

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AN	21/09/2021
Planning Development Manager authorisation:	SCE	22.09.2021
Admin checks / despatch completed	ER	23/09/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	23.09.2021

Application: 18/01289/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr T Frostick

Address: 71 Brooklands and Land Fronting Talbot Avenue Jaywick Clacton On Sea

Development: Demolition of existing dwellings and construction of a terrace of 4 no. 2 bed houses and a three storey block of 4 no. 2 bed flats with associated parking and amenity (net gain of 6 dwellings)

1. Town / Parish Council

None

2. Consultation Responses

Responses to 'major' development of 12 units removed.

UU Open Spaces
17.09.2020

Current Position

There is currently a deficit of 41.08 hectares of play in the Clacton/Holland area.

The nearest play area to the proposed development is located at Crossways, Jaywick. The play area is classified as a Local Equipped Area for Play, but provides limited provision.

Due to the close proximity to the site it is highly likely that the biggest impact would be felt at this play area. Therefore, to ensure the facilities are adequate and able to cope with the additional usage it would be necessary to increase the level of provision.

Recommendation

Due to the close proximity to the site it is highly likely that the biggest impact would be felt at this play area. Therefore, to ensure the facilities are adequate and able to cope with the additional usage it would be necessary to increase or update the existing of provision. Therefore a contribution towards play is justified and relevant to this planning application. To be used at Crossways.

ECC Highways Dept
18.05.2021

Please note this supersedes the previous recommendation dated: 23 September 2020 for this application.

The information that was submitted in association with the application has been fully considered by the Highway Authority. 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 image dated October 2012. The Highway Authority observes that Brooklands is classified as a Private Road and would not normally comment, however, the proposals offer some off-street parking for each dwelling and the location has alternative public transport links, 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 first occupation of the proposed dwellings, each of the proposed vehicular accesses shall be constructed at right angles to the highway boundary and shall be provided with an appropriately constructed dropped kerb vehicular crossing / connection to the carriageway to the specifications of the Highway Authority.

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 DM 1.

2. No unbound materials shall be used in the surface treatment of the proposed vehicular accesses throughout.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1.

3. No doors, windows, balconies, or rainwater collection / harvesting equipment shall open over, encroach into or oversail the highway.

Reason: To ensure the unimpeded passage of highway users, in the interests of highway safety and in accordance with Policy DM1.

4. All Single garages shall have minimum internal dimensions 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 DM 1 and 8.

5. The Cycle / Powered two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

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

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 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.

8 Prior to the first occupation of any of the proposed dwellings the applicant/developer shall provide a new east bound bus stop at the junction of Talbot Avenue and Brooklands adjacent to proposed development site, the precise location to be agreed with the Highway Authority, including pedestrian hard standing waiting area, level entry kerbing, new post and flag, timetables, any adjustments in levels, surfacing and any accommodation works to the carriageway channel being provided entirely at the applicant/Developer's expense to the specifications of the Highway Authority.

Reason: To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development in accord with Policy DM 9.

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: In main urban areas with frequent and extensive public transport, cycling and walking links, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A reduced parking standard provision level can be applied to this proposal as it is located very close to regular public transport services and public car parking facilities.

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.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

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.

Environmental Protection
26.04.2021

I can advise that I have reviewed the documents and can confirm we have the following comments to make -

Demolition & Construction Method Statement: Prior to the commencement of any demolition or construction works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, Environmental Protection. This should at minimum include the following where applicable -

- Noise Control

1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents. 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

- Emission Control

1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

2) No materials produced as a result of the site development or clearance shall be burned on site.

3) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by

Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

REASON: to protect the amenity of nearby residential premises

Contaminated Land - Watching Brief to be applied to any approval: We request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

Minimum requirements for dealing with unexpected ground conditions being encountered during construction.

1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.
2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.
4. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.
5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.
9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.
10. A photographic record will be made of relevant observations.
11. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be:
 - o re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment;
 - o treatment of material on site to meet compliance targets so it can be re-used;
 - o removal from site to a suitably licensed landfill or permitted treatment facility.

12. A Verification Report will be produced for the work.

Asbestos: Should any asbestos containing materials be present on the development site, or used within the original construction of the building in question, they must be safely removed by a qualified contractor, with relevant transfer notes being obtained to confirm safe and responsible removal and disposal.

REASON: to protect the health of site workers and end users

Should you have any queries, please do not hesitate to contact me

Natural England
21.04.2021

Thank you for your consultation on the above dated 12 April 2021 which was received by Natural England on 12 April 2021

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

DESIGNATED SITES [EUROPEAN] - NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Natural England advises that the specific measures previously identified and analysed by the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy ('RAMS') to prevent harmful effects on European Sites from increased recreational pressure should be applied to this proposed development at appropriate assessment.

Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development.

Providing that the appropriate assessment concludes that these measures must be secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your authority's appropriate assessment, Natural England is satisfied that this appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Sites in view of their conservation objectives.

If your authority's appropriate assessment has identified any other adverse impacts from the proposed development in addition to those that may be caused by increased recreational pressure and which have not been addressed by the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy ('RAMS'), you must consult Natural England for further advice on this appropriate assessment. Permission should not be granted until such time as Natural England has been able to consider these additional impacts

and respond.

UU Open Spaces
30.04.2021

No further comments for us. Even with the reduced number of units a contribution is still required.

Environment Agency
02.09.2021

Thank you for your consultation dated 16 August 2021. We have inspected the application as submitted and have no objection, providing that you have taken into account the flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below.

Flood Risk

Our maps show the site lies within tidal Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for demolition of existing dwellings and construction of a terrace of 4 no. 2 bed houses and a three storey block of 4 no. 2 bed flats with associated parking and amenity (net gain of 6 dwellings which is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA).

Flood Risk Assessment

To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, referenced 3338/2021 and dated July 2021 are:

Actual Risk

- The site lies within the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change.
- The site does benefit from the presence of defences.
- The site level is a minimum of 2.40m AOD and therefore flood depths on site are 3.1 m in the 0.5% (1 in 200) annual probability flood event including updated tidal climate change.
- Therefore assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change.
- 4- Finished ground floor levels have not been confirmed. However development on the ground floor is confirmed to be bin stores/storage and car parking and therefore is classed as 'less vulnerable'.
- Finished first floor levels have been proposed at 6.10m AOD and therefore there is refuge above the 0.1% (1 in 1000) including updated tidal climate change annual probability flood level of 5.8m AOD.
- This proposal does not have a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain (up to a 0.5% (1 in 200) annual probability including climate change flood event). We have no objections to the proposed development on flood risk access safety grounds because an Emergency Flood Plan has been submitted by the applicant but you should determine its

adequacy to ensure the safety of the occupants.

- Flood resilience/resistance measures have been proposed.
- Compensatory storage is not required.

Application forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Anyone carrying out these activities without a permit where one is required, is breaking the law.

Guidance for Local Council

Safety of Building - Flood Resilient Construction

The FRA proposes to include flood resistant/resilient measures in the design of the building to protect/mitigate the proposed development from flooding.

You should determine whether the proposed measures will ensure the safety and sustainability of the proposed development. Consultation with your building control department is recommended when determining if flood proofing measures are effective. Further information can be found in the document 'Improving the flood performance of new buildings' at: http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf. Additional guidance can be found in our publication 'Prepare your property for flooding', which can be found on our website at <https://www.gov.uk/government/publications/prepare-your-property-for-flooding>

Safety of inhabitants - Safety of Building

The development has been designed to provide refuge above the predicted flood levels. Given that refuge is identified as a fall back mitigation measure it is important that the building is structurally resilient to withstand the pressures and forces (hydrostatic and hydrodynamic pressures) associated with flood water. We advise that supporting information and calculations are submitted to you to provide certainty that the buildings will be constructed to withstand these water pressures.

Safety of Inhabitants - Emergency Flood Plan

The Environment Agency does not normally comment on or approve the adequacy of flood emergency procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Planning Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency procedures is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you

consult with your Emergency Planners and the Emergency Services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).

Sequential Exception Tests

The requirement to apply the Sequential Test is set out in Paragraph 161 of the National Planning Policy Framework. The Exception Test is set out in paragraph 164. These tests are your responsibility and should be completed before the application is determined. Additional guidance is also provided on Defra's website and in the Planning Practice Guidance.

Other advice: Other Sources of Flooding

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

Environmental Permitting Regulations

The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert.

3. Planning History

04/01046/FUL	Proposed extension and rebuild garage	Approved	14.07.2004
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4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL11 Environmental Impacts and Compatibility of Uses (part superseded)

HG3 Residential Development Within Defined Settlements

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

QL6 Urban Regeneration Areas

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

Relevant Section 1 Policies (adopted)

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs

SP6 Infrastructure and Connectivity

SP7 Place Shaping Principles

Relevant Section 2 Policies (emerging)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP3 Housing Density and Standards

PP14 Priority Areas for Regeneration

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

Status of the Local Plan

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to the emerging Section 2 of the 2013-33 Local Plan, which contains more specific policies and proposals for Tendring, has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29th June 2021. The Council held a six-week public consultation on the Main Modifications and associated documents which began on 16th July 2021. The consultation closed at 5pm on 31st August 2021 and adoption is expected later this year. Section 2 will then join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

In relation to housing supply:

The Framework requires Councils 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, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, the 'tilted balance' at paragraph 11 d) ii) of the Framework is engaged. This requires applications for housing development be granted permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Following the adoption of Section 1 of the 2013-33 Local Plan and the Council's 'Objectively Assessed housing Need' of 550 dwellings per annum there is no housing shortfall. The Council is able to report a comfortable surplus of housing land supply over the 5 year requirement. The 'titled balance' at paragraph 11 d) ii) of the Framework does not therefore apply to applications for housing.

5. Officer Appraisal (including Site Description and Proposal)

Site

The site measures 0.06ha and lies within the settlement development boundary and urban regeneration area of Jaywick. It also lies in flood zone 3 at high risk from flooding. It is a deep rectangular shape fronting Brooklands to the South with the sea beyond, and with Talbot Avenue along the eastern boundary. It currently contains two modest bungalows 71 Brooklands to the south and 7 Talbot Avenue to the north. There are immediate neighbours to the northern boundary (9 Talbot Avenue) and along the western boundary (70 Brooklands, and 4, 6 and 8 Wolseley Avenue).

Proposal

This application has been significantly amended. It was originally submitted in August 2018 for a very large, bulky four storey block of 12 flats with no supporting Flood Risk Assessment (FRA). The applicant was encouraged to amend the proposal. In July 2020 we received amended plans but it still represented overdevelopment of the site. In March 2021 the current proposal was submitted and subject to full reconsultation. Following a holding objection from the Environment Agency an amended FRA was submitted in July 2021 and in September 2021 the EA removed their objection.

The current proposal is for: Demolition of two existing dwellings and construction of a terrace of 4 no. 2 bed houses and a three storey block of 4 no. 2 bed flats with associated parking and amenity (net gain of 6 dwellings). The site comprises two occupied dwellings and maintained garden/parking land. There is no evidence of protected species or likely suitable habitat on site.

The flats comprise car and cycle parking, storage and lift and stair access on the ground floor; with two two-bedroom flats on both the first and second floor each with a balcony. The terrace of four houses comprise car and cycle parking, and storage on the ground floor and access through to a small private garden; with external staircase access to living, dining and kitchen on the first floor with a small front balcony; and two bedrooms on the second floor.

There is no relevant planning history on the site.

No letters have been received in response to the proposal.

Principle of development

The site lies within the settlement development boundary of Jaywick, which forms part of the strategic urban settlement of Clacton on Sea, so the principle of residential development is accepted subject to the detailed considerations below. The site currently comprises two modest bungalows to be demolished and replaced by a three storey block of four flats and a three storey terrace of four houses. This represents a net gain of six dwellings.

Flood risk

The National Planning Policy Framework 2021 paragraph 159 states: Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 162 states: The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

The site is located within Flood Zone 3 at high risk from flooding. New development in this part of the settlement of Jaywick can help enhance or maintain the vitality of a community and this is a key objective of the Council's overarching strategic objective and the NPPF. Therefore, for this area which is entirely within Flood Zone 3 as defined by the Environment Agency's Flood Map, the area for the purposes of the sequential test is the area within flood zone 3 only and inside the settlement boundary of Jaywick. This approach follows discussions with the Council's leadership team and will ensure that regard is still given to flood risk but will also allow some regenerative development to be approved in this part of Jaywick to maintain and enhance its vitality. Given that the site falls with Flood Zone 3 and there are no other sites in the sequential search area at lower risk of flooding, the site passes the sequential test.

Paragraph 163 of the NPPF states: If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3. Paragraph 164 states: The application of the exception test should be informed by a strategic or site specific flood risk assessment. To pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Paragraph 165 confirms: Both elements of the exception test should be satisfied for development to be allocated or permitted.

With regard to the exception test, part a) requires the development to provide wider sustainable benefits to the community to outweigh the flood risk. The original Brooklands, Grasslands and Village areas of Jaywick were developed with plots for chalets as small as 6 metres x 15.2 metres.

The residential density throughout the area typically varies between 60 and 100 dwellings per hectare. The consequences of climate change and any subsequent flooding could be severe, particularly given that many existing dwellings are substandard and single storey. In Jaywick an exceptional approach is therefore justified where new development can assist in the regeneration of the area and help to reduce the risk to life and property overall. Emerging Policy PP14 confirms that Jaywick is a Priority Area for Regeneration. There is a need to boost the economic regeneration of this deprived area to support business investment, improve the quality of life, and encourage further flood resilient redevelopment. The proposal would demolish two substandard single storey dwellings and replace them with eight dwellings that have all living accommodation above ground floor level, and providing a safe refuge in a flood event. As such, it is considered that the development passes this part of the test.

The application is also accompanied by a flood risk assessment that demonstrates that the mitigation measures, such as the building being designed so that, in the event of flooding, the building fabric and services are flood resilient. Development on the ground floor comprises bin stores/storage and car parking and therefore is classed as 'less vulnerable'. Finished first floor levels have been proposed at 6.10m AOD and therefore there is refuge above the 0.1% (1 in 1000) including updated tidal climate change annual probability flood level of 5.8m AOD.

The Environment Agency issued a holding objection as the FRA didn't relate to the amended scheme. An amended FRA was submitted in July 2021 and in September 2021 the EA removed their objection. The proposal is therefore considered to pass part b) of the exception test.

Paragraph 167 of the NPPF states: ...Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

In response all vulnerable development (living accommodation) is located at first and second floor level above the 1 in 1000 year flood risk level. The FRA details the flood resistance and resilience measures. The site covers a very small footprint and is therefore significantly below the threshold where sustainable drainage systems would be considered a reasonable requirement. The Environment Agency have no concern about residual risk for this development. A flood evacuation plan has been provided detailing escape routes.

Having passed both the sequential test and the exception test, there is no objection to the proposal on flood risk grounds subject to conditions ensuring compliance with the FRA and submission of an evacuation plan.

Design and visual impact

The development comprises two three-storey blocks of accommodation. The flats front Brooklands with a three-storey twin gable frontage with brick to the ground floor, horizontal boarding above, and plain tiles to the roof. There are projecting balconies with glass balustrades and large glass doors to take advantage of the sea view. There is a small frontage area with planters. The long side elevation fronting Talbot Avenue comprises brick to the ground floor with openings for the four parking bays and bin storage. The first and second floor are clad in horizontal boarding with white render and balconies with glass balustrades to the recessed main gable. The other long side elevation has a 1.5 storey element adjacent to 70 Brooklands, and a 2.5 storey element facing 4 Wolsey Avenue before increasing to the main three storey bulk.

The three storey terrace of houses is marginally lower than the flats, and less bulky with a strong vertical emphasis with a front gabled design of render and horizontal boarding. The ground floor is comprised of brick with access to the parking, two central staircases provide access to the living accommodation above with glazed projecting balconies to both the first and second floors. The

rear elevation is a little contrived with high level windows and large inset windows to limit overlooking to dwellings on Wolsey Avenue.

The increased height of new development in Jaywick, required to overcome the high flood risk, has been accepted in order to promote regeneration of the area and there are now many planning permissions, and completed developments of two, three and four stories high. The proposal has been significantly amended and has taken into account the scale, bulk and detailed design of other recent approvals in the area. Although in isolation the development is significantly taller and bulkier than its neighbours, it is considered that on balance the proposal is acceptable and would not result in material harm to visual amenity or the character of the surrounding area.

Residential amenity

The NPPF, at paragraph 130 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Adopted Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

The site is a deep rectangular shape fronting Brooklands to the South with the sea beyond, and with Talbot Avenue along the eastern boundary. It currently contains two modest bungalows 71 Brooklands to the south and 7 Talbot Avenue to the north. There are immediate neighbours to the northern boundary (9 Talbot Avenue) and along the western boundary (70 Brooklands, and 4, 6 and 8 Wolseley Avenue).

70 Brooklands is a modest bungalow with a derelict bungalow (No. 69) to the other side. It has the front door and window on the facing flank and a very small rear garden. The facing flank of the proposed flats comprises a 1.5 storey side gabled section at the front, marginally deeper than the neighbour's footprint, with two first floor windows (stairwell and bedroom), rising to three stories beyond with no openings. Around two thirds down the neighbour's garden there is a 2.5 storey side gabled section with two windows at first floor (bedroom and bathroom) and one at second floor (bedroom). These windows will be conditioned to be obscure glazed and non opening below 1.7m above floor level to limit overlooking to 70 Brooklands and to 4 Wolseley Avenue whose facing rear elevation marginally overlaps the footprint of the proposed flats. In terms of outlook and light the proposed flats will result in a significant loss of light to 70 Brooklands and the derelict 69 Brooklands due to the height and close proximity of the development, and to a lesser extent 4 Wolseley Avenue.

73 Brooklands lies opposite and by virtue of its siting due east would not be subject to significant loss of light. There will be overlooking from the side of the flat's front facing balconies and from the balconies and windows (serving lounges and kitchen/dining) along the side elevation fronting Talbot Avenue this will affect the side elevation which has windows in it, the rear garden, and more obliquely the rear elevation. This overlooking would lead to a significant loss of privacy to 73 Brooklands. Views from the northern end of this elevation will also overlook the side of 2 Talbot Avenue opposite.

Overlooking and loss of light and outlook between the two proposed buildings will not be significant. The flats have high level windows on the facing flank and the houses have a blank facing flank. The forward siting of the flats will result in overshadowing to the balconies but this will obviously be known to future purchasers.

The proposed houses reflect the footprint of 9 Talbot Avenue, the bungalow to the northern boundary. There is side isolation between 9 Talbot Avenue and the shared boundary, and the proposed houses and the shared boundary. There are no openings on the facing flank of the proposed houses. At the front the first floor windows and terrace serve the kitchen and hallway, and second floor doors and balcony serve bedrooms. These provide views of the street and fronts of properties opposite along Talbot Avenue. There is therefore considered to be no material loss of privacy to the properties on Talbot Avenue. By virtue of the height and close proximity the

proposed houses will result in significant loss of light to 9 Talbot Avenue and 4, 6, 8 and 12 Wolseley Avenue.

The rear elevation of the proposed houses faces 4, 6 and 8 Wolseley Avenue. At first floor high level windows and recessed glazing serve lounges. The recessed glazing is obscure glazed looking rearwards and clear glazed to the side to limit overlooking. At second floor level clear glazed recessed windows serve bedrooms. Given this restricted glazing the loss of privacy will not be significant subject to conditions to ensure this glazing is retained and any new openings require planning permission so the LPA can control them. By virtue of the height and close proximity the proposed houses will result in significant loss of light to 4, 6, 8 and 12 Wolseley Avenue.

As stated above the proposal will overlook and overshadow its immediate neighbours. Given the low height of most dwellings in the area this harm can spread to properties in adjacent roads particularly from the upper level windows and balconies. It is accepted that the Essex Design Guide calculations in relation to back to back distances and preservation of daylight to neighbouring properties must be relaxed with the need to actively encourage the redevelopment of Jaywick, particularly given the existing narrow and short plots and close spacing of dwellings in the area. On balance it is considered that the regeneration benefits to Jaywick outweigh this harm to amenity.

Each house is provided with a small rear garden area of 13.5-25 square metres and a 4.3 sq m balcony at second floor. The flats are each provided with a 5.5 - 6.7 sq m balcony therefore providing adequate private amenity space for the future occupiers.

Environmental Health recommend the imposition of a demolition/construction method statement condition to reduce dust, noise and pollution during construction. They also request an unexpected contamination condition should contamination be found that was not previously identified during the planning application process the site shall be assessed and a remediation scheme shall be submitted for approval in the interests of public health and safety.

Highway safety

Each property has two bedrooms and is provided with one car parking space underneath the building, and cycle storage. On-street parking in the area is limited due to the narrow roads. The Highway Authority confirm that a reduced parking standard provision can be applied to this proposal as it is located very close to regular public transport services and public car parking facilities.

The Highway Authority observes that Brooklands is classified as a Private Road and would not normally comment, however, state the proposals offer some off-street parking for each dwelling and the location has alternative public transport links, they therefore recommend approval subject to eight conditions. Conditions 1- 6 relate to necessary works in the interests of highway safety. Condition 7 requests Residential Travel Information Packs and condition 8 requests provision of a new east bound bus stop at the junction of Talbot Avenue and Brooklands. These two conditions are not considered reasonable for a non-major application (i.e. residential site below 0.5 hectares and under 10 dwellings) and have not therefore been imposed.

Legal agreement

Paragraph 55 of the NPPF states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 56 of the NPPF states planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly relate to the development and fairly and reasonably relate in scale and kind to the development.

A Habitat Regulations Assessment has been undertaken as this residential development lies within the Zone of Influence. The site is not within or directly adjacent to one of the European designated sites, but is within 15 metres of the Essex Estuaries SPA European designated site and is also within 15 metres of the Clacton Cliffs and Foreshore SSSI. In accordance with Natural England's advice there is no requirement to consult them due to the specified mitigation.

The HRA confirms a proportionate financial contribution will be secured in line with the Essex Coast RAMS requirements to ensure that this proposal will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered 'in combination' with other development. This contribution is secured under the legal agreement.

The Open Space team confirm there is a deficit of play areas in the Clacton/Holland area. The nearest play area is located at Crossways, Jaywick and is classified as a Local Equipped Area for Play, but provides limited provision. Due to the close proximity to the site it is highly likely that the biggest impact would be felt at this play area. Therefore, to ensure the facilities are adequate and able to cope with the additional usage it would be necessary to increase the level of provision and a financial contribution towards this is secured under the legal agreement in accordance with saved Policy COM6.

Conclusion

The proposal results in flood risk benefits by removing two single storey dwellings and replacing them with a flood resilient development with no living accommodation on the ground floor and safe refuge on the first and second floors in a flood event. The development will result in harm to residential amenity in terms of loss of light, outlook and privacy to neighbouring dwellings; and its height and bulk will appear incongruous in relation to the predominantly single storey dwellings. However, it is considered that on balance this harm is offset by the regeneration benefits to Jaywick.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 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 and document:

Drawing numbers 06A, 03D Proposed House Plans, 03D Proposed Plans- Flats, 04D, and 04.1

Flood Risk Assessment and SUDS report dated July 2021

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

- 3 Prior to occupation of the hereby approved development a comprehensive Flood Warning and Evacuation Plan shall have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details. The Flood Warning and Evacuation Plan shall remain a live document and be updated where required.

Reason - The site lies within Flood Zone 3 at high risk from flooding and a detailed evacuation plan is essential to safeguard future occupiers of the development.

- 4 Prior to first occupation of the proposed development, each of the proposed vehicular accesses shall be constructed at right angles to the highway boundary and shall be provided with an appropriately constructed dropped kerb vehicular crossing / connection to the carriageway to the specifications of the Highway Authority.

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

- 5 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses throughout.

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

- 6 No doors, windows, balconies, or rainwater collection / harvesting equipment shall open over, encroach into or oversail the highway.

Reason: To ensure the unimpeded passage of highway users, in the interests of highway safety.

- 7 Prior to occupation of the proposed development car parking shall be completed in accordance with the approved plans and shall be retained as approved thereafter for that sole purpose. All single garages shall have minimum internal dimensions 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.

- 8 Prior to occupation of the proposed development cycle/powered two-wheeler parking shall be completed in accordance with the approved plans and shall be retained as approved thereafter for that sole purpose.

Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity.

- 9 No development shall take place, including any ground works or demolition, until a Construction/demolition 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
 - v. noise control
 - vi. emission control
 - vii. dust control

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

- 10 Prior to commencement of any above ground works, full details of external facing materials, roofing materials and shutters shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as approved thereafter.

Reason - In the interests of visual amenity.

- 11 Should contamination be found that was not previously identified during the planning application process it shall be made safe and reported immediately to the Local Planning Authority. The site shall be assessed and remediation scheme shall be submitted for approval by the Local Planning Authority. Works shall be carried out in full accordance with the approved remediation scheme prior to occupation.

Reason - To ensure that any unexpected contamination is appropriately remediated in the interests of public health and safety.

- 12 The two first floor windows in the east elevation of the flats serving bedroom 1 flat 1 and a stairwell shall be glazed in obscure glass and fixed shut before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

- 13 The two first floor windows in the east elevation of the flats serving flat 2 bedroom 1 and a bathroom shall be glazed in obscure glass and fixed shut below 1.7m above floor level before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

- 14 The second floor window in the east elevation of the flats serving flat 4 bedroom 1 shall be obscure glazed and fixed shut below 1.7m above floor level before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

- 15 The first floor windows in the east elevation of the houses serving lounges shall be obscure glazed as shown on the approved plans before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

- 16 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of extensions, buildings, dormer windows, additional windows or doors above ground floor level, swimming or other pool shall be erected to any of the houses except in accordance with a planning permission which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of neighbouring privacy and amenity and retaining sufficient private garden space.

- 17 No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 - Trees in relation to design, demolition and construction "

Reason - This is a publicly visible site where an appropriate landscaping scheme is a visually essential requirement.

- 18 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character of the surrounding area.

8. Informatives

Legal Agreement Informative - Public Open Space

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues : public open space in accordance with saved Policy COM6.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Environmental Health Informatives:

Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

Emission Control

- 1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- 2) No materials produced as a result of the site development or clearance shall be burned on site.
- 3) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- 4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Contaminated Land Watching Brief to be applied to any approval: We request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

Minimum requirements for dealing with unexpected ground conditions being encountered during construction.

1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.
2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.
4. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.
5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.
9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.
10. A photographic record will be made of relevant observations.
11. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be: re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or treatment of material on site to meet compliance targets so it can be re-used; or removal from site to a suitably licensed landfill or permitted treatment facility.
12. A Verification Report will be produced for the work.

Asbestos: Should any asbestos containing materials be present on the development site, or used within the original construction of the building in question, they must be safely removed by a qualified contractor, with relevant transfer notes being obtained to confirm safe and responsible removal and disposal.

Highways Informatives:

- 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 or by post to: SMO1 - Development Management Team, Ardleigh Depot, Harwich Road, Ardleigh, Colchester, CO7 7LT
- 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.

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.

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