

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	MP	09/05/23
Planning Manager / Team Leader authorisation:	AN	10/05/23
Planning Technician final checks and despatch:	ER	10/05/2023

Application: 23/00395/VOC **Town / Parish:** Lawford Parish Council

Applicant: Mr and Mrs Kemp

Address: 71 Hungerdown Lane Lawford Manningtree

Development: Application under Section 73 of the Town and Country Planning Act, to allow a variation of conditions 2 (Approved Plans), 3 (Private Drive), 4 (Vehicular Turning Facility), 6 (Landscaping) and 8 (Electric Vehicle Charging Facilities) of 21/01903/FUL to utilise the existing access for the new dwelling to avoid dual use of access for no. 71.

1. Town / Parish Council

Lawford Parish Council No comments received.

2. Consultation Responses

ECC Highways Dept
28.04.2023

The information submitted with the application has been assessed by the Highway Authority and conclusions reached based on a desktop study in conjunction with a site visit. The site is situated on Hungerdown Lane classed as a local road from the County's Route Hierarchy. The proposal would utilise an existing access onto Hungerdown Lane which the applicant owns and uses a second separate access located to the south of the glasshouses, which are to be partly removed to implement the approved scheme. This access is provided with its own gateway set approximately 8m into the site. It is noted that the access is already surfaced in part and provided with improved visibility splays following the removal of a number of trees/vegetation across the frontage by the applicant, in addition a speed survey has been undertaken in support of the application, considering these factors:

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 dwelling, the private access at its centre line shall be provided with a minimum clear to ground visibility splay with dimensions of 2.4 metres by 65 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

2. Prior to occupation of the dwelling a size 5 vehicular turning facility

(8m x 8m), 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 the vehicular access within 6 metres of the highway boundary.

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

4. Prior to occupation of the dwelling the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 4.6 metres (equivalent to 5 drop kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate vehicular crossing.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

5. 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.

6. Cycle 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 parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

7. Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

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

Informative:

1: All 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

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: 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.

Tree & Landscape Officer
28.03.2023

The existing building is set back into the plot of the host property and is not clearly visible from a public place or from the highway. The proposed position of the new dwelling is also set back from the highway and screened by intervening vegetation; in this regard the proposed development will not adversely affect the visual qualities of the locality.

Nevertheless, the proposal to construct a new dwelling in the proposed location is not in keeping with the local settlement pattern.

No trees or other significant vegetation will be adversely affected by the development proposal.

If planning permission were likely to be granted, then there appears to be little public benefit to be gained by way of new soft landscaping. It is noted that the proposed site layout plan shows new tree planting that is desirable for its own sake.

Tree & Landscape Officer
05.04.2023

I can confirm that I have no objection to the above application and my comments were not intended to raise issues that have already been resolved and that do not form part of the current application.

I am aware and accept that the principle of development has been established and that the current application deals only with the variation of conditions and not the principle of development.

I apologise if my comments have caused any confusion or have misled anyone on the scope of this application.

3. Planning History

21/00152/COUNO T	Proposed conversion of an agricultural building into a dwelling.	Granted Prior Approval	10.03.2021
21/01903/FUL	Proposed replacement of an agricultural building and glasshouses with a three bed bungalow (in lieu of Prior Approval for conversion into a dwelling	Approved	22.02.2022

	subject of application 21/00152/COUNOT)		
22/00810/FUL	Proposed replacement of an agricultural building and glasshouses with a three bed bungalow (in lieu of Prior Approval for conversion into a dwelling subject of application 21/00152/COUNOT). Variation to planning permission granted under reference 21/01903/FUL with amended access.	Refused	15.09.2022
23/00342/DISCON	Discharge of conditions 6 (Landscaping) and 8 (Electric Vehicle Charging Facilities) of application 21/01903/FUL.	Approved	30.03.2023

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth

SPL3 Sustainable Design

PPL3 The Rural Landscape

PPL10 Renewable Energy Generation

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 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

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 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, Paragraph 11 d) of the Framework requires granting 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 (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

5. Officer Appraisal

Site Description

The site is situated on the northern side of Hungerdown Lane, close to its junction with Tile Barn Lane, and forms one of numerous properties developed as part of the Foxash Estate, a Land Settlement scheme developed immediately post First World War. The settlement scheme was disbanded in the 1990's, since when numerous holdings have developed as alternative commercial businesses. The character of the area is therefore one of residential properties set within large plots positioned in a uniform manner between Ardleigh and Lawford.

Site History

In March 2021, under planning reference 21/00152/COUNOT, the Council deemed that prior approval was not required for the conversion of an agricultural building into a three bedroom dwelling.

Following this, under planning reference 21/01903/FUL, planning permission was then granted in February 2022 for the replacement of the agricultural building and glasshouses with a three bed bungalow in lieu of the Prior Approval allowed under 21/00152/COUNOT, which was to share an access with Number 71 Hungerdown Lane.

Then, in September 2022, under planning reference 22/00810/FUL, permission was refused for a variation to permission 21/01903/FUL which sought changes to the rear fenestration, the introduction of a rear patio area and an alternative access. This application was refused on the grounds that it had been failed to demonstrate that there were adequate visibility splays from the proposed access in accordance with the speed of the road, to the satisfaction of the Highway Authority, which would result in an unacceptable degree of hazard to all highway users to the detriment of highway safety.

Description of Proposal

This application seeks planning permission for the variation of Conditions 2, 3, 4, 6 and 8 of planning permission 21/01903/FUL, and seeks to utilise an alternative access located to the south-west of the access previously approved adjacent to Number 71 Hungerdown Lane.

The supporting statement confirms that no other alterations are proposed.

Assessment

1. Principle of Development

The principle of development has previously been established through the granting of planning application 21/01903/FUL, which remains extant until 22nd February 2025. Therefore, the principle of development is acceptable subject to detailed consideration below.

2. Highway Safety

Paragraph 108 of the National Planning Policy Framework 2019 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Policy SPL3 Part B of Section 2 of the Tendring District Local Plan 2013-2033 and Beyond seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking.

Within previous application 22/00810/FUL, the application was refused on the grounds that it had not been adequately demonstrated that the visibility splays from the proposed access were acceptable in line with the speed of the road, which would result in an unacceptable degree of hazard to all highway users to the detriment of highway safety.

Since the determination of application 22/00810/FUL, the applicants have removed a number of trees across the frontage of the site to improve visibility, as well as undertaking a speed survey to demonstrate the extent and speed of traffic along this section of Hungerdown Lane.

Taking the above into consideration, Essex Highways Authority have again been consulted on this application. They have stated the proposal would utilise an existing access onto Hungerdown Lane which the applicant owns and uses as a second separate access located to the south of the glasshouses, which are to be partly removed to implement the approved scheme. This access is provided with its own gateway set approximately 8m into the site, is already surfaced in part and provided with improved visibility splays following the removal of a number of trees/vegetation across the frontage by the applicant. Given this, and the speed survey that has been undertaken in support of the application, from a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority, subject to conditions.

In addition, the Essex Parking Standards (2009) require that for dwellings with two or more bedrooms, a minimum of two parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. The proposed plans show sufficient space for the necessary vehicular parking.

3. Layout, Scale and Appearance

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout, create a unique sense of place. Paragraph 127 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place. Furthermore, Policy PPL3 of Section 2 of the Tendring District Local Plan 2013-2033 and Beyond seek to ensure that development is appropriate in its locality and does not harm the appearance of the landscape.

The scale and layout of the dwelling has been assessed under application reference 21/01903/FUL. Externally its appearance would comprise of facing brickwork with blue engineering brick to eaves with blue/black slate roof, and it is considered that the materials are considered appropriate in this location. The siting and footprint of the proposed building is an 'L' shape and there are mixture of dwellings along Hungerdown Lane and therefore it is considered that the proposed siting and footprint is acceptable.

The proposed alternative access has been relocated from directly adjacent to number 71 Hungerdown Lane to further south east along Hungerdown Lane. The relocated access will utilise an existing agricultural track accessed from Hungerdown Lane. In terms of visual appearance, as the proposed dwelling will utilise the existing track it is not considered to cause any visual harm.

4. Impact upon Neighbouring Amenities

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 Adopted Local Plan 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 revised location of the access, which itself is existing and not sited within close proximity of any neighbouring properties, will result in a neutral impact to existing neighbouring amenities, and therefore no objections are raised in this regard.

5. Trees and Landscaping

The Council's Tree and Landscape Officer has been consulted, and has confirmed they have no objections as no trees or other significant vegetation will be adversely affected by the development proposal.

6. Renewable and Energy Conservation Measures

Paragraph 112 of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.

Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.

The proposal includes a new roof space which has the potential to incorporate solar photovoltaic installation, and car parking areas have the potential for the provision of ULEV charging points for electric cars. The submission provides electric vehicle charging details. As a variation of condition application it is not considered reasonable to impose a planning condition at this later stage requiring further provision.

7. Financial Contributions - Open Space and RAMS

(i) Open Space

Within planning permission 21/01903/FUL, the Council's Public Realm team were consulted and confirmed that a contribution towards Open Spaces was not required. Given this application is a variation to that planning permission, it would not be reasonable for the Council to reconsider this on this occasion, and therefore no contribution is sought.

(ii) Habitat Regulations Assessment

As part of the planning permission granted under reference 21/01903/FUL, a Unilateral Undertaking was agreed to secure a financial contribution to ensure that the development would not adversely affect the integrity of European Designated Sites. This contribution has since been paid in full to the Council in May 2022, and therefore it is not necessary for the Council to require a new Unilateral Undertaking be agreed on this occasion.

Other Considerations

Lawford Parish Council have not commented on this application.

No other letters of representation have been received.

Conclusion

The principle of a residential dwelling in this location has previously been established within the granting of planning permission 21/01903/FUL. A previous application for the same scheme was refused on the grounds that it had not been demonstrated demonstrate that there were adequate visibility splays from the proposed access in accordance with the speed of the road. In response to this, the current application has provided a speed survey and a number of trees across the frontage of the site have been removed to improve visibility. Essex Highways Authority have now raised no objections. In addition, no harm has been raised in regard to the visual impacts, impacts to amenities, or impacts to trees.

Accordingly, the previous concerns have now been overcome, and the application is considered to comply with local and national planning policy, and as such is recommended for approval.

6. Recommendation

Approval.

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of 22nd February 2025.

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 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Drawing Number KLH-02 Revision F, documents titled 'Planning Statement', 'Electric Vehicle Charging', 'Highway Speed Report', and the untitled Site Location Plan.

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

- 3 No building or engineering operations authorised by this permission shall be commenced until the existing agricultural building (subject of 21/00152/COUNOT and shown as being demolished on drawing no. KHL-02 Revision F) on the site have been demolished and all materials resulting therefrom shall be cleared from the site.

Reason - The development hereby permitted has only been supported on the basis that the existing agricultural buildings be removed from the site to justify their replacement with a single dwelling which ordinarily would be contrary to the development plan which directs new development to sites within settlement development boundaries.

- 4 The scheme of hard and soft landscaping works shall be carried out in full accordance with the details as submitted and approved within planning reference 23/00342/DISCON.

Reason - In order to enhance and soften the appearance of the development in the interests of visual amenity and the character of the area.

- 5 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 appropriate implementation of the approved landscaping scheme in the interests of visual amenity and the character of the area.

- 6 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 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

Reason - to protect the amenity of nearby residential premises.

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

Reason - to protect the amenity of nearby residential premises.

- 8 If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed.

Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason - To ensure that any risks from land contamination to the future users of the land and neighbouring land are minimised.

- 9 HIGHWAYS VISIBILITY SPLAYS

CONDITION: Prior to first use of the access, visibility splays shall be provided with a minimum clear to ground visibility splay with dimensions of 2.4 metres by 65 metres in both directions, as measured from and along the nearside edge of the carriageway, and shall then be retained in its approved form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

REASON: To ensure vehicles exiting the access would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action.

NOTE/S FOR CONDITION:

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

- 10 CONDITION: The access hereby approved shall have a bound material surface and shall be laid out for a minimum distance of 5 metres from the edge of the carriageway prior to first use. The bound material as implemented shall then be retained thereafter.

REASON: In the interests of highway safety to prevent hazards caused by loose materials on the highway.

NOTE/S FOR CONDITION:

Carriageway is the part of a road intended for vehicles rather than pedestrians normally define by kerb if available or edge of a bound surface. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

- 11 CONDITION: Prior to the first occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be retained thereafter and remain free of obstruction except for the purpose of loading/unloading/reception and storage of materials and manoeuvring and used for no other purpose. Any other area within the site outlined in red not identified shall not be used as loading/unloading/reception and storage of materials and manoeuvring areas.

REASON: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety.

- 12 CONDITION: The electric vehicle charging facility as detailed on report titled Electric Vehicle Charging shall be installed in a working order, prior to first occupation.

REASON: In order to promote sustainable transport.

- 13 CONDITION: Prior to the first occupation of the development, a vehicular turning facility shall be constructed, surfaced and thereafter maintained free from obstruction within the site at all times for vehicular use only.

REASON: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

8. **Informatives**

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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. Please note that any subsequent variation / removal of condition applications (s73 applications) will require a new legal agreement to secure this obligation unless the development has commenced (subject to all necessary condition discharges) and the contribution has already been paid.

Highways Informatives:

1: 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

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: 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.