood Park Road) which contains a single storey garage adjacent to the application site. To the west is a detached two storey dwelling of render construction (No. 7 Welshwood Park Road).

- 3.2 Welshwood Park is a unique residential development on the northern edge of Colchester, within the defined settlement boundary. Originally woodland, individually designed houses on very large plots were built from the 1940s onwards, retaining a very low density and sylvan character.
- 3.3 Although there is low density of houses within the area, there are a number of properties which have extended considerably over the years, whilst still retaining a unique character. A very wide variety of architectural styles is expressed in the locality, and as such there is no one prevailing style or design for new development to adhere to. Many have an 'Arts and Crafts' style, although they are later builds that that period usually refers to. Others express more modern pieces of individual architectural expression. One or two have very little architectural worth. The application site is situated between two-storey detached dwellings, each of varying character. Whilst the application site is a single-storey bungalow, the plot is very large and as such would be capable of supporting extensions and alterations. The application site is currently in a state of disrepair and requires some care, as currently the appearance detracts from the street scene.

#### **4.0 Description of the Proposal**

- 4.1 This application seeks planning permission to create a larger dwelling; this comprises a first floor extension and two-storey side and rear extension. It is worth noting that the proposal has been amended since the original application, the amendments are as follows:
- Removal of balcony to the rear and replacement with Juliet balcony. (NB: It is not possible for future occupiers to stand out on the Juliet balcony);
  - Removal of BBQ outbuilding which was originally located within the rear garden;
  - All first floor side-facing windows (these serve bathrooms and a dressing room) are obscure glazed;
  - Amended access, original access arrangements are now to be retained. Improvement of turning area to the front.

#### **5.0 Land Use Allocation**

- 5.1 Predominantly residential.

#### **6.0 Relevant Planning History**

- 6.1 None relevant to this application.

#### **7.0 Principal Policies**

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:  
SD1 - Sustainable Development Locations  
UR2 - Built Design and Character
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):  
DP1 Design and Amenity  
DP13 Dwelling Alterations, Extensions and Replacement Dwellings  
DP19 Parking Standards
- 7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:  
N/A
- 7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:  
Vehicle Parking Standards  
Extending Your House?  
The Essex Design Guide

## **8.0 Consultations**

- 8.1 Highways Authority

**This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:**

Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the east and 2.4 metres by 43 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

**Reason:** To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Prior to occupation of the development the vehicular parking and turning facility, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

**Reason:** To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

**Reason:** To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

**INF01 Highway Works** - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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](mailto:development.management@essexhighways.org) or by post to:

Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

**INF02 Cost of Works** - 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.

**INF03 Site Workers** - Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

## 8.2 Tree Officer

With reference to aforementioned application I would like to make the following comments:

### 1.0 Survey and Analysis

1.1 Regarding the proposed development and Landscape Planning Ltd Arboricultural Implication Assessment (Doc Ref: 68966):

1.2 I am in agreement with the conclusions provided in the report. I note that the second driveway/crossover access has been removed thereby reducing the impact on the adjacent street tree (T2) and making the application acceptable.

1.3 The report notes that a proprietary ground protection system will be used in several locations. Details of the installation of this system and all other arboricultural works/protection need to be provided in the form of a site specific arboricultural method statement, however, this information can be provided post permission should the application be successful.

1.4 Site monitoring throughout the duration of the development and supervision at key stages will also be required, details of which can also be conditioned.

### 2.0 Conclusion

2.1 In conclusion, I am satisfied with the arboricultural content of the proposal subject to the above.

### 3.0 Recommendation

#### 3.1 Agreement to the landscape aspect of the application subject to condition

### 4.0 References:

#### 4.1 Local Plan Policies - DP1; Core Strategy Conditions ENV1

### 5.0 Recommended Landscape Conditions:

#### ZFQ - Tree and Natural Feature Protection: Protected Areas

Prior to the commencement of development, all trees, shrubs and other natural features not scheduled for removal on the approved plans shall have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

#### ZFS - Tree and Hedgerow Protection: General

All existing trees and hedgerows shall be retained, unless shown to be removed on the approved drawing. All trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site, to the satisfaction of the Local Planning Authority in accordance with its guidance notes and the relevant British Standard. All existing trees shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that any trees and/or hedgerows (or their replacements) die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, by the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows.

#### ZFT - Tree and Hedgerow Protection: General

No works or development shall be carried out until a site specific Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837, have been submitted to and approved, in writing, by the Local Planning Authority (LPA). Unless otherwise agreed, the details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement.

Reason: To adequately safeguard the continuity of amenity afforded by existing trees.

## ZFU - Tree Canopy Hand Excavation

During all construction work carried out underneath the canopies of any trees on the site, including the provision of services, any excavation shall only be undertaken by hand. All tree roots exceeding 5 cm in diameter shall be retained and any pipes and cables shall be inserted under the roots.

Reason: To protect trees on the site in the interest of visual amenity.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

## **9.0 Parish Council Response**

### 9.1 Non-Parished

## **10.0 Representations**

10.1 A number of objections have been received during the determination of this application, some of which were submitted prior to the amendment of the scheme. The objections are summarised as follows:

1. Proposal out of character with the area
2. Overdevelopment
3. Concerns regarding BBQ area
4. Impact on neighbouring amenity due to balcony to the rear
5. Previous refusal at No. 7 Welshwood Park Road for extensions under F/COL/04/1489
6. Loss of privacy due to side facing windows

In response:

1. As noted by a number of residents, Welshwood Park Road is made up of dwellings which are described as 'unique'. The character of the area is described in paragraph 3.2 above, however this report will detail the merits of the scheme, including design, appearance and impact on surrounding area.
2. A number of properties within the area are two storey in height and occupy a large width of the plot. In this instance, the proposed dwelling is wide, however there is still over a 1 metre retained at two storey height which is in compliance with the Council's aforementioned SPD 'Extending Your House?'. The plot is able to support an extended dwelling as there is ample amenity space, and the extended dwelling would not appear overdeveloped or out keeping in this context. This will be covered in more detail within the report below.
3. BBQ area has been removed from the scheme.
4. Balcony which allowed future residents to stand out on has been removed from the scheme.

5. Planning Policy has moved on considerably since the refusal of F/COL/04/1489 in 2004. The most notable change is the introduction of the National Planning Policy Framework in 2012 which states the following:

*'The purpose of the planning system is to contribute to the achievement of sustainable development' and...*

*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.*

As such, the previous refusal does not set a precedent. Equally the granting of planning permission does not set a precedent as any planning application is determined on its own merits.

6. Side facing windows are to be obscure glazed and as such does not offer any opportunity to overlook the neighbouring properties.

- 10.2 Subsequent to amended plans being submitted, further objections had been received at the time of writing (23<sup>rd</sup> September). The occupiers of number 33 Welshwood Park Road and 17 Deben Road have objected to the proposed scale, the latter also objecting to the inadequacy of the proposed garage. The residents' association has commented that it is pleased that some of the objections have been addressed, however it still objects to the proposed size and the proximity to the boundaries. Further, it is concerned at the loss of light to number 11 due to the roof height of the proposed extension of the right wing.

- 10.3 Any further comments up to the consultation deadline (29<sup>th</sup> September) will be reported on the amendment sheet.

The full text of all of the representations received is available to view on the Council's website.

## **11.0 Parking Provision**

- 11.1 This scheme provides off-street parking spaces and a garage of a size that exceeds current car parking standards.

## **12.0 Open Space Provisions**

- 12.1 N/A

## **13.0 Air Quality**

- 13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.



## **14.0 Development Team and Planning Obligations**

- 14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

## **15.0 Report**

### **15.1 Design and Layout**

- The application site is situated adjacent to a number of two-storey dwellings and chalet bungalows which provide accommodation on the first floor, and are the height of a modest two storey-dwelling. Most of the dwellings within the area are wide in appearance, with the front elevations occupying a lot of the frontage and the depth of the dwellings being narrower. As noted above, there is very wide variety of architectural styles expressed in the locality and as such there is no one prevailing style or design to adhere to for new development.
- 15.2 The proposed plot is in keeping with the existing garden sizes within the area and would be able to support an extended dwelling without appearing cramped. Although there is a prevalence of wide, two-storey dwellings, the area is mixed in character and a variety of dwelling types could be introduced without necessarily harming the character. A two storey building within this area, as proposed, would be in keeping with the area in the sense that it is distinctive in design and has the widest part of the dwelling fronting the highway. It is not considered that the proposed dwelling would have a negative impact upon the street-scene when viewed from the public realm.
- 15.3 The application site is within the defined settlement limits where there is a presumption in favour of the development. The proposed design has more of an executive character than the ‘Arts and Craft’ style of the existing bungalow. However, there are a number of modern and executive dwellings within the area and as such the proposed alterations would not appear out of keeping within the local context. Although the extension would result in a two-storey dwelling adjacent to a large chalet bungalow, this is not harmful in itself as older houses frequently appear within rows of ribbon development that has developed alongside them. The designs are not unattractive and the form, proportions and detailing are consistent with each other.
- 15.4 The plot size would be in keeping with the local norm and would benefit from amenity space well in excess of adopted standards and surrounding area. From a public perspective, the development would not appear uncharacteristically out of proportion as a generous frontage will be retained.
- 15.5 There is a clear building line to follow along Welshwood Park Road, although the existing dwellings have frontages of various depths. That said, the scheme retains the original footprint of the bungalow and as such adheres to the building line within the area and sits readily within the frontage, in addition the frontage presents the opportunity for new planting that would soften and ultimately partially screen the site. Additionally, the oak tree to the front of the dwelling is to be retained and as such would soften any alterations to the property.

- 15.6 Concerns have been raised with regard to the height of the extension. Although the proposal would create a two-storey dwelling, the submitted drawings illustrate a dwelling which would not be significantly higher than No.7 or No. 11. The proposal is considered to be in keeping with the property heights in the area and would not have an adverse effect on the street scene.
- 15.7 Impact on Surrounding Area  
Welshwood Park Road is a residential area mainly characterised by two-storey residential properties which have been designed to appear individually unique and distinctive, and varied in terms of style and design. The application site itself is large and could accommodate the proposed development comfortably. It is considered the proposed development would not have any adverse impact on landscape character, the setting of the site and the wider area.
- 15.8 Impact on Neighbouring Properties  
Guidance in the Supplementary Planning document 'The Essex Design Guide' is that a 45 degree angle from the mid-point of windows is required in order to preserve outlook. 'Extending your house' requires a combined plan and elevation 45 degree zone of protection to be preserved. This proposal complies with both of those tests.
- 15.9 The proposal has been designed and amended so as to minimise harmful impacts on neighbours' amenities. Although there are first-floor, side-facing windows which serve bathrooms and a dressing room, these are obscured glazed and will be conditioned as such to protect residential amenity in perpetuity.
- 15.10 The proposed first floor extension is set away from the side boundary with No.7 by one metre and No.11 by 1.8 metres. It would, however, be sited over six metres from No.11 due to the physical separation of the two properties. Due to the positioning of No.11's detached garage within the rear garden and along the side boundary with the application property. It is considered, however, that the proposed extension would have little or no impact upon the occupiers of No.11.
- 15.11 The rear gardens of the properties on this side of Welshwood Park Road are west-facing. As stated above, the extension would be positioned one metre away from the side boundary with No. 7. The proposed first floor extension would, however, be sited over two metres from No.7. That house contains a single-storey utility room and garage which is adjacent to the application site boundary. As such, any impact felt by the occupiers of No.7 would be from within the garage and utility room which are not classed as protected habitable rooms. Due to the orientation of the property's rear garden any potential impact on the occupiers of No.7 would be felt in the mid-morning.
- 15.12 Due to the two metre distance involved between the proposed extension and No.7, however, it is considered that any loss of light to No.7 would be negligible. Furthermore, a hedge exists along the shared boundary between the application property and No.7 and to the side where the extension is proposed. It is considered that the hedge would further preclude any impact on the occupiers of No.7. Much of the impact in terms of loss of light or overshadowing from the proposed extension would fall on the application property itself as the properties are south facing.
- 15.13 In summary, it is not considered that there would be any loss of light to or harm to the outlook from neighbouring properties and any impact on residential amenity would be negligible.

#### 15.14 Trees and hedges

Whilst there are various small garden hedges to front of the site, this is not protected and all could be removed at any time without the Council's permission. In any case, none are such that they could not be easily replaced with others of similar or better quality. The design gives the potential for new planting that could contribute very positively to the appearance of the site and that is a material consideration in its favour. However, to the rear and side of the site are a number of protected trees which could not be removed without the prior consent of the Council. These trees contribute positively to the character of the area and as such the scheme will be subject to conditions to protect critical aspects and to ensure that these protected trees are not harmed during the construction phase.

#### 15.15 Highways and parking

The proposal retains the original garage and access point, although the existing crossover is proposed to be widened. The application exceeds car parking standards and would provide an enhanced turning area to allow cars to enter and exit the site in a forward gear.

### 16.0 **Conclusion**

- 16.1 The design of the proposed extensions is appropriate and minimises its impacts upon the neighbouring properties. No test for overbearing, overshadowing or overlooking as laid out within the "Extending Your House?" guidance document has been infringed and no unacceptable impacts have been identified. The proposed two-storey dwelling would not appear out of character in the street-scene or as an overly-prominent addition. Your Officer therefore recommends approval.

### 17.0 **Recommendation**

- 17.1 APPROVE subject to the following conditions

### 18.0 **Conditions**

#### 1 - Time Limit for Full Permissions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

#### 2 - \*Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 1897/2 Revision D and 1897/3 Revision B.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

### 3 - Materials as Stated in Application

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

### 4 - Non-Standard Condition/Reason

Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the east and 2.4 metres by 43 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

### 5 - Non-Standard Condition/Reason

Prior to occupation of the development the vehicular parking and turning facility, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

### 6 - Non-Standard Condition/Reason

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

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

### 7 - Non-Standard Condition/Reason

Prior to the commencement of development, all trees, shrubs and other natural features not scheduled for removal on the approved plans shall have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

### 8 - Non-Standard Condition/Reason

All existing trees and hedgerows shall be retained, unless shown to be removed on the approved drawing. All trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site, to the satisfaction of the Local Planning Authority in accordance with its guidance notes and the relevant British Standard. All existing trees shall be monitored and recorded for at least five years following contractual practical completion of the approved development.

In the event that any trees and/or hedgerows (or their replacements) die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, by the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows.

#### 9 - Non-Standard Condition/Reason

No works or development shall be carried out until a site specific Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837, have been submitted to and approved, in writing, by the Local Planning Authority (LPA). Unless otherwise agreed, the details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement.

Reason: To adequately safeguard the continuity of amenity afforded by existing trees.

#### 10 - Non-Standard Condition/Reason

During all construction work carried out underneath the canopies of any trees on the site, including the provision of services, any excavation shall only be undertaken by hand. All tree roots exceeding 5 cm in diameter shall be retained and any pipes and cables shall be inserted under the roots.

Reason: To protect trees on the site in the interest of visual amenity.

#### 11 - Non-Standard Condition/Reason

Notwithstanding the provisions of Classes A, B and C of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no windows, rooflights or other openings shall be installed above ground floor level within the side elevation walls extensions hereby permitted unless otherwise approved, in writing, by the Local Planning Authority.

Reason: To protect the privacy of adjacent dwellings.

#### 12 - Non-Standard Condition/Reason

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the windows in the first floor side elevations shall be non-opening and glazed in obscure glass to a minimum of level 4 obscurity before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason: To avoid the overlooking of neighbouring properties in the interests of the amenities of the occupants of those properties.

### 19.0 Informatives

#### (1) **ZT0 – Advisory Note on Construction & Demolition**

The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

**(3) ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

(4) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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](mailto:development.management@essexhighways.org) or by post to: Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

(5) 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.

(6) Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

(7) It should be noted that any technical interpretation of these detailed requirements by the applicant or their agent should be sought externally from/through the relevant professional (i.e. Arboricultural consultant details of local practices available through Arboricultural Officer on 01206 282469 (am only).

(8) In the interest of efficiency any clarification of technical requirement should initially be discussed between the relevant professionals (to whom copies of all relevant landscape consultations must be forwarded for reference), i.e. the Applicant's Arboricultural Consultant and the Council's Arboricultural Officer.

## **20.0 Positivity 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.