

**DELEGATED DECISION OFFICER REPORT**

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
File completed and officer recommendation:	JD	07/09/2020
Planning Development Manager authorisation:	AN	07/09/2020
Admin checks / despatch completed	DB	07/09/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	07/09/2020

**Application:** 20/00629/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mark Potter

**Address:** Land adjacent Leisureglades Park and Fronting St Johns Road St Osyth  
Clacton On Sea

**Development:** 3No. two storey detached dwellings, 6No. single storey detached dwellings and associated garages, access drives and hard and soft landscaping.

**1. Town / Parish Council**

Clacton Non Parished

**2. Consultation Responses**

ECC Highways Dept  
17.07.2020

Due to COVID-19 restrictions, no site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth photo dated April 2019. It is noted that the proposed development is situated off a private access road and each access road for the development will also remain private therefore:

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 02 Rev. C Amended site layout 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 occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of each vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

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

3. As indicated on site layout plan Drawing no. 02C and prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority 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.

4. No unbound material shall be used in the surface treatment of each vehicular access and access road throughout.

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

5. As indicated on site layout plan Drawing no. 02C and prior to the occupation of any of the proposed dwellings, each proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway / Footway and provided with an appropriate dropped kerb crossing of the footway/verge.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

6. 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.

7. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan 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.

8. 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.

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

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

10. All single garages should have a minimum internal measurement of 7m x 3m and all double garages should have a minimum internal measurement of 7m x 5.5m.

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.

11. 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.

12. 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.

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

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

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.

Building Control and  
Access Officer  
23.06.2020

The applicant is advised to ensure that adequate fire tender access is provided to all properties.

UU Open Spaces  
13.07.2020

Response from Public Realm  
Open Space & Play

Application Details

Application No: 20/00629/FUL

Site Address: Land adjacent Leisureglades Park and Fronting St Johns Road St Osyth

Description of Development: 2 No. two storey detached dwellings, 7 No. single storey detached dwellings and associated garages, access drive and hard and soft landscaping.  
Current Position

There is currently a deficit of 6.44 hectares of equipped play and formal open space in St Osyth and Point Clear.

Recommendation

The Parish Council have plans to provide additional facilities at Priory Meadows, Park Road which is 0.6 miles from the development site.

Due to the limited provision in the village it is felt a contribution towards play and is justified and relevant to this planning application. The contribution would be used to provide additional facilities at Priory Meadow.

Housing Services

No response.

Anglian Water Services  
Ltd  
16.06.2020

ASSETS

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site.

Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

## WASTEWATER SERVICES

### Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of St Osyth Water Recycling Centre that will have available capacity for these flows

### Section 3 - Used Water Network

No documents were available to show the drainage proposal. This response has been based on the closest feasible connection point to the south of the site, via a gravity regime. Should this change, we would wish to be reconsulted. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

#### Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

#### Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

#### Surface Water Disposal (Section 4)

FOR THE ATTENTION OF THE APPLICANT - if Section 3 or Section 4 condition has been recommended above, please see below information:

#### Next steps

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website  
<http://www.anglianwater.co.uk/developers/pre-development.aspx>

Once submitted, we will work with you in developing a feasible mitigation solution.

If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

Tree & Landscape Officer  
18.06.2020

The application site is currently being used for the display and storage of mobile homes.

The main body of the land does not contain any trees or other significant vegetation however there are three small trees immediately adjacent to the exiting access road to Leisureglades Park and a section of coniferous hedge at the northern end of the western boundary.

The trees are a Sweet Gum, a Purple Leaved Crab Apple and a Flowering Cherry; the hedge comprises Cupressocyparis Leylandii.

In order to show the extent of the constraint that the trees and hedgerow are on the development potential of the land the applicant has submitted an Arboricultural Impact Assessment (AIA) as part of a tree survey and report. This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations.

The report accurately describes the health and condition of the trees and hedge and a site visit reveals that the amenity value provided by the trees could easily be replicated and improved upon by new soft landscaping. New planting can be secured by a condition attached to any planning permission that may be granted.

None of the trees on the application site have such amenity value that the merit retention or protection by means of a tree preservation order.

Should planning permission be likely to be granted then details of proposed soft landscaping, including tree planting, should be secured to soften and enhance the appearance of the development.

ECC Highways Dept  
24.06.2020

Due to COVID-19 restrictions, no site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth photo dated April 2019. It is noted that the proposed development is situated off a private access road and each access road for the development will also remain private. There is existing bus stop facilities close to the development and the proposals provide adequate parking and turning facilities, therefore:

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

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

2. As indicated on site layout plan Drawing no. 02A and prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority 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. No unbound material shall be used in the surface treatment of each vehicular access and access road throughout.

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

4. As indicated on site layout plan Drawing no. 02A and prior to the occupation of any of the proposed dwellings, each proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway / Footway and provided with an appropriate dropped kerb crossing of the footway/verge.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests 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. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan 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.

7. 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.



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

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

9. All single garages should have a minimum internal measurement of 7m x 3m and all double garages should have a minimum internal measurement of 7m x 5.5m.

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.

10. 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.

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 policies DM9 and DM10.

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

Informative:

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

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

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.

ECC Schools Service

No response.

ECC SuDS Consultee  
17.06.2020

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) this 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 documents which accompanied the planning application, we would recommend the issuing of a holding objection on the basis of the following:

- The information provided does not allow us to assess the development. Please provide information as required within the Detailed Design Checklist on Essex County Council's website: <https://flood.essex.gov.uk/new-development-advice/how-to-design-suds-in-essex/detailed-drainage-design-checklist/>

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.

Essex County Council  
Archaeology  
06.07.2020

Aerial photography has identified the above development to lie within a probable multi period archaeological landscape and the site lies within an area of recorded cropmark features (EHER 17037). Previous excavation of the cropmark complex to the southwest of the site revealed a large Neolithic causewayed enclosure of three roughly concentric circuits of discontinuous ditches. Within the interior of the monument were Neolithic pits, a pond barrow, Middle Bronze Age ring-ditches and Early and Middle Bronze Age cremations. A Middle Iron Age enclosed settlement consisting of roundhouses, granaries and other post-built structures was also uncovered (EHER18332). The density of features was far higher than the cropmark evidence suggested. This site would likely be considered 'of schedulable quality' had the site not been quarried. A further concentration of cropmark features lie to the north and northwest of the proposed development site which are likely to extend across the landscape. Any groundworks associated with this development has potential to impact on significant archaeological remains.

The following recommendation is made in line with NPPF:

Recommendation: Full condition

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.
2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.
3. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Further Recommendations:

A professional team of archaeologists should undertake the archaeological work. A brief outlining the level of archaeological investigation will be issued from this office on request. The District Council should inform the applicant of the recommendation and its financial implications.

Anglian Water Services  
Ltd  
26.06.2020

Dear Sir/Madam,

Please be advised that no further drainage documents have been uploaded so we therefore have no further comments to add from our previous response PLN-0086292 dated 16th June. If you have any further drainage documents then we do wish to be re-consulted.

Kind regards,

Kimberley

Building Control and  
Access Officer  
02.07.2020

Applicant is advised to ensure that fire tender access is provided to all plots.

ECC SuDS Consultee  
29.06.2020

No additional information has been provided therefore our previous holding objection sent on 17th June 2020 remains our up to date response.

Tree & Landscape Officer  
01.07.2020

Notwithstanding previous comments:

The amended site layout and block plans show increased tree planting which is desirable.

Should planning permission be likely to be granted then details of the indicative soft landscaping, including tree planting, should be secured by a planning condition.

UU Open Spaces  
22.07.2020

Response from Public Realm  
Open Space & Play

Application Details

Application No: 20/00629/FUL

Site Address: Land adjacent Leisureglades Park and Fronting St Johns Road St Osyth

Description of Development: 3 No. two storey detached dwellings, 7 No. single storey detached dwellings and associated garages, access drive and hard and soft landscaping.  
Current Position

There is currently a deficit of 6.44 hectares of equipped play and formal open space in St Osyth and Point Clear.

Recommendation

The Parish Council have plans to provide additional facilities at Priory Meadows, Park Road which is 0.6 miles from the development site.

Due to the limited provision in the village it is felt a contribution towards play and is justified and relevant to this planning application. The contribution would be used to provide additional facilities at Priory Meadow.

The published documents have been studied and, unfortunately, do not provide sufficient detail to allow an informed decision pursuant to the National Planning Policy Framework,

Designing out Crime  
Office  
14.07.2020

sec 12, paragraph 127, (f) 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 would recommend the applicant incorporate Crime Prevention through Environmental Design and apply for nationally acknowledged and police recommended Secure By Design accreditation. 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](mailto:designingoutcrime@essex.police.uk)

### **3. Planning History**

01/01044/FUL	Change of use of part of site from land authorised for stationing of 30 touring caravans to the siting of 13 static holiday caravans	Approved	05.09.2001
02/00503/FUL	Variation of Condition 5 of TEN/147/86 and Condition 02 of 01/01044/FUL to permit the caravans to be additionally occupied during the months of November and December.	Refused	13.05.2002
96/01618/FUL	Temporary siting of wooden cabin for demonstration and sales purposes	Approved	03.04.1997
02/02066/FUL	Variation of condition 5 of TEN/147/86 and condition 2 of 01/01044/FUL to permit the caravans to be additionally occupied during the months of November, December and until 14 January	Approved	18.12.2003
02/02171/FUL	Retention of building used as caravan park reception office	Approved	09.01.2003

06/00937/FUL	Variation of Condition 5 of TEN/147/86 and Condition 2 of 01/01044/FUL to allow occupancy between and including 1 March in any one year and 14 January the following year.	Approved	01.09.2006
08/00078/FUL	Proposed installation of calor gas compound.	Approved	16.04.2008
13/01273/FUL	Variation of condition 05 of approved application TEN/147/86, condition 02 of 01/01044/FUL and condition 2 of 06/00599/FUL to allow year round holiday use of site.	Approved	07.01.2014
15/00638/FUL	Proposed preparation and fitting bay.	Approved	23.06.2015
20/00629/FUL	3No. two storey detached dwellings, 7No. single storey detached dwellings and associated garages, access drives and hard and soft landscaping.	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

QL4 Supply of Land for Employment Development

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

ER3 Protection of Employment Land

HG1 Housing Provision

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character

EN6 Biodiversity

EN11A Protection of International Sites: European Sites and Ramsar Sites

EN12 Design and Access Statements

EN29 Archaeology

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

SP3 Meeting Housing Needs

SP4 Providing for Employment & Retail

SP6 Place Shaping Principles

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP2 Community Facilities

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

PP6 Employment Sites

PPL3 The Rural Landscape

PPL7 Archaeology

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

*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**

### Site Description

The site is that of an area used for the display and sales of caravans. There is a hard surfaced car park at the south-eastern corner of the site. The site has an area of 0.48 hectares.

The site is on the northern side of St John's Road, part of the B1027, between Clacton, to the east, and St Osyth, to the west.

To the west of the site is a bungalow, a BP petrol filling station, Pumphill Service Station and a car sales business. A bungalow is to the east and then linear residential development of a mix of bungalows and houses. To the rear of the site, to the north, is Leisureglades Park, a caravan/chalet park. On the opposite side of St John's Road the land is generally open and agricultural in character though there are some buildings on a corner of the junction of Lodge Farm Lane with St John's Road.

### Proposal

The proposal is for the erection of nine detached dwellings; three houses and six bungalows.

In the course of the progress of the application the design was changed, to reduce the number of dwellings from 10 to 9. A schedule of accommodation to be provided by the current design is set out below.

Plot 1	Omitted
Plot 2	4 bedroomed house
Plot 3	4 bedroomed house
Plot 4	3 bedroomed house
Plot 5	3 bedroom bungalow
Plot 6	3 bedroom bungalow
Plot 7	3 bedroom bungalow
Plot 8	3 bedroom bungalow
Plot 9	3 bedroom bungalow
Plot 10	3 bedroom bungalow

In terms of layout, an existing vehicular access, which also serves land to the rear, to the north, would be used and two spurs would run out to the west from an existing carriageway. Three dwellings, to plots 2, 3 and 4, would be set along one spur to face St John's Road across the spur road and an open/landscaped area. The other six dwellings would be set both sides of the more northerly spur road.

### Appraisal

The site is beyond any Development Boundary as shown on the Proposals Map to the adopted Local Plan but is within the proposed settlement development boundary of the emerging Local plan.

In terms of adopted policy the proposal is contrary to Policy QL1 in that it is at a site outside a settlement development boundary as shown on the proposals map for the adopted Local Plan. However, the proposal would make effective use of land on a “brownfield” site and play a part in delivering a sufficient supply of homes. As such it would meet objectives of the NPPF. Furthermore the setting of the site is not that with the character of countryside; there is a garage and other development to one side, linear development of housing to the other side and the site backs on to a holiday park. The proposal is in accordance with Policy HG1 in that housing provision would be on previously developed land.

In terms of being in a sustainable location, the petrol filling station has a shop element to its sales building and St Johns Road is on a bus route. Information from Google Earth shows that a nearby bus stop, Bockings Elm, is served by eleven services (17, 18, 19, 72, 74, 79, 117, 703, 704, 74A and 74B). Considered in the round, the proposal is considered acceptable with regard to Policy QL2.

Policy QL4 states that an adequate supply of land for employment generating uses, including Class B8 use, will be maintained.

Policy ER3 states that the Council will ensure that land in employment use will normally be retained for that purpose. The text of the policy goes on to require the applicant to demonstrate that the employment use is no longer viable for any form of employment use.

A requirement of Policy ER3, in addition to marketing evidence to the effect that the site is commercially unwanted, is that the applicant will normally be expected to provide a suitable alternative site, or a financial contribution to the Council’s employment, training or regeneration programmes and initiatives. Details of an alternative site are not specified within the application documentation.

The proposal is contrary to adopted policy, at Policy ER3. The NPPF emphasises the importance of planning decisions helping to create conditions in which businesses can invest, expand and adapt and the proposal would remove business premises. However, it is necessary to consider whether the proposal has advantages which could outweigh its principle disadvantage of removing employment land from the market.

As referred to above, the use of this brownfield site would contribute to housing supply. The site is essentially used for mobile home storage although sales are made at the site and it is understood that two members of staff are employed on the site in this capacity on an occasional basis. The completed planning application form makes no mention of staff at the site. A sign at the site shows that the business operating there is that of Super Leisure Ltd. The nature of the business is to buy and sell static caravans. The web site of the business refers to viewing being by appointment at a showground with subsequent delivery of a caravan anywhere in the UK and also internationally. There is a car park just off the road available for casual use but at a visit to the site it was noted that access to the storage area of the caravans was fenced off, inspection of the caravans, other than through a wire link fence of those models nearest the fence, was not possible. It is understood that business is predominately conducted via the internet. It is understood that the business would relocate to a site with better security within the built up area of Clacton.

Given the very low density of employment that the site directly generates and given the importance that Government attaches to housing provision, it is considered that refusal of the proposal on the ground of Policy ER3 would not be tenable in this instance.

With regard to the appearance of the development in the streetscene and the quality of the design generally, the appearance of the site from St Johns Road would be principally formed by plots 2, 3 and 4. Plot 2 would be a house with a detached single garage forming a linking built form between an existing bungalow to the west and the two-storey house. The house and its garage on plot 2 would relate to a front building line formed by the bungalow and a building on the service station to the west. Plot 3 would also be a detached house with a detached single garage which would be set in a way to slightly turn the flow of front elevations to that which would directly face St Johns Road.

Plot 4 would be a detached house with a detached single garage. To the east of plot 4 would be a landscaped area around the junction of the spur road to plots 2, 3 and 4 off the existing carriageway to the holiday park. From St Johns Road a side elevation of plot 5 would be visible beyond this open land, deep into the site. Plot 5 would be a bungalow. Although the presentation to St Johns Road would be of three detached houses set between an existing bungalow to the west and an existing bungalow to the east, the detached garage of plot 2 would form a stepping up element and there would be sufficient open space, with the bungalow of plot 5 being set far to the rear, to form a visual break between the house on plot 4 and the existing bungalow to the east of the vehicular access to the holiday park.

In terms of appearance in the streetscene, the proposal is considered to be one that would enhance the appearance of the site, the site currently consisting of caravans laid out in a somewhat regimented manner behind a 2m height wire link fence.

The elevations of the dwellings have been examined and considered in relation to the block plan. The houses would have a two-storey side bay with a gable. The bungalows would have hipped roofs and a canopy above the entrance door.

The proposal is considered acceptable with regard to Policies QL9 and EN1.

Policy QL10 requires all new development to meet functional requirements. The layout and spacing between dwellings is such that there would be adequate daylight, outlook and privacy for future occupiers of the proposed dwellings. The houses on plots 3 and 4 would have rear elevations overlooking rear gardens of some 15m in depth. The house on plot 2 would have a rear elevation looking over a lesser distance but look onto a flank elevation of the bungalow on plot 7 or a flank of a double garage. The proposal is considered acceptable with regard to Policy QL10.

Policy QL11 requires that all new development shall be compatible with surrounding land uses and minimise any adverse environmental impacts. Development will only be permitted if a number of criteria are met including the development not having a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. The dwellings at the rear of the site would all be single storey and would create no adverse impact to any neighbouring property. The three houses facing the frontage to the site are to a design with principle windows to front and rear, generally following the pattern of development in the wider locality, and would have no material adverse impact to any neighbouring dwelling. The proposal is acceptable with regard to Policy QL11.

The dwellings are of only two types but the layout of the dwellings, in two short cul-de-sacs, would mean that no extensive continuous run of a particular house type would be presented to view. As such it is considered that the proposal would provide sufficient diversity in design terms. The proposal is considered acceptable with regard to Policy HG6.

The nine dwellings on this 0.48 hectare site represents a density of 19 dwellings per hectare, significantly below the figure of 30 dwellings per hectare given as a minimum density in Policy HG7. However the density to the design has largely been arrived at by the pattern of houses to the front of the site which fits the pattern of development in the area. The design is compatible with local surroundings and the density has followed from this. The proposal is considered acceptable with regard to Policy HG7 in the circumstances of the site.

Policy HG9 requires new dwellings of the sizes proposed, 3+ beds, to have a minimum of 100 sq m private amenity space. All dwellings have rear private gardens in excess of 100 sq m. The proposal is acceptable with regard to Policy HG9.

The spacing between built forms of dwellings and garages is considered appropriate; the design would not create a cramped appearance. The proposal is considered acceptable with regard to Policy HG14.

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 nine new dwellings on a site that lies within the Zone of Influence (Zoi) being some 2.7km from the Colne Estuary RAMSAR site. New housing development within the Zoi would be likely to increase the number of recreational visitors to the Colne Estuary 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.

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built".

A contribution has been requested from the public realm Open Spaces team. There is currently a deficit of 6.44 hectares of equipped play and formal open space in St Osyth and Point Clear. The Parish Council has plans to provide additional facilities at Priory Meadows, Park Road which is 0.6 miles from the development site. Due to the limited provision in the village it is felt a contribution towards play and is justified and relevant to this planning application. The contribution would be used to provide additional facilities at Priory Meadow.

A financial contribution to such provision has been secured by the completion of a Unilateral Undertaking. Accordingly the proposal is acceptable with regard to Policy COM6.

Specialist advice has been received in writing regarding archaeology stating that any groundworks associated with this development has potential to impact on significant archaeological remains. Policy EN29 states that where applications are submitted on sites where information indicates that there are likely to be archaeological remains, the Council will expect to be provided with the results of an archaeological evaluation prior to the determination of the application. However, in this instance pre-commencement conditions to require a programme of archaeological investigation, in accordance with a prior written scheme of investigation (WSI) are recommended by the specialist archaeological advisor. A post excavation assessment would also be required. Subject to such conditions, the development is considered acceptable with regard to Policy EN29.

The local highway authority, Essex County Council, has confirmed in writing that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the imposition of conditions. Accordingly the proposal is considered acceptable with regard to Policy TR1A. Travel packs have not been required as this is not a 'major application'.

The 4-bed houses would have single garages and double width driveways. The 3-bed bungalows would have a single garage, or share a double garage, and have ample driveways. The proposal is acceptable with regard to Policy TR7.

A site notice was posted and the application was advertised in the press. 11 letters were sent to occupiers of neighbouring properties and other interested persons. A member of the public sent a comment in writing to express considerable surprise that the applicant had not provided details of any social housing or drainage given the scheme was at that time a 'major development'. The comment also pointed out that no reference or evidence has been provided to demonstrate how the scheme accords with Policy ER3 of the Adopted Plan and the reason why the authority should permit the loss of employment land.

## **6. Recommendation**

Approval.

## **7. Conditions / Reasons for Approval**

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 01A; block plan 10A; 02C; 03; 04A; 05; 06; 07A; 08; 11A; 12A; 13A; 001; BRE 365 – Infiltration Report; Arboricultural Impact Assessment; and, Planning Statement.

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

3. No development above ground level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of soft landscaping works for the site, which shall include any proposed changes in ground levels and include tree planting as indicated by approved plans 02C and 10A. The scheme of soft landscaping, including tree planting, shall be implemented during the first planting season following occupation of any dwelling hereby permitted. If any tree should die within 5 years of its planting it will be replaced to the satisfaction of the district planning authority.

Reason – In the interest of achieving a well-designed place, in the interest of visual amenity and to ensure that soft landscaping is an integral part of the development, in accordance with the provisions of section 12 of the National Planning Policy Framework, Policy QL9 of the adopted Local Plan and Policy SPL3 of the emerging Local Plan.

4. Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of each vehicular access, i.e. the vehicular access to plots 2, 3 and 4 and the vehicular access to plots 5, 6, 7, 8, 9 and 10. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with Policy TR1a of the adopted Local Plan and Policies CP1 and CP2 of the emerging Local Plan.

5. Prior to occupation of the development a vehicular turning facility, as indicated on site layout plan Drawing no. 02C, 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 TR1a of the adopted Local Plan and Policies CP1 and CP2 of the emerging Local Plan.

6. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy TR1a of the adopted Local Plan and Policy CP2 of the emerging Local Plan.

7. Prior to the occupation of any of the dwellings hereby approved, each proposed private drive shall be constructed, as indicated on site layout plan drawing no. 02C, to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway / Footway and provided with an appropriate dropped kerb crossing of the footway/verge.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with Policy TR1a of the adopted Local Plan and Policies CP1 and CP2 of the emerging Local Plan.

8. 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 TR1a of the adopted Local Plan and Policies CP1 and CP2 of the emerging Local Plan.

9. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan 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 does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

10. 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 TR1a of the adopted Local Plan and Policies CP1 and CP2 of the emerging Local Plan.

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

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy TR7 of the adopted Local Plan.

12. All single garages shall have a minimum internal measurement of 7m x 3m and all double garages shall have a minimum internal measurement of 7m x 5.5m.

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.

13. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

Reason: To protect the heritage asset of the archaeology of the site in accordance with the National Planning Policy Framework, particularly at paragraph 199, and in accordance with Policy EN29 of the adopted Local Plan and Policy PPL7 of the emerging Local Plan.

14. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the Written Scheme of Investigation defined in condition 14 above.

Reason: To protect the heritage asset of the archaeology of the site in accordance with the National Planning Policy Framework, particularly at paragraph 199, and in accordance with Policy EN29 of the adopted Local Plan and Policy PPL7 of the emerging Local Plan.

15. A post excavation assessment shall be submitted to the local planning authority within six months of the completion of the fieldwork and prior to occupation of any dwelling hereby permitted, unless otherwise agreed in advance with the Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To protect the heritage asset of the archaeology of the site in accordance with the National Planning Policy Framework, particularly at paragraph 199, and in accordance with Policy EN29 of the adopted Local Plan and Policy PPL7 of the emerging Local Plan.

## **8. Informatives**

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

3. 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.
4. The applicants are 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
5. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
6. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
7. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
8. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
9. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
10. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
11. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact Anglian Water's Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.



12. Essex Police would recommend the applicant incorporate Crime Prevention through Environmental Design and apply for nationally acknowledged and police recommended Secure By Design accreditation.  
 Essex Police provide a no cost, impartial advice service to any applicant who requests this service and is able to support the applicant to achieve the requirements to gain the nationally acknowledged Secured by Design accreditation and would invite the applicant to contact Essex Police via [designingoutcrime@essex.police.uk](mailto:designingoutcrime@essex.police.uk)

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