

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AN	09/04/2019
Planning Development Manager authorisation:	SCE	09.04.19
Admin checks / despatch completed	SB	09/04/19.

**Application:** 18/02113/DETAIL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr D Lane

**Address:** 820 St Johns Road Clacton On Sea Essex

**Development:** Partial reserved matters application of 18/00379/OUT- Erection of 11 dwellings.

### **1. Town / Parish Council**

N/a

### **2. Consultation Responses**

ECC Highways Dept

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

1. Prior to the first occupation of the development, the proposed road junction at its bell mouth junction with St Johns Road shall be constructed at right angles to the highway boundary and to the existing carriageway as shown in principle in the Proposed Layout Plan, drawing no. 1849-04-F to a carriageway width of 6 metres straight for at least the first 12 metres with 2 metre width footways on both sides to connect to the existing footways on St Johns Road on both sides of the junction.

Reason: To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety and in accordance with Policy DM1 and DM6.

2. Prior to first occupation of the development the size 3 side road/ vehicular turning facility shown in principle in the Proposed Layout Plan, drawing no. 1849-04-F 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.

3. Prior to first occupation of the development the vehicular accesses shall be constructed at right angles to the proposed carriageway. The width of the access at its junction with the highway shall not be less than 3 metres (3 metres minimum - 6 metres maximum), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

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

(Continued...)

4. No unbound materials shall be used in the surface treatment

of any proposed vehicular access within 6 metres of the carriageway.  
Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

5. Prior to first occupation of the development vehicle parking shall be provided in accordance with the EPOA Parking Standards as shown in principle in the Proposed Layout Plan, drawing no. 1849-04-F constructed ready for use. The vehicle parking area and associated turning area shall be retained in the agreed form at all times.

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 is provided in accordance with Policy DM8.

6. All single garages should have a minimum internal measurement of length 7 metre x 3 metres.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8.

7. Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

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

8. Each vehicular parking space which is bounded by walls or other construction shall have minimum dimensions of 3.4 metres x 5.5 metres.

Reason: To encourage the use of off-street parking and to ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8

9. 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.

10. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack 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.

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

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1

12. No development shall take place, including any ground works or 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. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

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

Informative 2: 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](mailto:development.management@essexhighways.org) or by post to:

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

Tree & Landscape Officer

In terms of trees and hedging species the information relating to soft landscaping is acceptable. However the soft landscaping plan shows the positions of additional planting 'icons' that are not detailed, or otherwise described, in the legend.

Details of the plant species and specification, for the proposed planting described above, should be provided prior to the determination of the application.

Building Control and  
Access Officer

No comments at this stage.

Waste Management

Highway to be constructed to suitable standard to support and provide access to fully laden 26 tonne Refuse vehicle.

ECC SuDS Consultee

Thank you for your email which provides Essex County Council (ECC) with the opportunity to assess and advise on the proposed surface water drainage strategy for the aforementioned planning application.

As the Lead Local Flood Authority (LLFA) ECC provides advice on SuDS schemes for major developments. ECC have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council, and their appointed consultants, looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the planning application and the associated documents which accompanied the planning application, we have identified that this does not relate to surface water drainage and therefore we shall have no further comments accordingly in relation to this application.

However please consider the following conditions/informatives if relevant for the development;

Conditions

1) Surface Water Drainage - Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:

- Run-off from the site is limited to greenfield rates for a storm event that has a 100% chance of occurring each year (1 in 1 year event).
- The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.

2) Sustainable Urban Drainage- Prior to commencement of the development no works shall take place until a detailed Sustainable Urban drainage scheme as specified in the Essex Sustainable Drainage Systems Design Guide 2014 submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation of the development and should include and not be limited to;

3) Maintenance - Prior to first occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing, by the local planning authority.

4) Flood Risk Assessment - The measures contained within the Flood Risk Assessment a copy of which was submitted with the planning application and forms part of this permission, shall be fully implemented and in place prior to the first occupation of the development and retained as such thereafter.

5) Flood Risk Assessment 2 - Notwithstanding the details set out in the Flood Risk Assessment submitted with the application, no development shall be undertaken unless and until a method statement has been submitted to and approved in writing by the local planning authority detailing:-

- The flood mitigation measures to be incorporated into the detailed design of the dwelling(s)
- The provision for the installation of removable flood barriers such as flood boards to form part of the detailed design of the doorways and vents/airbricks on the exterior of the property
- The provision of non-return valves to all sanitary outlets to prevent backflow during a flood

6) Flood Mitigation Measures - Development shall not be commenced until a scheme for the provision and implementation of flood mitigation measures has been submitted to and approved in writing, with the Local Planning Authority. The scheme shall be carried out in its entirety before the development is first occupied and constructed and completed in accordance with the approved plans and in line with the Environment Agency documents "Improving the flood performance of new buildings" and "Prepare your property for flooding: A guide for householders and small businesses."

#### Informatives

- In discharging condition X where the surface water drainage strategy proposes the use of soakaways the details of the design and the results of a series of percolation tests carried out upon the subsoil in accordance with DG 365 2016. You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, and whether it will be rubble filled.
- In discharging condition X where discharging to a watercourse the proposed scheme shall include details of the destination and discharge rates equivalent to "greenfield runoff" and no greater than 5 litres per second up to and including a 1 in 100 year rainfall event. This is typically achieved by installing some form of attenuation on site e.g. temporary storage.
- In discharging condition X if discharging to a watercourse, ditch, stream etc, the applicant must demonstrate that the system is an appropriate point of discharge for the site i.e would take existing pre-development flows. If not then further information/assessment will be required to determine the suitability of the system to convey the proposed flows and volumes of water. Evidence will be required that the development will not increase risk to others. If the proposed discharge point is outside the development site then the applicant will need to demonstrate that the necessary permissions and or agreements to achieve connection are possible.
- Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.
- No works to infill ditches should be undertaken without prior consent from Essex County Council. You should also be aware that works of this nature may require planning permission
- No raising of land in flood plains should take place without prior consent from Essex County Council. You should also be aware that works of this nature may require Environment Agency consent if in a flood plain.
- The removal of land drains likely to interrupt the flow may require prior consent from Essex County Council on 08457430430 or [floods@essex.gov.uk](mailto:floods@essex.gov.uk). You should also be aware that works of this nature may require planning permission

#### Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);

- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, ECC advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Anglian Water Services Ltd No comment

Environmental Protection No objection

Housing Services I have been asked for comments on the above application and I can advise as follows:

I am advised by the applicants that they will shortly be entering into an agreement with Chelmer Housing Partnership to take on the 2 affordable homes on this site. I am happy with their choice of provider and I have asked the applicants to confirm to me once they have formally entered into an agreement with CHP. Plots 13 & 14 have been identified for the affordable homes and I happy with the location of the affordable homes on the site.

### 3. Planning History

18/00379/OUT	Outline application for proposed residential development of 14 dwellings including replacement of existing dwelling (following demolition of 824 St Johns Road).	Approved	18.12.2018
19/00062/DISCON	Discharge of conditions 14 (contamination), 16 (Surface Water Drainage), and 17 (Maintenance plan) of approved application 18/00379/OUT.	Current	
19/00339/DETAIL	Reserved Matters Application following Outline Approval on Planning Application 18/00379/OUT. Design appearance, finishes and hard/soft landscaping for Plot 11 (Condition 3).	Current	

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

HG1 Housing Provision

HG3A Mixed Communities

HG6 Dwelling Size and Type

HG9 Private Amenity Space

COM6 Provision of Recreational Open Space for New Residential Development

COM31A Sewerage and Sewage Disposal

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN13 Sustainable Drainage Systems

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SP1 Presumption in Favour of Sustainable Development

SP2 Spatial Strategy for North Essex

SP5 Infrastructure & Connectivity

SP6 Place Shaping Principles

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

Local Planning Guidance

Essex County Council Car Parking Standards

Essex Design Guide

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when

calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

## **5. Officer Appraisal (including Site Description and Proposal)**

### **History**

- 14/00929/FUL was refused but allowed at appeal for 14 two storey dwellings on a marginally altered site.
- 18/00379/OUT granted outline permission for 14 dwellings with access included and was subject to a S106 for open space and affordable housing.
- This reserved matters application relates to all remaining reserved matters for Plots 1-9 and 13-14 only.
- Pending application 19/00339/DET is for Plot 11 only.

### **Proposal**

- The application seeks reserved matters approval (appearance, landscaping, layout and scale) for Plots 1-9 and 13-14 of the approved 14 dwellings.
- The two two-bedroom affordable dwellings as required by the S106 have been agreed with Housing and are plots 13 and 14. A separate letter will be issued to confirm the affordable housing scheme element of the S106 is discharged by this information. An offsite public open space contribution has also been secured under the S106.

### **Appearance**

- The dwellings largely sit in a backland location where they will not be publicly prominent. Existing dwelling 820 St Johns Road is retained at the access with semi-detached bungalows on plots 13 and 14 fronting the access drive with side gardens. Although concerns were initially raised that plots 13 and 14 appeared cramped they are set back over 40 metres from St Johns Road. They are also of modest ridge height due to their shallow plan as they are the two two-bedroom affordable units to meet the specified need in this area and to comply with the S106 legal agreement.
- Plots 7 and 9 are two storey and are generally well proportioned but have a projecting front gable feature which is mildly incongruous. These plots are set deep within the site so no material harm would result.
- There is a significant variety in scale, height, design and materials across the eleven plots to provide adequate visual interest to the development.

### **Landscaping**

- Amended plans have been submitted to provide more soft landscaping to the frontages to soften the appearance of the development and to provide full details of the proposed species.
- A generous planting buffer is provided along the western side of the access for amenity and visual impact reasons.
- Acceptable boundary treatments are detailed and comprise a 0.4m wooden knee rail along the access drive, close boarded fencing to internal/existing neighbouring boundaries and 1.8m high brick walls to all boundaries fronting the access drive.
- The hard and soft landscaping proposed is acceptable.

### **Layout**

- Amendments have been made to the layout to ensure compliance with the adopted parking standards. The layout is a sensible approach to this awkwardly shaped site with adequate plot sizes and side isolation to prevent the development appearing cramped.
- All plots are adequately separated to prevent any material loss of light, outlook or privacy to neighbouring dwellings.
- Parking is not overly dominant primarily being located to the side to enable soft landscaping to the individual frontages.
- All plots have private gardens which comply with, or exceed, the standards under saved policy HG9.

- Sufficient space is retained for the remaining 3 plots which will require separate reserved matters approval.

#### Scale

- 14/00929/FUL accepted 14 two storey dwellings on a marginally altered site so there can be no objection in principle to two storey development on this site. Plots 7, 8 and 9 towards the rear/centre of the site are two storey and the scale is considered acceptable given ample separation distance to existing and proposed dwellings to ensure no material loss of light, privacy or outlook.
- Plots 1-5 are bungalows with relatively high ridge heights of up to 6 metres, and plots 6, 13 and 14 are modest bungalows. This is in keeping with the majority of existing dwellings along St Johns Road which are single or 1.5 storey.

#### Other considerations

- Access was approved at outline stage and a number of highways conditions were imposed on the outline permission. The Highway Authority request 12 conditions on this reserved matters application however conditions 1, 3, 4, 10 and 12 duplicate conditions on the outline permission so are unnecessary. Conditions 5, 6, 7 and 8 are complied with in the amended layout so a condition will be imposed requiring the parking and garages shown to be provided prior to occupation and retained for that sole purpose thereafter. The majority of plots have garages for cycle storage and the remaining plots have ample private amenity space to store cycles. Conditions 2 (turning) and 11 (boundary planting set back 1m from highway boundary) are necessary and are imposed on this decision.
- No representations have been received by the public.
- SUDS have commented on the proposal with informatives however this forms conditions on the outline permission which require formal discharge so is not required within this reserved matters approval.

#### RAMS

- During the course of considering this application there has been a change to Natural England's advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the above site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.
- Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and that this also applies to reserved matters applications where this was not considered at outline permission stage. A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be the RAMS level contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Sites. The contribution is secured by unilateral undertaking. There is therefore certainty that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

## 6. Recommendation

Approval - Reserved Matters/Detailed

## 7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing numbers 1849-04 REV G, 1849-06, 1849-07 REV A, 1849-08, 1849-09, 1849-10, 1849-11, 1849-12, 1849-13, 1849-14, 1849-16 REV B, 1849-17, and soft landscaping proposal Reference number TPSarb9530119 LS.

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

- 2 Prior to first occupation of the development the size 3 side road/ vehicular turning facility shown in principle in the Layout Plan, drawing no. 1849-04-G 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.

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

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

- 4 Prior to first occupation of the dwelling to which they relate the off street parking and garages shown on Layout Plan, drawing no. 1849-04-G shall be provided and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that on street parking of vehicles in adjoining streets does not occur in the interest of highway safety.

- 5 The external facing, roofing and surfacing materials shall be as detailed on Materials Schedule Job No 1849 received 4th April 2019, unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of visual amenity and the character of the surrounding area.

- 6 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on Drawing number 1849-16 REV B and soft landscaping proposal Reference number TPSarb9530119 LS shall be carried out 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 agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced 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 - To ensure the adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character of the surrounding 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 informative 1: All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.

Highways informative 2: 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](mailto:development.management@essexhighways.org) or by post to: SMO1 ' Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester. CO4 9YQ.

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) financial contribution in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.