

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JD	07/08/2020
Planning Development Manager authorisation:	SCE	07.08.2020
Admin checks / despatch completed	CC	07.08.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	07.08.2020

Application: 20/00534/FUL **Town / Parish:** Elmstead Market Parish Council

Applicant: Mr Williams - Hills Residential Construction Limited

Address: Land to The East of Tye Road Elmstead

Development: Detailed application for residential development of 11 dwellings and associated car parking and infrastructure (this represents a net increase of 8 dwellings further to the approved plans under reference 19/01179/DETAIL)

1. Town / Parish Council

Elmstead Parish Council
15.07.2020

Elmstead Parish Council wishes to make the following objections to this application:

The additional 8 dwellings brings the total number of dwellings on this site to 40. The impact of these additional children on the existing open spaces and play area infrastructure of this village has not been mitigated. There is a deficit of 4.51 hectares of equipped play in Elmstead with only one play area in the village on Old School Lane. This development will add to the pressure that already exists on this facility.

The council asks that this development provides a contribution towards open spaces/a play area. The development does state that it provides greater than 10% of the gross site area as public open space in accordance with Policy COM6 of the Adopted Tendring District Local Plan 2007. However it does not meet the expectations of the Policy in that only one part of the public open space appears to exceed the 0.15 hectare minimum, with the smaller areas not providing the useable open space described. The only area that appears to be greater than 0.15 hectares is the swale which will not be necessarily be useable open space within the meaning of the Policy. According to the Local Plan 2007 paragraph 5.40 it is a priority to put in place a strategy and mechanism to enable improvements to the deficiency of children's play areas, but here we have a development of 40 houses with the only improvement being a small play area with stepping logs and two wooden sheep.

Village Growth

The village already has 287 approved housing developments for a village size of just under 800. This equates to a more than 35% increase. With additional applications of 139 currently in process this total increases to 425 which would be approximately 53% growth. This is overdevelopment and not sustainable. Particularly on the village's infrastructure including the Primary School and GP surgery.

Although Elmstead was designated a Rural Service Centre, in its assessment for suitability for strategic expansion it only scored 2/4. It already has more approved development than that envisaged in the draft local plan.

2. Consultation Responses

ECC Highways Dept
09.06.2020

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 occupation of the development the internal layout shall be provided in principal with drawing number:

- Drawing 170119/p/02/SP - Block plan.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

2. Prior to commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety in accordance with Policy DM7.

3. No unbound material shall be used in the surface treatment of the vehicular accesses throughout.

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

4. Prior to occupation of the development the vehicular accesses shall be constructed at right angles to the highway boundary and to the carriageway. The width of the access at its junction with the highway shall not be more than 3.6 metres (equivalent to 4 low kerbs) or 7.2 metres if they are adjoining vehicle accesses (equivalent to 4 low kerbs in front of each property), 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/highway verge.

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.

5. There shall be no discharge of surface water onto the Highway.

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

6. Each new property shall be provided with 2 parking spaces and each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres or 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.

7. Any single garages should have a minimum internal measurement of 7m x 3m

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.

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

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

9. 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 free of charge.

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.

10. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway/carriageway (delete as appropriate).

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway/carriageway (delete as appropriate) is not obstructed during the construction period in the interest of highway safety in accordance with 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: The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is a breach of this legislation. The public's rights and ease of passage over public footpath no.7 (Elmstead Market) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

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 or by post to:

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

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

UU Open Spaces

No response.

Housing Services
06.07.2020

The application proposes a net increase of 8 units on the site and the applicant has proposed that 2 x 2 bed houses be delivered as affordable housing. I can confirm that I am happy with this proposal as it is in line with the affordable housing provision set out in the original unilateral undertaking (25% of the homes on site to be delivered as affordable housing). As before, our preference is that another provider is sought to take on the affordable units on this site.

Tree & Landscape Officer
10.06.2020

In terms of the impact of the amendment to the layout of the development proposal on the trees on the boundary of the application site the applicant has provided a plan showing the RPA's overlaid with the amended positions of the dwellings.

This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations and shows that the development proposal will not result in harm being caused to protected trees.

The applicant has also provided details of soft landscaping which are sufficient to secure a satisfactory level of new planting to soften and enhance the development.

Essex Police
13.07.2020

Essex Police would like to see this developer incorporate Crime Prevention Through Environmental Design (CPTED) in respect of this development pursuant to the NPPF and the Tendring Local Plan policy PL4, which requires developments are safe, secure places to live, e.g. uniform lighting without dark areas, effective physical security on each dwelling and to comply with Tendring's Consultation document to the formation of Tendring Local Plan to 2033 - Policy PL4 - Housing Layout - 'minimise the opportunities for crime and anti-social behaviour by ensuring good surveillance, clear definition between public and private spaces'.

Essex Police, provide a no cost, impartial advice service to any applicant who request this service; we are able to support the applicant to achieve the requirements to gain the nationally acknowledged Secured by Design accreditation and would invite the them to contact Essex Police via designingoutcrime@essex.police.uk

3. Planning History

16/00219/OUT	Outline planning application for residential development of up to 32 dwellings, land for a community facility and associated parking and infrastructure.	Refused	27.07.2016
16/01950/OUT	Outline planning application for residential development of up to 32 dwellings and associated open space, car parking and infrastructure.	Withdrawn	26.04.2017
17/00927/DETAIL	Reserved matters application for construction of new access to serve housing development approved under 16/00219/OUT.	Approved	12.03.2018
18/00512/OUT	Outline planning application for residential development of up to 18 dwellings and associated open space, car parking and infrastructure.	Refused	04.07.2018
18/00681/DETAIL	Reserved matters application for construction of new access to serve housing development approved under 16/00219/OUT (amendment to application 17/00927/DETAIL).	Refused	31.07.2018
18/01307/DETAIL	Reserved matters application for 32 dwellings, land for a community facility and associated parking and infrastructure.	Approved	02.08.2019
19/01012/NMA	Non-material amendment to application 18/01307/DETAIL - Alterations to road layout and re-ordering of house types to suit revised site layout.	Approved	

19/01179/DETAIL	Reserved matters application for the variation of the site layout as approved in 18/01307/DETAIL.	Approved	06.12.2019
20/00153/FUL	Proposed amendment to north east and south east corners of 19/01179/DETAIL by removing plots 11, 25 and 26 to introduce 11 new homes. Net increase of 8 and 2 which are affordable homes.	Refused	22.04.2020
20/00332/DISCON	Discharge of conditions 6 (ecology), 7 (Construction Method Statement), 8 (Drainage), 9 (Drainage), 10 (Geoenvironmental assessment) and 11 (Geoenvironmental assessment) for application 16/00219/OUT allowed at appeal APP/P1560/W/16/3160793.	Approved	07.07.2020
20/00534/FUL	Detailed application for residential development of 11 dwellings and associated car parking and infrastructure (this represents a net increase of 8 dwellings further to the approved plans under reference 19/01179/DETAIL)	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

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

HG3 Residential Development Within Defined Settlements

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

COM6 Provision of Recreational Open Space for New Residential Development

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 (which applies until such time that the figures in the new Local Plan are adopted).

In addition, the actual need for housing (as set out in the emerging Local Plan) 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, as recently endorsed by the Local Plan Inspector. Therefore, in weighing the benefits of residential development against the harm, the Inspector's endorsement of the lower housing requirement figure is a strong material consideration which tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing to address the perceived shortfall – given that, against the Local Plan housing requirement there is, in fact, a surplus of supply as opposed to a shortfall.

5. Officer Appraisal

This application follows one for the same proposal that was previously refused, 20/00153/FUL. The previous planning application was refused on two grounds: failure to secure a proportionate financial contribution in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements; and, failure to provide a completed Section 106 agreement to address a requirement for Affordable Housing. Both issues have now been satisfactorily resolved.

The site to which this proposal relates is situated to the east of Tye Road and the western edge of Elmstead. The red line site defining the land to which this current application relates is in two parts and with access to the highway shown. The two "red line" sites are in the northwest and southeast corners of the site as a whole. The overall site to the proposed housing development as a whole is roughly rectangular in shape and measures 2.4 hectares. It was last managed as an arable field and is bounded by a continuous mixed native hedgerow with individual mature trees.

To the north of the site is a detached residential property; to the east of the site is a development site to the north of Meadow Close which was subject to an outline planning permission (14/01238/OUT) for 20 dwellings which was granted. To the south of the site lies an agricultural field beyond which is Colchester Road. Tye Road forms the western boundary of the overall housing site as a whole.

Outline planning permission (references 16/00219/OUT and APP/P1560/W/16/3160793) was granted at appeal for "Outline planning application for residential development of up to 32 dwellings, land for a community facility and associated parking and infrastructure."

The principle of residential development has therefore been established, despite this current application being a full application. Furthermore this current proposal would make more effective use of land, as encouraged by the NPPF. The issues to consider relate to detailed matters.

Being a full planning application for houses, the proposal must be considered in the light of current considerations regarding the Habitats Regulations and the latest advice from Natural England.

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. The contribution is secured by unilateral undertaking.

The application scheme proposes eleven new dwellings (an additional eight from the quantity already granted planning permission) on a site that lies within the Zone of Influence (Zol) being approximately 4.6km from the Colne Estuary Ramsar site and 8.7km from the Stour Estuary Ramsar site. The planning application site is 3.4km from the Upper Colne Marshes SSSI. New housing development within the Zol would be likely to increase the number of recreational visitors to the Colne and Stour Estuaries and, in combination with other developments it is likely that the proposal would have significant effects on the designated sites. Mitigation measures must therefore be secured prior to occupation.

A proportionate financial contribution has been secured in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements.

The proposal is therefore considered to be acceptable with regard to 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.

With regard to Policies QL1 and QL2, the principle of development has been agreed by the outline planning permission; the current proposal represents more efficient use of land.

The houses and their layout are well designed and would relate well to their surroundings. The proposal is considered acceptable with regard to Policies QL9 and HG14.

Access to the sites involved in this application and to the housing development site as a whole is practicable. The highway network would be able to safely accommodate the additional traffic. The Highway Authority has no objection subject to imposition of conditions regarding detailed matters. The houses would have adequate daylight and outlook. Privacy would be adequate for housing forming a comprehensive development such as is proposed. Housing is to be created on land north of Meadow Close. This will be to the east of the southeast part of the land relating to this current application. The size of the garden to plot 10 is ample to ensure that there would be no material overlooking to the properties to be built north of Meadow Close. The proposal is acceptable with regard to Policies QL10 and QL11.

Two of the eleven houses would be for Affordable Housing. Housing Services has commented that this is compliant with the terms of the emerging Local Plan and, as the plots already agreed as affordable homes do not appear to be affected, there is no objection to the proposal. A Legal Agreement, dated 5th August 2020, has been completed which satisfactorily addresses Affordable Housing. Accordingly the proposal is considered acceptable with regard to Policies HG3a and HG4.

The houses proposed are two- and three-bedroom properties and the house designs would provide sufficient diversity in design terms. The proposal is considered acceptable with regard to Policy HG6.

It is noted that the Parish Council considers the proposal to be overdevelopment. However, in terms of residential density, the current proposal would fit well with the density approved elsewhere in the housing development east of Tye Road as a whole. It is understood that the alterations for which planning permission is now sought represents an increase from 13.2 dwellings per hectare (dph) to 16.5dph; significantly less than a figure of 30dph referred to in Policy HG7. With regard to residential density, the proposal is considered acceptable with regard to Policy HG7.

The three smallest plots, plots 1, 5 and 8, have private amenity areas of 104 sq m, 170 sq m and 144 sq m respectively. The provision of private amenity space is acceptable and the proposal is acceptable with regard to Policy HG9 which requires a minimum of 75 sq m for 2 beds and 100 sq m for 3+ beds.

All the houses involved in the proposal are two- or three-bedroom houses and all the properties would have adequate on-site parking. The proposal is considered acceptable with regard to Policy TR7.

The comments of the Parish Council regarding public open space; provision of community facilities, such as a skate park area; and, additional demand on the infrastructure of Elmstead from additional housing are noted. However, the current proposal involves no loss of public open space; the land in question was last approved as housing and very generous back gardens. Provision of community facilities outside the red line site could not reasonably be pursued for the scale of development involved. Incremental additional demand on existing services by relatively piecemeal additional housing development is a feature of the difficulty of creating current Local Plans and is an issue which cannot be addressed in this planning application. In response to the previous planning application for this proposal, 20/00153/FUL, a written response was received stating that no further comments are being made by open spaces.

Notification of the application was sent to 29 properties in the locality and the application was advertised in the local press. No response has been received.

6. Recommendation

Approval.

7. Conditions

1. 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. The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan 170119/P/01/LP; 170119/P/02/SP; 170119/P/05; 170119/P/24; 170119/P/25/E; 170119/P/25/FP; 170119/P/50/RPA; 20.5061.01; 20.5061.02; and, Design & Access Statement.

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

3. Prior to first occupation of the houses hereby permitted the vehicular access internal layout shall be provided in principal with drawing number 170119/p/02/SP.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with in accordance with Policy TR1a of the adopted Local Plan and Policy CP2 of the emerging Local Plan.

4. Prior to commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety in accordance with in accordance with Policy TR1a of the adopted Local Plan and Policy CP2 of the emerging Local Plan.

5. No unbound material shall be used in the surface treatment of the vehicular accesses throughout.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with in Policy TR1a of the adopted Local Plan and Policy CP2 of the emerging Local Plan.

6. Prior to occupation of any dwelling hereby permitted a vehicular accesses for such dwelling shall be constructed at right angles to the highway boundary and to the carriageway. The width of the access at its junction with the highway shall not be more than 3.6 metres (equivalent to 4 low kerbs) or 7.2 metres if they are adjoining vehicle accesses (equivalent to 4 low kerbs in front of each property), 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/highway verge.

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 TR1a of the adopted Local Plan and Policy CP2 of the emerging Local Plan.

7. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with Policy TR1a of the adopted Local Plan and Policy CP2 of the emerging Local Plan.

8. Each new property shall be provided with 2 parking spaces and each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres or 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 TR7 of the adopted Local Plan and Policy CP2 of the emerging Local Plan.

9. Any single garages should have a minimum internal measurement of 7m x 3m.

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 TR7 of the adopted Local Plan and Policy CP2 of the emerging Local Plan.

10. Cycle parking shall be provided to each dwelling 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 TR5 of the adopted Local Plan and Policy CP1 of the emerging Local Plan.

11. 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 free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policy QL2 of the adopted Local Plan and Policy CP1 of the emerging Local Plan.

12. Prior to first construction of any dwelling hereby permitted an area or areas within the site for the purpose of the reception and storage of building materials shall be identified and made available for such use clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with Policy TR1a of the adopted Local Plan and Policy CP2 of the emerging Local Plan.

8. Informatives

1. 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.

2. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is a breach of this legislation. The public's rights and ease of passage over public footpath no.7 (Elmstead Market) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

3. 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:

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4. 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.

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