

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been called in by Cllr Barber who has concerns about impact upon wildlife, the site being on agricultural land not earmarked for development, visual amenity, design, floodplain, a precedent being set and highway safety.

2.0 Synopsis

- 2.1 The key issues for consideration are whether an appropriate scale and design of development is proposed that ensures its compatibility with the rural character of the site and mitigates its impacts upon the wider landscape setting. Impact upon highway safety, neighbouring residential amenity, vegetation and ecology also needs to be considered.
- 2.2 The application is subsequently recommended for approval. It is concluded that the principle of the proposal accords with Local Plan and National Planning Policy in terms of its location, on sustainability and transport grounds. It is a small scale tourist use that helps the rural economy and such proposals are supported in the National Planning Policy Framework (NPPF). The landscape impact is acceptable and an appropriate landscaping scheme will increase screening and mitigate the loss of the minor extent of vegetation that is to be removed. The design and scale of the lodges is considered visually acceptable for this countryside location and there will be no impact of significance upon highway safety, the setting of heritage assets, neighbouring residential amenity or wildlife. The site also does not lie within a floodzone so there are no issues in this respect.

3.0 Site Description and Context

- 3.1 The site lies within the countryside and Bakers Lane essentially connects the Spring Lane roundabout to the B1508 and has the character of a rural lane. A golf complex sits to the east and residential properties to the north and south.

4.0 Description of the Proposal

- 4.1 The proposal seeks permission for the change of use of the land within the application site from agriculture and the erection of three holiday lodges along with associated landscaping, parking and access arrangements. Access to the site would be from an existing access off Baker's Lane.

5.0 Land Use Allocation

- 5.1 Countryside/Agricultural Land.

6.0 Relevant Planning History

- 6.1 Planning Application 172873 - Change of use of land from agriculture and erection of 6 holiday lets. (This related to two parcels of land, one on the opposite side of Bakers Lane and the other on the current application site.) The application was recommended for Approval at Committee but was refused for the following reasons:

The application site lies within an important area of open countryside of unspoilt rural character to the north of the conurbation of greater Colchester within the Colne river valley served by a rural lane of substandard width and alignment and lacking footways. The proposed development by reason of the change of use of agricultural land and the introduction of built form and domestic activity in this isolated location would serve to harm the essential qualities of the locality and the landscape character as set out in the Colchester Landscape Character Assessment (2005) and associated guidelines thereby failing to recognise the intrinsic character and beauty of the countryside and to enhance the natural and local environment as required by Section 15 of the NPPF. The site falls within an area identified as a High Value Landscape within the Review of Countryside Conservation Areas in Colchester Borough (2005). Accordingly, the proposals are contrary to Development Plan policies ENV1, ENV2, UR2 of the Adopted Core Strategy(2008, selectively revised 2014) and Adopted Development Policies (2010, Selectively revised 2014) DP1 and DP17 that together seek to ensure that the intrinsic character of the countryside is respected and development served by safe and sustainable modes of transport that minimise trips by the private car.

- 6.2 The proposal was dismissed on appeal. The Inspector referred to the land to the east of Bakers Lane as 'Parcel A' (the current application site) and the land to the west of Bakers Lane as 'Parcel B'.
- 6.3. With regard to 'Parcel A' (current application site), the Inspector concluded the following:

"14. Consequently, I am not persuaded that the appeal site and its immediate surroundings have the physical characteristics which would take it beyond countryside. As such, the **appeal site does not lie within a valued landscape**, which paragraph 170(a) of the Framework seeks to protect and enhance. Nevertheless, paragraph 170(b) of the Framework explains that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

15. In terms of the proposed lodges within **Parcel A**, the positioning of the two lodges that would be located within the grassed area near to the existing access onto Bakers Lane would respond to the pattern of development established by the neighbouring properties to the side of the site. In addition, the existing hedgerow and trees would provide a significant degree of screening which would limit views of the proposed lodges from Bakers Lane.

16. In terms of the third lodge within Parcel A, owing to its close position to the side of the existing dwelling, which in itself would provide a large degree of screening, and the single storey nature of the proposed building, I consider that the building would appear as part of the existing farmstead and thus the proposal would conserve the intrinsic character of the countryside. **Therefore, the proposed holiday lodges within Parcel A would not cause harm to the area's semi-rural character when viewed from localised and wider viewpoints."**

6.4 The Inspector concluded that the land at Parcel B was more exposed and that:

"19. Overall, the proposed holiday lodges within **Parcel B would change the landscape and scenic qualities of the local area** by introducing an out of keeping and sporadic form of development within the open countryside, which would not relate to the local area's existing semi-rural character. As such, I am not persuaded by the conclusion of the appellant's Landscape and Visual Assessment which states that the proposal would fit comfortably into the surrounding landscape.

6.5 Overall the Inspector concluded the proposal was small scale and was "satisfied that the proposed holiday lodges would support existing rural services in the local area by providing overnight accommodation for visitors to the golf course and tennis centre."

6.6 With regard to sustainability and transport options the Inspector concluded the following:

33 In conclusion, for the reasons set out above, **I conclude that the proposal would provide a suitable location for holiday accommodation.** As such, the proposal would accord with Policy DP10 of the DP which supports small-scale visitor accommodation in rural areas, even in areas which have poor accessibility. I recognise that there is a tension between Policies DP10 and DP17 of the DP from an accessibility point of view. As I have not been able to find that the proposal would be accessible to a choice of sustainable modes of transport, there would be some conflict with Policy DP17 of the DP. **However, this 'small scale' proposal would accord with Policy DP10 and it is of note that paragraph 103 of the Framework** states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Therefore, I do not find that the conflict with Policy DP17 of the DP would in itself be a reason to refuse planning permission.

6.7 In conclusion the Inspector dismissed the appeal solely on the grounds of the harm caused to the character and appearance of the countryside from development on 'Parcel B.' He concluded the locality itself was suitable for holiday accommodation in terms of sustainability and transport grounds and that 'Parcel A' (the current application site) "would not cause harm to the area's semi-rural character when viewed from localised and wider viewpoints.", going on to state that: "However, very significant harm would be caused to the character and appearance of the area when the development is considered as a whole and this is a matter of overriding concern.

Accordingly, I conclude that the appeal should be dismissed.”

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 be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester’s Development Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
UR2 - Built Design and Character

7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity
DP8 Agricultural Development and Diversification
DP10 Tourism, Leisure and Culture
DP14 Historic Environment Assets
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes

7.4 Some “allocated sites” also have specific policies applicable to them. 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 The Neighbourhood Plan for Boxted / Myland & Braiswick/ Wivenhoe/ West Bergholt is also relevant. This forms part of the Development Plan in this area of the Borough.

7.6 Submission Colchester Borough Local Plan 2017-2033:
The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;

- 2.The extent to which there are unresolved objections to relevant policies in the emerging plan; and
- 3.The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo a full and final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

- 7.7 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Open Space, Sport and Recreation
Sustainable Construction
Sustainable Drainage Systems Design Guide
Managing Archaeology in Development.
Developing a Landscape for the Future

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.
- 8.2 **Archaeologist states:** No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.
- 8.3 **The Landscape Officer** has “no objections to this application on landscape grounds”. A condition to ensure the implementation of the submitted landscape details is recommended.
- 8.4 Environmental Protection have no objections subject to conditions relating to a construction method statement and limits to hours of work (construction). It is also recommended that a scheme for the disposal of sewage is submitted prior to development.
- 8.5 Tree officer: requested submission of an updated Tree Plan (submitted) and has raised no objections.
- 8.6 **Contaminated Land Officer** has “ no comments for the proposal.”
- 8.7 **Essex Suds** team states that comments for such minor application do not fall within their remit.
- 8.8 **Natural England:** No comment and refers to standing advice.

8.9 Highway Authority:

The impact of the proposal is acceptable from a highway and transportation perspective subject to conditions:

- Vehicular access shall be constructed to a width of 5.5m and shall be provided with an appropriate dropped kerb.
- No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m.
- Gradient stipulations.
- Vehicular visibility splays of 33m by 2.4m by 33m.
- Gates erected at the vehicular access shall be inward opening only and recessed a minimum of 6m.
- Car parking.
- Refuse/Recycling provision.
- Boundary hedge visibility splays.
- Wheel wash facility.

9.0 Parish Council Response

9.1 The Parish Council have made no observations.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

10.2 **Cllr Lewis Barber** has stated: "I have been asked to call this in on behalf of the community. The main material planning issues raised against the proposals are the impact on wildlife, the proposal is on agricultural land which is not appropriate nor in an appropriate location for these proposals, this land is not earmarked for development in the current or emerging local plan, visual amenity and design, flood plan issues, the precedent this proposal would cause in this rural location and highways safety."

10.3 **7 letters of objection** have been received which make the following points:

- Permission denied last year
- Field floods heavily
- Out of character. Layout does not respect existing layout.
- Colne River Valley is undeveloped and should remain so. Will urbanise valley and damage countryside.
- Traffic problems on busy lane.
- Highways condition will require further hedging removed.
- Design and layout is crass. Amendments to design could partially mitigate.
- 172873 Appeal decision should be revisited.
- Unauthorised chicken sheds erected.
- Biodiversity impact.

- Question need.
- Contrary to NPP, DP8 and P10.
- Sustainability and accessibility concerns.
- No business plan. Economic benefit unproven.
- Sequential test should be applied.
- Potential to use as semi-permanent housing.
- Letters of support are from friends.

10.4 **8 letters of support** have been received which make the following comments:

- Appeal decision indicated the lodges on this site were acceptable.
- New scheme scaled down from appeal decision.
- Difficult to carry week's holiday items by public transport.
- Locale already quite urbanised.
- Holiday makers tend to cycle and walk a lot.
- Negligible noise.
- Low light pollution compared to A12.
- Farm needs an income to carry on with Conservation work. Farm diversification.
- Economic benefit- need to support businesses in these difficult times.
- Family business in excess of 100 years.
- Ecology covered by sureys.
- Site fully screened.
- Not in flood zone.
- Call in unjustified.
- Use well suited to location
- Would work well with the surrounding facilities at the Playgolf and Making Aces tennis academy.
- Log cabins in keeping with countryside.
- High demand for this type of high quality accommodation.

11.0 Parking Provision

11.1 Parking matters are addressed at paragraphs 16.12-16.15 of this report

12.0 Accessibility

12.1 The proposal has the ability to comply with the provisions of the Equalities Act in respect of access.

13.0 Open Space Provisions

13.1 N/A

14.0 Air Quality

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

15.0 Planning Obligations

- 15.1 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 (s.106) of the Town and Country Planning Act 1990.

16.0 Report

The Principle of the Development

- 16.2 The site lies in the countryside and involves the provision of three holiday lodges in an undesignated countryside location. Accordingly, it is considered that the principle of the proposal should be judged having regard to Policies DP10 (Tourism, Leisure & Culture), DP17 (Accessibility) and the provisions of the National Planning Policy Framework. The planning history of the site also needs to be carefully considered and in this case this relates to the appeal decision as outlined in detail in the Planning History section of this report.
- 16.3 Importantly the Inspector concluded on appeal 17287 (detailed above) that in principle “the proposal would provide a suitable location for holiday accommodation.” Accordingly he concluded that the site was appropriately located in terms of sustainability and transport grounds. This remains the case for the current application which formed just part of that previous appeal case.
- 16.4 Policy DP10 provides that in rural areas, tourism can help the economy although it emphasises that the proposal must be compatible with the rural character of the area and avoid causing undue harm to the open nature of the countryside or designated sites “Where accessibility is poor, proposals should be small scale...”. The Inspector concluded that the previous larger scheme was small scale so and it is clear that the current reduced scheme can be classified as small scale. Accordingly it is considered the proposal accords with Policy DP10 in principle and the proposal should thus be judged on its merits having regard to the criteria in this policy. The Inspector recognised that there was some conflict with Policy DP17 (accessibility) on the larger appeal proposal but that this on own was not sufficient to warrant a refusal. It is not considered the current reduced scheme could be refused on accessibility reasons, particularly as the scheme is smaller and that inevitably, tourism frequently occurs in rural areas and this site is not particularly remote in itself.
- 16.5 Policy DP8 also offers support for this proposal and it provides that appropriate farm diversification proposals will be encouraged where they are compatible with the rural environment and help to sustain the existing agricultural enterprise
- 16.6 The revised NPPF also gives considerable support to encouraging the rural economy. In terms of National Policy, Para 83 of the revised NPPF aims to support a prosperous rural economy, including “sustainable rural tourism and leisure developments which respect the character of the countryside”.

- 16.7 It should also be noted that the site lies directly adjacent to a golf facility and close to a tennis facility so there could be economic benefits to these adjacent businesses and a potential reduction required travel.

Landscape Impact and Design

- 16.8 It is considered that the proposal is acceptable in terms of its impact within the landscape of this part of the countryside which lies within part of the Cole valley. The development is located as far above the river valley as is practicable, sits amongst an existing ribbon of development and would be enclosed by planting. Additional planting on the boundary with the adjacent golf club can also help minimise any visual intrusion. The lodges would be single storey and typical of tourist cabins, with visually acceptable gable widths, roof pitches and materials and finishes. Thus overall, it is considered that the development would not have any significant detrimental impact on the landscape character of its surroundings by virtue of its self-contained and generally well screened setting. The Council's landscape officer has no objections to the proposal subject to landscaping as proposed.
- 16.9 This conclusion was backed up by the Inspector on the previous appeal and he made clear comments in this respect for 'Parcel A' which this latest proposal comprises. The Inspector was "not persuaded that the appeal site and its immediate surroundings have the physical characteristics which would take it beyond countryside. As such, the appeal site does not lie within a valued landscape....".
- 16.10 The Inspector was clear that the positioning of lodges on 'Parcel A' would, in his view "respond to the pattern of development established by the neighbouring properties to the side of the site. In addition, the existing hedgerow and trees would provide a significant degree of screening which would limit views of the proposed lodges from Bakers Lane." He also concluded that the lodge nearest the existing dwelling would be partly screened by the existing dwelling and would appear as part of the existing farmstead. Importantly he concluded overall that the proposed holiday lodges within Parcel A "would not cause harm to the area's semi-rural character when viewed from localised and wider viewpoints." This is considered to remain the case and therefore the proposal is considered acceptable on landscape impact grounds within this part of the Colne Valley.
- 16.11 The proposal would therefore accord with the provisions of Policy DP1 which provides that development should respect and enhance the character of the site, its context and surroundings including in terms of design, layout and landscape setting. It would also accord with the Policy DP10 which provides that such development should be compatible with the rural character of the surrounding area and avoid causing undue harm to the open nature of the countryside. The proposal would also accord with Policy ENV1 which aims to conserve Colchester's natural and historic environment and the countryside..

Highway Safety and Parking:

- 16.12 The intensity of use of the site in terms of vehicular movements is likely to be quite low as only three holiday Lodges are proposed. Nevertheless, adequate access arrangements, including visibility splays, will still be required. It is considered that access and egress to and from the site for the holiday accommodation use should be restricted to the access to the south of the site as this has very good visibility splays in either direction. The required splays as outlined in the Highway Authority comments can be provided in either direction without loss of any significant vegetation. There will need to be a slight widening of the access just within the site to 5.5 m in total but this will result in only a small element of vegetation either side of the access needing to be removed and nothing along the frontage. The works required to the access would not undermine the rural character of this part of Bakers Lane and a condition requiring details of the element that needs to be hard surfaced to be submitted and agreed will be applied.
- 16.13 The existing access to the North-East of the site would need some hedging to be removed to achieve the suggested Highway Authority visibility splays and this would not be visually desirable and so the condition will be applied limiting the vehicular exit use of holiday accommodation traffic to the access to the South. This condition is considered reasonable and enforceable.
- 16.14 There is room to provide adequate parking and turning provision within the site and this will be conditioned. It is not considered significant works would be required to meet the gradient conditions, as outlined by the Highway Authority.
- 16.15 Overall, the proposal is therefore considered acceptable from a highway safety point of view and complies with Local Plan policies DP10, DP1 (safe development) and DP19 (parking). The provisions of Para 109 of the NPPF are not contravened. Para 109 provides that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." Neither is the case for this scheme.

Impact upon neighbouring residential amenity

- 16.16 It is not considered there would be any significant disturbance to neighbouring residential amenity from the use. This is a quite low intensity of use, being three holiday lodges only. The vehicular access points are far enough away from the nearest neighbour's dwelling to avoid disturbance from noise, headlights or dust. There is also a substantial existing planting belt between the site and the nearest neighbours and this will be helpful in terms of noise, outlook and overlooking which it is considered would not represent any significant detriment to neighbouring residential amenity. The Environmental Protection team have raised no objections and the suggested conditions will be applied, including a Construction Management Plan and Hours of Work Policies DP1 and DP10 are therefore complied with in this respect which have criteria regarding amenity impacts.

Environmental and Carbon Implications

- 16.17 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives. The consideration of this application has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. It is considered that on balance the application can contribute to achieving sustainable development, particularly given the Inspector's comments in respect of the previous appeal (see paragraphs 16.2-16.7 of this report).

Ecological Issues

- 16.18 With regard to ecological issues, an ecological appraisal has been submitted. This confirms that no operational development or construction works impact on any statutory or non-statutory sites (due to the distance between site and Nature Reserves, low ecological connectivity (intervening infrastructure) and low impact on the proposals. .” It also states that “The footprint of the proposed lodges and access track is improved, species-poor grassland managed as a mown lawn and of low ecological value.” Precautionary mitigation measures are recommended and these can be conditioned by ensuring the proposal is implemented in accordance with these measures.
- 16.19 Accordingly the proposal would not conflict with Wildlife Policy DP21 which aims to conserve and enhance biodiversity.

Trees and Vegetation

- 16.20 With regard to impact upon trees and vegetation an updated Arboricultural Impact Assessment (AIA) has been submitted and the tree officer has raised no objection. A short piece of hedging either side of the access to be used would be removed to give an appropriate width of access point, as mentioned earlier but no vegetation of significance would be required to be removed to achieve appropriate visibility splays.
- 16.21 The report confirms that it is proposed to remove the mixed plantation broadleaves vegetation within the site close to the existing dwelling and confirms that these trees are “young to semi-mature and form part of a shelter belt situated within the site.” The assessment continues: “Their removal represents minimal loss of amenity and can be compensated for as part of landscaping of the site, e.g. by a native hedgerow planted between the proposed access track and the site's boundary.” The loss of this short element of vegetation is thus considered acceptable and will be more than compensated for by the proposed landscaping.

- 16.22 One Poplar (T1), which is immediately adjacent the footprint of a proposed holiday let, is to be removed. The AIA confirms that this tree is “semi-mature and healthy, but of low landscape significance.” Given that it does not have significant landscape value it is not considered there is an objection to its removal. It would also be too close to the nearest lodge and could potentially be in an unsafe proximity. Again, nearby boundary planting would compensate for its removal.
- 16.23 Overall, the extent of vegetation to be removed is quite minimal and only involves Category C vegetation and no Category A or B trees would be removed. One relatively small branch on the Category B Oak tree by the entrance would be removed as there is a slight overhang on the access.

Other Matters

- 16.24 There are no archaeological implications and so the proposal complies with Policy DP14 in this respect.
- 16.26 The site does not lie within a Flood Zone 2 or 3 and accordingly there are no flood risk issues so the proposal does not conflict with Policy DP20. It is considered that a surface water drainage condition should be applied to ensure, in particular that there is not unacceptable run off onto Bakers Lane.
- 16.27 The site is far enough from any public right of way to avoid any impact.

17.0 Conclusion

- 17.1 To summarise, it is considered that the principle of the proposal accords with Local Plan and National Planning Policy including in terms of its location on sustainability and transport grounds. It is a small scale tourist use that helps the rural economy and such proposals are supported in the NPPF. The landscape impact is acceptable and an appropriate landscaping scheme will increase screening and mitigate the loss of the minor extent of vegetation that is to be removed. The design and scale of the lodges is considered visually acceptable for this countryside location and there will be no impact of significance upon highway safety, neighbouring residential amenity, wildlife or historical assets. The site also does not lie within a floodzone so there are no issues in this respect.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions (with DELEGATED AUTHORITY) being given to amend the pre-commencement conditions as necessary in accordance with the Town and Country Planning (pre-Commencement conditions) Regulations 2018):

1. ZAA - 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. ZAM – 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: 18-121-1104-P3, 18-121-1102, 1001, NC17.325-P-20B-A2L received 10.6.20, Arboricultural Impact Assessment (*subject to condition 4*) received 24.7.20.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

3.Z00- Tree and Hedge Retention

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows 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, with 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.

4. Tree and Hedgerow Protection: General

All works shall be carried out in accordance with the submitted Arboricultural Impact Assessment received 24.7.20 unless otherwise agreed, in writing, by the Local Planning Authority with the exception that, notwithstanding the submitted details, precise details of the exact extent of vegetation to be removed at the Southern access entrance shall be submitted to and agreed in writing by the Local Planning Authority prior to removal in this location and only the approved detail shall be implemented.

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

5 - Ecological Recommendations

All works shall be carried out in accordance with the Key Recommendations and Precautionary Methods set out within the submitted Ecological Survey (ref: REP16024.3) unless otherwise agreed, in writing, by the Local Planning Authority (LPA).

Reason: To ensure appropriate mitigation of the developments impact upon the sites ecology and nature conservation interests.

6. Non Standard Condition - Vehicular Access

Prior to the first occupation of the proposed holiday lodges, the vehicular access at the Southern end of the site shall be constructed to a width of 5.5m, the precise details of which shall be submitted to and agreed in writing by the Local Planning Authority in conjunction with condition 4. The access shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority. Only the approved details shall be implemented.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner, in the interests of highway safety.

7. Access Restriction

There shall be no use of the access at the Northern end of the site for the exit of holiday accommodation vehicular traffic and prior to occupation of the lodges, precise details of appropriate restrictive signage shall be submitted to and agreed in writing by the Local Planning Authority. The approved signage shall be installed prior to first occupation of the holiday lodges and thereafter retained as such.

Reason: In the interest of highway safety.

8. Unbound Materials

No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary and precise details of the material to be used shall be submitted to and agreed in writing by the Local Planning Authority prior to implementation. Only the approved details shall be implemented.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in the interests of visual amenity.

9. Access Gradient

The gradient of the proposed vehicular access shall be not steeper than 4% (1 in 25) for at least the first 6m. from the highway boundary and not steeper than 8% (1 in 12.5) thereafter.

Reason: To ensure that vehicles using the access both enter and leave the highway in a controlled manner, in the interests of highway safety.

10. Visibility Splays

Prior to the proposed Southern access being brought into use to serve the holiday accommodation, vehicular visibility splays of 33m by 2.4m by 33m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be retained and maintained free from obstruction clear to ground thereafter.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

11. Gates

Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 6m. from the highway boundary.

Reason: To ensure that vehicles using the access may stand clear of the

carriageway whilst those gates are being opened/closed, in the interests of highway safety.

12. Parking

The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing Numbered 18-121-1102 and in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter. The car parking areas shall be retained in this form at all times and shall not be used for any purpose other than the parking 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. Reason:

13. Refuse/Recycling Provision

Prior to the occupation of the proposed development the applicant shall provide a refuse/ recycling / bin store within 15m of the vehicular accesses within the site for each part of the proposed development, which shall be maintained free from obstruction and retained thereafter.

Reason: To limit and reduce the time a refuse freighter is left waiting within the highway causing congestion and obstruction in the interests of highway safety.

14. Boundary Hedging

Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter.

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

15. Construction Method Statement

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

the parking of vehicles of site operatives and visitors;

hours of deliveries and hours of work;

loading and unloading of plant and materials;

storage of plant and materials used in constructing the development;

wheel washing facilities;

measures to control the emission of dust and dirt during construction; and

a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

16. Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours

17. Foul Drainage details

Prior to occupation of the development hereby approved, precise details of foul drainage arrangements shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the lodges hereby approved and shall thereafter be retained as such.

Reason: To avoid pollution of the water environment.

18. Landscaping

The landscape details as shown on the approved drawing(s) NC17.325-P-200BA2L.b lodged on 12/06/20 shall be carried out in full prior to the end of the first planting/seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority and its implementation shall be in compliance with the recommendations set out in the relevant British Standards current at the time of submission. Any hard or soft landscape works which, within a period of 5 years of being implemented fail, are removed or seriously damaged or seriously diseased shall be replaced, like for like, in the next planting season with others of similar size and species, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: In order to ensure that the landscape is implemented in accordance with the detail submitted within the application.

19. Landscape Management Plan

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

20. No External Light Fixtures, Boundary features, structures or gates

No external lighting fixtures, boundary features, structures or gates shall be constructed, installed or lighting illuminated at any time unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that there are no undesirable effects of light pollution or detriment to visual amenity from additional structures.

21. Holiday Accommodation Occupancy Restriction

The Holiday Accommodation hereby permitted shall not be used continuously by any person(s), family, families or other group(s) for any period exceeding 28 days in any 90 day period. The owner of the site shall maintain a log of the names, addresses and duration of stays of all users of the units hereby approved. This log shall be made available to the Local Planning Authority upon request in order to demonstrate compliance with this condition.

Reason: The site lies in an area where new development is strictly controlled and the proposal has only been justified on the grounds of its benefit to local tourism.

22. External Materials

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings and precise details of the colour finish of the wooden boarding and other external joinery shall be submitted to and agreed in writing by the Local Planning Authority prior to occupation of the lodges. The approved finishes shall thereafter be retained as such.

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

23. Surface Water Drainage

Prior to first occupation of the holiday lodges, details of surface water drainage shall have been submitted to and approved, in writing, by the Local Planning Authority. No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage has been fully installed and is available for use. It shall thereafter be retained as such.

Reason: To minimise the risk of flooding.

24. Levels

Prior to the installation of the lodges, detailed scale drawings by cross section and elevation that show the development in relation to adjacent property, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted and agreed, in writing, by the Local Planning Authority. The development shall thereafter be completed in accordance with the agreed scheme before the development is first occupied.

Reason: In order to allow more detailed consideration of any changes in site levels where it is possible that these may be uncertain and open to interpretation at present and where there is scope that any difference in such interpretation could have an adverse impact of the surrounding area.

19.0 Informatives

19.1 The following informatives are also recommended:

1. 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.Highway Informative:

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

3. 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 and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.