

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	AL	18/09/2024
EIA Development - Notify Planning Casework Unit of Decision:	N/A	N/A
Team Leader authorisation / sign off:	JJJ	20/09/2024
Assistant Planner final checks and despatch:	ER	20/09/2024

Application: 24/00326/FUL **Town / Parish:** Frating Parish Council

Applicant: Mr P Bartholomew - LPB Homes LTD

Address: Holly Farm (front) Main Road Frating

Development: Planning Application - Demolition of dwelling and outbuildings and erection of 5 no. detached dwellings, garages and access.

1. Town / Parish Council

Frating Parish Council
09.04.2024.

Frating Parish Council would like to comment on this application, but it is regarding a monetary amount that needs to be taken into consideration at the planning application stage.

The Parish Council are not objecting to this application but have 2 points to make. The first being that the access road that is planned to be in the centre of the plan needs to be moved to the opposite side, as far away from the listed buildings as possible. These buildings are very old and could be damaged from the vibrations of the building works and also the use of the road for access.

Secondly the application states there are no flooding issues. At the moment Frating Village is suffering from flooding problems whenever it rains, so much so that drains are backing up inside residents' properties. This is happening now on a yearly basis and the current episode is still ongoing from December 2023. ECC released a study in 2021 that stated that Anglian Water had to update their system as it is not large enough to cope with the new housing estates that had been added to it. At the moment we are waiting for Anglian Water to carry out another infiltration study, but this cannot happen until the water has receded. Therefore, any new houses that are being built that are to be connected need to pay a good amount of remuneration to Anglian Water to ensure that the updates to the system can take place and will not further impact older houses and residents that live further down the line. We have evidence to back all of this up if it is required but this is of vital importance to the village and any new houses to be added.

2. Consultation Responses

ECC Highways Dept
09.04.2024

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 previous site visit. It is noted that the proposal is similar to previous application; 23/00576/FUL that was previously acceptable to the Highway Authority. The site is situated on the A133 Main Road that is subject to a 40-MPH speed limit and access is to be taken from an existing upgraded vehicular access to the site. To the east of the proposed development site there is some existing amenities including bus stop infrastructure on either side of

the road. It is noted that there is a footway on both sides of Main Road, 2-metres in width on the development side but terminates at Holly Farm. When compared with the former agricultural use of the site, the level of activity will be on a par or possibly reduced, 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 the commencement of development, including any ground works or demolition, details of the Construction Management Plan shall be 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. vehicle routing,
- ii. the parking of vehicles of site operatives and visitors,
- iii. loading and unloading of plant and materials,
- iv. storage of plant and materials used in constructing the development,
- v. 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.

2. Prior to occupation of the development, the road junction / access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 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.

3.

Prior to occupation of the development, and as indicated on drawing no. 1007-A-SC-202 A, a size 3 vehicular turning facility, shall be constructed, surfaced, and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

4. Prior to the occupation of any of the proposed dwellings, and as indicated on drawing no. 1007-A-SC-202 A, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway / Footway / Highway Boundary and provided with an appropriate dropped kerb crossing of the footway/verge.

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

5. Prior to occupation of the development, the existing central hatching on A133 Main Road shall be amended to provide a ghosted right turn lane opposite and on the approach to the junction for the development.

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

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

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

7. Any redundant vehicular access shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge / footway / kerbing immediately the proposed new access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1.

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

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

9. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been hard surfaced, and sealed. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

10. Where possible and prior to occupation of the development, the existing footway shall be extended across the entire site frontage and shall be a maximum width of 2 metres.

Reason: To make adequate provision within the highway for the additional pedestrian traffic generated within the highway as a result of the proposed development in accordance with Policy DM9.

11. The public's rights and ease of passage over public footpath no.1 (Frating_163) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

12. Prior to occupation of the development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

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.

Notes:

(i) Prior to any works taking place in the highway the developer should enter into an S278 agreement with the Highway Authority under the Highways Act 1980 or Minor Works Authorisation to regulate the construction of the highway works.

(ii) A Stage 1 RSA for the proposed access and highway improvement measures to be provided, ideally to be carried out by Essex Highways (to avoid the issue of additional items being identified at RSA2 stage which can then delay technical approval) roadsafety.audit@essexhighways.org

(iii) The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority.

Informative:

i). 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

ii). 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.

iii). Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

Environmental Protection
26.04.2024

With reference to the above application, please see below for comments and observations from the EP Team:

Contaminated Land: With reference to the submitted Phase One geo-tech report, dated August 2023; I can confirm we are satisfied with its methodology and findings. The report identifies there is a need for further, intrusive investigation; section 7 of the report outlines the steps required. We are therefore requesting all

recommendation outlined in section 7 of the referred to report are undertaken and the results and reports of which are submitted to the LPA for approval.

Demolition / Construction Method Statement: In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Protection ask that the following is submitted: Prior to the commencement of any construction or demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Environmental Protection Team. 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 dwellings

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

REASON: to ensure that any risks (to future users of the land and neighbouring land and to controlled waters, property and ecological systems) arising from any land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

*Informative:

Foul Drainage: The submitted Foul Drainage Assessment form does not identify the proposed method for foul drainage; can the agent / applicant please confirm this information.

Tree & Landscape Officer
09.04.2024

The application site comprises of the grounds of the burnt-out farmhouse and land containing several derelict farm buildings. Much of the application site has a metalled surface.

In terms of the impact of the development proposal on trees on the site and adjacent land there are three important Oak trees that are shown on the Proposed Site Layout Plan.

Two of the trees are off-site and close to the eastern boundary of the application site and the third is situated in the south-western corner of the land.

To show the extent of the constraint that the trees are on the development potential of the land the applicant has submitted an Arboricultural Impact Assessment (AIA). The AIA shows how retained trees will be physically protected for the duration of the construction phase of any development that may be granted planning permission.

The site layout shows that the positions of the proposed new dwellings will not result in any incursions into the Root Protection Areas (RPA's) of the Oaks. All three trees are shown as retained with a reasonable separation distant between trees and built development.

The AIA contains a Tree Protection Plan (TPP) to show the positions of fencing to be erected to ensure tree protection.

This information is in accordance with BS5837 2012 Trees in relation to design demolition and construction. Recommendations.

Therefore, it is not considered expedient or necessary, at the present time, for the trees to be made the subjects of a tree preservation order.

The information provided by the applicant adequately demonstrates

that the development proposal can be implemented without causing harm to important trees; both on the application site and adjacent land.

Considering the location of the application site details of soft landscaping of the front gardens and boundary with the adjacent highway should be secured by a planning condition.

Soft landscaping should aim to soften, screen, and enhance the appearance of the development to ensure that it is satisfactorily assimilated into its setting.

Essex County Council
Heritage
26.04.2024

The application is for the demolition of dwelling and outbuildings and erection of 5 no. detached dwellings, garages and access.

The site is located to the west of three Grade II listed buildings:

- Forge Cottages;
- Pudners;
- Thatched Cottage.

The site contains a number of buildings including the fire-damaged nineteenth century farmhouse. The demolition of this building is regrettable, but it is understood that it is in very poor condition and its loss has previously been accepted by the Local Planning Authority. An application was made last year (23/00576/FUL) for a similar proposal. The application was withdrawn but there were no heritage issues raised in regards to the impact on the settings and significance of the three listed buildings.

As noted in previous advice pertaining to 23/00576/FUL, the listed buildings mostly draw their significance from their architectural and historic interest as vernacular buildings. The open agrarian and undeveloped landscape to the south, which is mostly unchanged, also positively contributes to their setting. It allows an appreciation of the significance of these designated heritage assets as vernacular buildings with historic connections with the surrounding landscape.

It was also noted previously that the proposed development, which would be built on an historically developed land and set back from the public road, is not considered to affect those elements of the setting that make a positive contribution to the identified heritage assets.

The scheme has been revised and now comprises the erection of five new dwellings rather than six. The design of the proposed houses has also been revised to better reflect the local vernacular and to add some variation to the proposed streetscene. The proposed house in the location of the existing farmhouse is now closer in appearance to the nineteenth century farmhouse with a three-bay frontage and hipped roof. The amended proposal does not change the previous advice. It is considered that there is no harm resulting to the significance of the listed buildings as per Chapter 16 of the NPPF. Section 66(1) of the Planning (Conservation Areas and Listed Buildings) Act 1990 is also relevant, and the proposal is considered to preserve the settings of the listed buildings.

As per previous advice, if the application is approved, it is recommended that the following conditions (or similar) are applied:

- Prior to installation, a schedule of drawings of all new windows and

doors, in section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

- Prior to their first use on site, specifications of all external materials, including hardstanding and boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such.

- New rainwater goods, where required, shall be black painted or powder-coated metal.

Essex County Council
Ecology

17.04.2024

**INITIAL COMMENTS –
holding objection**

Thank you for consulting Place Services on the above application.

Holding objection due to insufficient ecological information on European Protected Species (bats).

Summary

We have reviewed the documents supplied by the applicant including the Preliminary Ecological Assessment (ACJ Ecology, October 2023), relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation.

We are not satisfied that there is sufficient ecological information available for determination of this application.

We note that the Preliminary Ecological Assessment (ACJ Ecology, October 2023) concludes that the main building onsite has no potential features for roosting bats. However, 10 structures are due to be demolished to facilitate the proposals, as shown within the Proposed site and Ground floor Plan - 1007-A-SC-202-A (GROW Design Studio, March 2024). Therefore, it is not clear if these remaining nine structures have been assessed for their suitability to support roosting bats as no individual categorisation of these buildings, in terms of bat roost potential, has been provided within the submitted information. Therefore, the LPA does not have certainty of the likely impacts to bats, European Protected Species.

Furthermore, we also note that a previous survey, Preliminary Ecological Appraisal (Matthew Game, March 2023), was undertaken throughout the site and submitted in support of a similar application (23/00576/FUL), at the same site. This Preliminary Ecological Appraisal (Matthew Game, March 2023) concluded that four buildings onsite have "high" potential for roosting bats and Presence / Likely absence surveys were recommended. This report was then withdrawn from public viewing during the previous application and has also not been submitted in support of this current application.

It is therefore recommended that a further Preliminary Roost Assessment of the remaining nine buildings to be demolished should be undertaken by a suitably qualified ecologist in line with 4th Ed. Bat Survey Guidelines for Professional Ecologists Bat Conservation Trust (Collins ed, 2023). This should be followed by reasonable justifications on how and why each individual building has achieved its categorisation in terms of its potential to support roosting bats. If conclusions differ in relation to the buildings categorised as having "high" bat roost potential, as referenced within the Preliminary

Ecological Appraisal (Matthew Game, March 2023), further reasonable explanation should be provided, providing professional justification why and how conditions are now different / no longer suitable and details of any mitigation measures considered necessary.

To fully assess the impacts of the proposal the LPA need ecological information for the site, particularly for bats, European Protected Species. These surveys are required prior to determination because Government Standing Advice indicates that you should Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby".

The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

This information is therefore required to provide the LPA with certainty of likely impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998.

Additionally, no biodiversity enhancement measures are identified in the documents provided. We recommend that, to secure net gains for biodiversity, as outlined under Paragraph 180d of the National Planning Policy Framework December 2023, reasonable biodiversity enhancement measures will need to be provided.

Furthermore, the site falls within the evidenced recreational Zone of Influence (ZOI) of Essex Coast RAMS. Given the uptake in residential dwellings, this development is relevant to the Essex Coast RAMS. Therefore, the LPA will need to prepare a project level HRA Appropriate Assessment to secure a per dwelling tariff by a legal agreement for delivery of visitor management measures at the designated sites. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitats sites.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

Essex County Council
Ecology

06.09.2024

**LATEST COMMENTS –
no objection**

Thank you for re-consulting Place Services on the above application.

No objection subject to securing ecological mitigation and biodiversity enhancements

Summary

In addition to the documents supplied by the applicant including the Preliminary Ecological Assessment (ACJ Ecology, October 2023), we have reviewed the additional ecological information (ACJ Ecology, 12 May 2024) in response to our holding objection on insufficient information on bats.

We note that the main building had a recent significant fire, and most of the roof had been burnt down. Apart from the main building, we also note that an external and internal inspection was undertaken of outbuildings in zone 1. This included assessing potential access points and roosting opportunities, using an endoscope and a torch when required. As no evidence of bats was noted, we are satisfied that there is a likely absence of bats in Zone 1 buildings.

The possible roosting features mentioned in the previous report include ivy and mixed scrub. The ivy on site was thin-stemmed and open to weather elements, providing an unsuitable roosting potential and none of the scrub stems had potential roost features. Therefore, based on the survey and assessment, we also agree that the likelihood of potential bat roosts in the trees in Zone 1 to be affected is negligible.

We are now satisfied that there is sufficient ecological information available for determination of this application.

As requested previously, it would have been helpful for the PEA to include a detailed breakdown of all buildings assessed for their potential to support roosting bats with justification on why and how each individual building was assigned its categorisation. This would have clarified that all buildings to be affected had been assessed by a suitably licenced ecologist.

This information is required to provide the LPA with certainty of likely impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998.

The mitigation measures identified in the Preliminary Ecological Assessment (ACJ Ecology, October 2023) and Bat Activity Assessment (ACJ Ecology, July 2024) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

Additionally, no biodiversity enhancement measures for protected and Priority species are identified in the documents provided. We therefore recommend that, to secure net gains for biodiversity as outlined under Paragraph 180d of the National Planning Policy Framework December 2023, reasonable biodiversity enhancement measures for species need to be provided in a Biodiversity Enhancement Strategy to be secured by a condition of any consent.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

We note the LPA's project level HRA Appropriate Assessment to secure a per dwelling tariff by a legal agreement for delivery of visitor management measures at the coastal Habitats sites. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Assessment (ACJ Ecology, October 2023), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

2. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

"Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (as amended).

3. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"Prior to occupation, a "lighting design strategy for biodiversity" for areas to be lit in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

3. Planning History

91/00271/OUT	Construction of one dwelling and demolition of existing farmhouse because of subsidence	Refused	15.10.1991
92/00232/OUT	Construction of new dwelling (demolition of existing farmhouse due to subsidence)	Refused	07.04.1992
94/01057/OUT	Replacement dwelling in place of farmhouse suffering from subsidence	Refused	11.10.1994
95/00926/OUT	Replacement dwelling in place of farmhouse suffering from subsidence	Refused	26.09.1995
99/00462/OUT	Proposed replacement dwelling	Approved	26.05.1999
02/02129/OUT	Proposed replacement dwelling (renewal of planning permission 99/00462/OUT)	Approved	08.01.2003
05/02034/OUT	Replacement dwelling. (Renewal of 02/02129/OUT).	Approved	30.01.2006
09/00519/FUL	Erection of detached dwelling and detached ancillary garage building (following demolition of existing dwelling and outbuildings).	Refused	05.08.2009
09/00947/FUL	Erection of two storey detached dwelling and detached ancillary garage building (following demolition of existing dwelling	Approved	23.11.2009

and outbuildings) and provision of new vehicular and pedestrian access to replace the existing.

23/00576/FUL	Proposed demolition of house and outbuildings and erection of 6no. detached dwellings served from a single point of vehicular access.	Withdrawn	17.11.2023
24/00349/FUL	Planning Application - re-use of agricultural buildings to create three single dwellings, erection of two garages and the demolition of redundant buildings.	Current	

4. 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 Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

In relation to housing supply:

The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. However, the revised Framework, published on 19th December 2023, sets out in Paragraph 76 that (for applications made on or after the date of publication of this version of the Framework) local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- their adopted plan is less than five years old; and
- that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

The adopted Local Plan meets these criteria.

Notwithstanding this updated provision, the Council will continue to demonstrate an updated supply of specific deliverable sites within its Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in July 2024, and demonstrates a 6.26-year supply of deliverable housing sites against the annual requirement of 550 dwellings per annum set out within the adopted Local Plan, plus a 5% buffer to ensure choice and competition in the market. (The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>)

On 19th December 2023 the Government published the Housing Delivery Test (HDT) 2022 measurement. Against a requirement for 1,420 homes for 2019-2022, the total number of homes delivered was 2,207. The Council's HDT 2022 measurement was therefore 155%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

5. Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans

can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendingdc.uk/content/neighbourhood-plans>.

At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

6. Relevant Policies / Government Guidance

National:

National Planning Policy Framework December 2023 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

Local:

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

- 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
- SP7 Place Shaping Principles

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

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- HP5 Open Space, Sports and Recreation Facilities
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- PPL1 Development and Flood Risk
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL9 Listed Buildings
- PPL10 Renewable Energy Generation and Energy efficiency Measures
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network
- CP3 Improving the Telecommunications Network
- DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

Tending Provision of Recreational [Open Space for New Development SPD](#) 2008

[Essex Design Guide](#)

[Technical housing standards](#): nationally described space standard Published 27 March 2015

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

7. Officer Appraisal (including Site Description and Proposal)

Site Description & Context

The application site is located on the southern side of Main Road (A133), within the Parish of Frating, to the western edge of the defined Settlement Development Boundary (SDB) for the village.




The site area extends approximately 0.3 hectares and was originally a poultry-rearing farm which has been redundant since 1986.

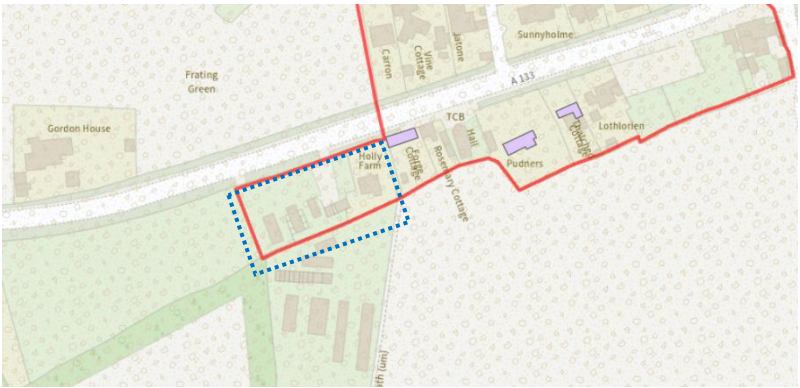
The main farmhouse is located to the eastern end of the site. Previously known as Holly Farm, the property was constructed in the 19th century and has suffered extensive fire damage to the point that it is beyond repair. Permission was granted in November 2009 for the replacement of the farmhouse and existing agricultural outbuildings with a single dwelling (09/00519/FUL).

There are 2 points of access into the site, but these are currently overgrown and unusable. To the west of the main farmhouse, set back from Main Road, are a range of 5 no. disused poultry houses and a dilapidated store. These ranges were also approved to be demolished in 2009.

The site lies almost fully within the Frating SDB (Smaller Rural Settlement). Public Right of Way - Footpath 1 Frating runs along the eastern boundary. Directly adjacent is the Grade II Listed Forge Cottages, and further east are the Grade II Listed Pudners and Lothlorien.

KEY

-  Application site
-  Listed Building
-  Defined SDB of Frating



Description of Development

The application seeks full planning permission for the re-development of the site for 5 no. 4-bedroom detached dwellings, following the demolition of the existing Farmhouse and redundant farm buildings.

The development will be served by a single access from Main Road, leading to a shared turning area and driveways.



The application is accompanied by the following plans and supporting reports (accounting for additional information received during the application):

- 1007-A-SC-201 A Proposed Block/Roof Plan
- 1007-A-SC-202 A Proposed Site Layout Plan
- 1007-A-SC-203 A Parking and Refuse Strategy
- 1007-A-SC-204 A Proposed Street Scene
- 1007-A-SC-301 A House Type A - Proposed Floor Plans and Elevations
- 1007-A-SC-302 A House Type B - Proposed Floor Plans and Elevations
- 1007-A-SC-303 A House Type C - Proposed Floor Plans and Elevations

1007-A-SC-304 A House Type D - Proposed Floor Plans and Elevations
1007-A-SC-305 Proposed Garage Floor Plans and Elevations
1007-A-SC-101 Site Plan
1007-A-SC-104 Demolition Plan
ACJ Ecology Additional Ecology Information dated 12th May 2024
Arboricultural Impact Assessment
Tree Survey Appendices
Foul Drainage Assessment
Heritage Impact Assessment
Phase 1 Geo-Environmental Desk Study and Preliminary Risk Assessment
ACJ Ecology Preliminary Ecological Assessment Version 1 dated 19.10.23

This application follows a previous application for 6 no. dwellings. Following concerns raised by officers and heritage advisors, the application was withdrawn.

Assessment

The main considerations relevant to the proposed development can be summarised and addressed below:

1. Principle of Development
2. Scale, Layout and Appearance (inc. Heritage Asset Impacts)
3. Access, Parking and Highway Safety
4. Habitats and Protected Species (including BNG)
5. Trees and Landscaping
6. Residential Amenities
7. Drainage and Foul Sewage Disposal
8. Financial Contribution - Open Space and Play Space
9. Financial Contribution - Recreational Disturbance
10. Environmental Protection
11. Sustainable Construction & Energy Efficiency
12. Representations
13. Conclusions

1. Principle of Development

The site lies within the Frating Settlement Development Boundary (SDB) as defined within the adopted Tendring District Local Plan 2013-2033 and Beyond.

Local Plan Section 2 Policy SPL 2 states that within the SDB there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies.

Having regard to the site's location within the defined SDB, the principle of residential development on the site is considered acceptable, subject to the detailed considerations set out below.

2. Scale, Layout and Appearance

Paragraph 135 of the NPPF requires that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, maintain a strong sense of place and create places that are safe, inclusive and accessible.

Adopted Section 1 Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context.

Section 2 Policies SPL3 and LP4 of the 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.

Furthermore, Policy PPL9 states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric. Proposals will be treated favourably where they are informed by an assessment of the significance of the heritage asset, and are of a scale, design and materials that respect the significance of the listed building (including any contribution made to that significance by its setting).

The application is accompanied by a Heritage Impact Statement providing an assessment of significance of the adjacent heritage assets. Consultation has been undertaken with Essex County Council Place Services Heritage Advisors. In this instance, the listed buildings mostly draw their significance from their architectural and historic interest as vernacular buildings. The open agrarian and undeveloped landscape to the south, which is mostly unchanged, also positively contributes to their setting. It allows an appreciation of the significance of these designated heritage assets as vernacular buildings with historic connections with the surrounding landscape.

The proposed layout allows for a spacious development whilst providing variation in the design and appearance of the dwellings, their detailing, and materials finishes, thus adding interest to the street scene and overall quality of the development, whilst reflecting the local vernacular. For example, the proposed house in the location of the existing farmhouse is now closer in appearance to the nineteenth century farmhouse with a three-bay frontage and hipped roof. The dwellings will be served by sufficient parking and private amenity spaces. The garages are set behind the front elevation of the proposed dwellings, helping to break up the built form and contribute the spacious appearance of the development. The dwellings are well set back from the road frontage with ample soft landscaping, including new tree planting, softening and screening the development whilst contributing positively to the transition from the built-up area into the open fields beyond. For these reasons, the development is not considered to affect those elements of the setting that make a positive contribution to the identified heritage assets.

It is considered that there is no harm resulting to the significance of the listed buildings as per Chapter 16 of the NPPF. Section 66(1) of the Planning (Conservation Areas and Listed Buildings) Act 1990 is also relevant, and the proposal is considered to preserve the settings of the listed buildings.

For these reasons, the application is considered compliant with the aims of the above-mentioned national and local plan policies representing a well-considered, well-designed layout and appearance.

3. Access, Parking and Highway Safety

Paragraph 114 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users, the design of parking areas and other transport elements reflects current national guidance and the content of associated standards and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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.

The EPOA Parking Standards 2009 require that for dwellings with 2 or more bedrooms, a minimum of 2 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 layout plan demonstrates how each plot will be served by garages and parking in accordance or in excess of the EPOA standards, together with sufficient visitor parking.

Essex County Council Highway Authority raise no objection to the development subject to conditions. These will be imposed where necessary in accordance with the NPPG tests of relevance, reasonableness and enforceability (summarised and addressed below):

1. Submission and approval of a construction management plan.
This will be imposed to ensure that residential amenities and highway safety is safeguarded. This also aligns with the recommendation made by the Council's Environmental Protection Team.
2. Road junction / access at its centre line shall be provided with a minimum clear to ground visibility splay dimensions of 2.4 metres by 120 metres in both directions.
The accompanying plans demonstrate that the required visibility splays can be achieved. The condition will be imposed to ensure the visibility is provided and maintained.
3. Prior to occupation of the development a minimum size 3 vehicular turning facility shall be provided.
This is shown on the approved plans but is required to be made available prior to occupation, in the interests of highway safety. Therefore, an appropriately worded condition will be imposed as this is not covered by the approved plans condition.
4. Private driveway constructed to a width of 5.5 metres prior to occupation.
As above, this is shown on the approved plans but is required to be made available prior to occupation, in the interests of highway safety. Therefore, an appropriately worded condition is reasonable and necessary and will be imposed as this is not covered by the approved plans condition.
5. Central hatching on the A133 to be amended to include a ghosted right turn lane.
These works are contained within the highway and will be secured through an appropriately worded condition and s278 agreement with the Highway Authority.
6. No surface water discharge onto the highway.
This condition will be re-worded to make it precise and enforceable and to ensure any hard surfacing is permeable and that discharge onto the highway is avoided.
7. Closure of redundant access.
This is considered necessary, in the interests of highway and public safety.
8. Any new boundary planting shall be planted a minimum of 1 metre back from the highway and any visibility splay.
This is required to main the visibility splays for safe access and egress to the development. These requirements will be incorporated into the landscaping and highway conditions where relevant.
9. Prior to the occupation of the development, parking provision shall be provided and retained.
This is shown on the approved plans but is required to be made available prior to occupation, in the interests of highway safety. Therefore, an appropriately worded condition will be imposed as this is not covered by the approved plans condition.
10. Existing 2m footway extended across entire site frontage.
The existing footway extends up to the vehicular access, and the layout of the development includes a pedestrian access to the eastern side of the access. There is no need for the footway to extend to the west of the access as there is nothing to the west of the site other than open fields.

4. Habitats and Protected Species (including BNG)

Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity. Section 40 A1 states "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England".

The duty to conserve and enhance biodiversity is placed on public authorities with functions exercisable in relation to England, this includes local authorities, which encompass local planning authorities. Section 40 provides authorities must consider what actions they can take to further the general biodiversity objective and, after consideration, determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. While the Section doesn't explicitly state that planning decisions must contribute to biodiversity conservation, it's essential to consider the broader context of planning functions within the authority. Typically, local planning authorities play a crucial role in land use decisions, and decisions related to development and land management can have significant implications for biodiversity. In conclusion for decision making, it is considered that the LPA must be satisfied that the development would conserve and enhance.

Biodiversity Net Gain

This development is subject to the general duty outlined in the Natural Environment and Rural Communities Act 2006, as amended by the Environment Act 2021 and is designed to actively contribute to the enhancement and conservation of local ecosystems. Under the same Act (Environment Act 2021) mandatory Biodiversity Net Gain came into force for applications validated on or after 12th April 2024. This application was validated on 20th March 2024 and does not require a minimum biodiversity net gain of 10%.

Nonetheless, Paragraph 180 of the NPPF requires that Local Planning Authorities contribute to and enhance sites of biodiversity or geological value whilst Paragraph 179 requires local planning authorities to safeguard components of local wildlife-rich habitats.

Subject to conditions securing mitigation and enhancements, to include insect friendly planting, permeable surfaces, nesting boxes, hedgehog friendly fencing, bee bricks and rainwater capture, the LPA are satisfied that the application can deliver a development in compliance with the above duties and aims.

Priority & Protected Species

Paragraph 186 of the NPPF states that, when making planning decisions local planning authorities need to assess whether significant harm to biodiversity could result from the development. The NPPF goes on to state the hierarchy that should be applied to mitigate any harm to ecology that is identified.

TDLPS2 Policy PPL4 states that proposals for new development should be supported by appropriate ecological assessments and, where relevant, provide appropriate mitigation and biodiversity enhancements to ensure a net gain.

Consultation has been undertaken with Essex County Council Place Services Ecology (Ecology). A review of the Preliminary Ecological Assessment (ACJ Ecology, October 2023) highlighted the lack of information in relation to the bat roost potential of all buildings to be demolished. Therefore, at the time of the original submission, the LPA did not have certainty of the likely impacts to bats, European Protected Species. Consequently, Ecology submitted a holding objection and recommended that a further Preliminary Roost Assessment be undertaken.

Additional ecological information (ACJ Ecology, 12 May 2024) was provided in response to the holding objection.

Officers are now satisfied that there is sufficient ecological information available for determination of this application. The mitigation measures identified in the Preliminary Ecological Assessment (ACJ Ecology, October 2023) and Bat Activity Assessment (ACJ Ecology, July 2024) will be

secured by a condition, to conserve and enhance protected and Priority species particularly those recorded in the locality. No biodiversity enhancement measures for protected and Priority species are identified in the documents provided. Therefore, to secure net gains for biodiversity as outlined under Paragraph 180d of the National Planning Policy Framework December 2023, a Biodiversity Enhancement Strategy will also be secured by condition. This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

5. Trees and Landscaping

Paragraph 136 of the NPPF sets out the importance of trees and the contribution they make to the character and quality of urban environments. It states that planning policies and decisions should ensure that opportunities are taken to incorporate trees in developments and that existing trees are retained wherever possible.

TDLPS2 Policy LP4 relates to housing layout and states; to ensure a positive contribution towards the District's 'sense of place', the design and layout of new residential developments will be expected to incorporate and maximise the use of green infrastructure, verges, trees and other vegetation.

Consultation has been undertaken with the Council's Tree and Landscaping Officer who confirms that the information provided by the applicant adequately demonstrates that the development proposal can be implemented without causing harm to important trees; both on the application site and adjacent land.

The accompanying Arboricultural Impact Assessment (AIA) and Tree Protection Plan (TPP) is in accordance with BS5837 2012 Trees in relation to design demolition and construction. Recommendations, and shows how the retained trees will be physically protected for the duration of the construction phase of any development. The AIA contains a to show the positions of fencing to be erected to ensure tree protection. The site layout shows that the positions of the proposed new dwellings will not result in any incursions into the Root Protection Areas (RPA's) of the Oaks. All three trees are shown as retained with a reasonable separation distant between trees and built development. Therefore, it is not considered expedient or necessary, at the present time, for the trees to be made the subjects of a tree preservation order.

Details of soft landscaping of the front gardens and boundaries will be secured by a planning condition.

6. Residential Amenities

Paragraph 135 of the NPPF includes that planning decisions should ensure developments 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. Section 1 Policy SP7 of the Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 Part C seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Section 2 Policy SPL 3 Part B requires that new development meets practical requirements and that structures should be designed and orientated to ensure adequate daylight, outlook, and privacy for future and existing residents. Furthermore, Policy LP4 seeks to ensure that new dwellings are served by a private amenity space of a size and configuration that meets the needs and expectations of residents and which is commensurate to the size of dwelling and the character of the area.

Each of the 5 proposed dwellings are well laid out with internal accommodation, private amenity space, bin storage and collection areas, and parking areas that relate well to the size of the dwelling and their respective plots. The dwellings are well-spaced and varied, providing a good standard of amenity for future residents.

The closest existing neighbouring property is Forge Cottage located to the east of the site, adjacent to Plot 1. Plot 1 is sited in a similar position to the existing Farmhouse to be demolished,

albeit slightly closer to Forge Cottage. Over 4 metres is retained to the boundary, with further separation from Forge Cottage by the Public Right of Way. Plot 1, House Type C includes only 1 upper floor side facing window serving a bathroom (secured by condition to be obscure glazed). The dense mature hedgerows and trees along Public Right of Way provide additional privacy screening.

For these reasons, the proposal will safeguard the amenities of existing residents and will deliver a good standard of amenity for future occupants of the development.

7. Drainage and Foul Sewage Disposal and floor risk

The site is in flood zone 1 and therefore no need to undertake the sequential test. Paragraph 180(e) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 191 of the Framework states that planning policies and decisions should also ensure that new development is appropriate for its location considering the likely effects of pollution on the natural environment.

Adopted Policy PPL5 of Section 2 of the Adopted Local Plan states that all new development must make adequate provision for drainage and sewerage. Connection to the mains is the preferred option having regard to the drainage hierarchy and building regulations requirements.

The accompanying application form confirms that the development will be served by a connection to the existing mains system, in compliance with the above.

8. Financial Contribution - Open Space and Play Space

Policy DI1 of the 2013-2033 Local Plan seeks to ensure that all new development is supported by, and has good access to, all necessary infrastructure. Where a development proposal requires additional infrastructure capacity to be deemed acceptable, mitigation measures must be agreed with the Local Planning Authority and the appropriate infrastructure provider. Such measures may include financial contributions towards new or expanded facilities and the maintenance thereof. Where necessary, contributions are secured via legal agreement.

In this instance, no contribution is being requested.

9. Financial Contribution - Recreational Disturbance

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. Mitigation measures must be secured prior to occupation and are achieved through a financial contribution of £163.86 per dwelling, secured through a legal agreement.

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 approximately 4400 metres from COLNE ESTUARY (MID-ESSEX COAST PHASE 2) Ramsar site and SPA, and ESSEX ESTUARIES SAC.

To comply with the adopted Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS), Local Plan Policies SP2 and PPL4, and Regulation 63 of the Conservation of Habitats and Species Regulations 2017, an appropriately worded condition will be added to secure the completion of a Unilateral Undertaking thus securing the payment of the required financial contribution prior to the occupation of the development.

10. Environmental Protection

In order to protect the amenity of nearby residential dwellings, appropriately worded conditions securing the submission and approval of a Construction Method Statement and external lighting scheme are included, in accordance with Environmental Protection (EP) consultation comments.

Furthermore, EP are satisfied with the methodology and findings of the accompanying Phase One geo-tech report, dated August 2023. However, the report identifies the need for a further intrusive investigation as set out in section 7 of the report. All recommendations outlined in section 7 of the report will also be secured by condition.

11. Sustainable Construction & Energy Efficiency

Paragraph 116 (e) of the NPPF 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. Policies PPL10 and SPL3 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 delivery of energy efficiency measures for the development will be secured through an appropriately worded condition.

12. Representations

Frating Parish Council do not object to the application but make the following comments:

- The proposed access is close to the listed buildings and could cause damage from the vibrations of the building works and the use of the road for access.
- Surface water flooding and drainage issues. Any new houses should pay a contribution to Anglian Water to ensure that the updates to the system can take place and will not further impact older houses and residents that live further down the line.

Officer comment – these comments are noted and where relevant to planning covered in the main body of the report – in terms of the access road, it is considered to be a sufficient distance away from the listed buildings and this is reflected in the lack of objection from heritage, officer have to struck a balance between layout implications and other matters such as highway safety and the location of the access is on balance acceptable. The Anglian water contribution is not a matter of relevance to this application.

No individual letters of objection or representation have been received.

13. Conclusions

For the reasons set out above, subject to conditions and the completion of a UU, the proposed scheme is considered acceptable and will deliver a development that accords with the principles of sustainable development, whilst safeguarding the setting of the adjacent listed buildings, in compliance with the relevant national and local plan policies.

8. Recommendation

Approval - Full

9. Conditions

1. COMPLIANCE: TIME LIMIT

CONDITION: 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. COMPLIANCE: APPROVED PLANS AND 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.

- 1007-A-SC-201 A Proposed Block/Roof Plan
- 1007-A-SC-202 A Proposed Site Layout Plan
- 1007-A-SC-203 A Parking and Refuse Strategy
- 1007-A-SC-204 A Proposed Street Scene
- 1007-A-SC-301 A House Type A - Proposed Floor Plans and Elevations
- 1007-A-SC-302 A House Type B - Proposed Floor Plans and Elevations
- 1007-A-SC-303 A House Type C - Proposed Floor Plans and Elevations
- 1007-A-SC-304 A House Type D - Proposed Floor Plans and Elevations
- 1007-A-SC-305 Proposed Garage Floor Plans and Elevations
- 1007-A-SC-101 Site Plan
- 1007-A-SC-104 Demolition Plan
- ACJ Ecology Additional Ecology Information dated 12th May 2024
- Arboricultural Impact Assessment and Method Statements Ref. No. TPSQU0017 Issue No 1 dated 19th May 2023 and Appendices 1 to 6
- Foul Drainage Assessment
- Heritage Impact Assessment
- Phase 1 Geo-Environmental Desk Study and Preliminary Risk Assessment
- ACJ Ecology Preliminary Ecological Assessment Version 1 dated 19.10.23

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

3. COMPLIANCE: IN ACCORDANCE WITH AIA

CONDITION: The development shall be carried out in accordance with the approved Arboricultural Impact Assessment and Method Statements Ref. No. TPSQU0017 Issue No 1 dated 19th May 2023 and Appendices 1 to 6. This shall include a qualified Arboriculturalist visiting the site throughout the development process to carry out an assessment of tree health and protection condition and make recommendations when required, as set out in the approved AIA. No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

REASON: To ensure existing trees, shrubs and hedges that are identified as being retained are not removed and are protected appropriately during the development, as they are considered essential to enhance the character of the development and contribute positively to the appearance of the area.

4. COMPLIANCE: NO-DIG CONSTRUCTION TECHNIQUES

CONDITION: All hard surface areas or development within the root protection area of the retained and protected trees, as identified within the approved Arboricultural Impact Assessment and Method Statements Ref. No. TPSQU0017 Issue No 1 dated 19th May 2023 and Appendices 1 to 6 shall be constructed using 'No Dig' construction techniques.

REASON: To ensure the longevity of the retained and protected trees, in the interests of visual amenity.

5. FURTHER APPROVAL: CONSTRUCTION MANAGEMENT TO BE AGREED

CONDITION: Prior to the commencement of development details of the demolition and construction methodology and timetable shall be submitted to and approved, in writing, by the Local Planning Authority. This shall incorporate the following information:-

- a) Confirmation of the hours of operation on the site. 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.
- b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
- c) Details of how construction and worker traffic and parking shall be managed. This shall include routing of all traffic and any directional signs to be installed and where.
- d) Details of wheel and underbody washing facilities to be provided and used at the site.
- e) Details of any protection measures for footpaths and trees surrounding the site.
- f) Details of any means of access to the site during construction.
- g) Details of the scheduled timing/phasing of development for the overall construction period.
- h) Details of measures to control the emission of dust and dirt during construction and including details of any wheel washing to be undertaken, management and location it is intended to take place.
- i) Details of the siting of any on site compounds and portaloos.
- j) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
- k) Site waste management plan (that shall include reuse and recycling of materials) and the prohibition of the burning of materials on the site.
- l) Scheme for sustainable construction management to ensure effective water and energy use.
- m) A scheme to control noise and vibration during the construction phase, including details of any piling operations. If piling is to be carried out on the site a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents shall be provided.
- n) Scheme of review of complaints from neighbours.
- o) Registration and details of a Considerate Constructors Scheme
- p) Details on the provision, location and management of any show home/s or reception, including opening times, parking and advertisements (including flags and directional signs).

The said methodology as may be approved shall be implemented in its entirety and shall operate as may be approved at all times during construction.

REASON: To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result in adverse harm to neighbouring residents' amenities.

6. COMPLIANCE: VEHICULAR VIS SPLAYS PRIOR TO OCCUPATION

CONDITION: Prior to occupation of the development, the road junction / access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120

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.

7. COMPLIANCE: SIZE 3 TURNING FACILITY PRIOR TO OCCUPATION

CONDITION: Prior to the occupation of the development, the size 3 vehicular turning facility shown on approved drawing no. 1007-A-SC-202 A, 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.

8. COMPLIANCE: PERMEABLE SURFACING & NO UNBOUND SURFACE MATERIALS

CONDITION: All new parking areas and areas of hardstanding shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the site area. No unbound materials shall be used in the surface treatment of the individual private driveways and throughout the development.

REASON: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety, and in the interests of sustainable development to minimise the risk of surface water flooding.

9. COMPLIANCE: CLOSURE OF REDUNDANT ACCESS

CONDITION: Any redundant vehicular access shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge / footway / kerbing, immediately the proposed new access is brought into first beneficial use.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

10. COMPLIANCE: A133 GHOSTED RIGHT TURN LANE

CONDITION: Prior to occupation of the development, the existing central hatching on A133 Main Road shall be amended to provide a ghosted right turn lane opposite and on the approach to the junction for the development.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner, in the interests of highway safety.

11. FURTHER APPROVAL: RESIDENTIAL TRAVEL PACK PRIOR TO OCCUPATION

CONDITION: Prior to first occupation of the dwellings hereby approved, a Residential Travel Information Pack (travel pack) shall be provided to each dwelling for use of its first occupiers. The travel pack shall be agreed, in writing, by the Local Planning Authority prior to provision and shall include a minimum of six one day travel vouchers for use with a local transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

NOTE FOR CONDITION: Please contact the Travel Plan Team at ECC Highways via email to Travel.PlanTeam@essex.gov.uk to obtain a Residential Travel Information Pack template and the associated day travel vouchers required.

12. FURTHER APPROVAL: HARD AND SOFT LANDSCAPING SCHEME

CONDITION: Prior to the commencement of any above ground works, a scheme of hard and soft landscaping for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed changes in ground levels, accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with the agreed measures for their protection set out within the AIA and in compliance with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction". The scheme shall be in general conformity with the indicative landscape details shown on the approved 1007-A-SC-202-A Proposed Site & Ground Floor Plan, subject to any new boundary planting being planted a minimum of 1 metre back from the highway boundary and any visibility splay and retained free of obstruction above 600mm at all times.

REASON: In order to enhance the appearance of the development, in the interests of visual amenity and the quality of the development, and to ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

13. COMPLIANCE: IMPLEMENTATION OF LANDSCAPING SCHEME

CONDITION: All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full 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 approved, in writing, by the local planning authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the approved landscaping scheme is implemented in accordance with the approved scheme and has sufficient time to establish, in the interests of visual amenity and the quality of the development.

14. FURTHER APPROVAL: AGREEMENT OF MATERIALS

CONDITION: No development shall be commenced above slab level until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

REASON: To secure an orderly and well-designed finish in the interests of visual amenity and the character and appearance of the development and the setting of the adjacent listed building as insufficient information has been provided with the application.

15. FURTHER APPROVAL: DETAILS OF SCREEN WALLS AND FENCES

CONDITION: Prior to the first occupation of the dwellings hereby approved, precise details of the provision, design and materials of all screen walls and fences shall be submitted to and approved, in writing, by the Local Planning Authority. The screen walls and fences as may be approved shall be erected prior to the dwellings to which they relate being first occupied/used and thereafter be retained in the approved form.

REASON: To secure an orderly and well-designed finish in the interests of visual amenity and the character and appearance of the development and the setting of the adjacent listed building as insufficient information has been provided with the application.

16. FURTHER APPROVAL: WINDOW DETAILS

CONDITION: Prior to installation, detailed elevation and section drawings of all windows and doors (including sections through head, jamb – including construction details of surrounding fabric – stile, mullion, transom, meeting rail, glazing bar, bottom rail, sill or leaded glazing), at 1:1 or 1:20 as appropriate, shall be submitted and agreed, in writing, to the Local Planning Authority for approval. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

REASON: To secure an orderly and well-designed finish in the interests of visual amenity and the character and appearance of the development and the setting of the adjacent listed building as insufficient information has been provided with the application.

17. COMPLIANCE: RAINWATER GOODS

CONDITION: All rainwater goods (including gutters, downpipes, hopperheads and soil pipes) shall be black painted or powder-coated metal. These shall be thereafter retained as installed.

REASON: To secure an orderly and well-designed finish in the interests of visual amenity and the character and appearance of the development and the setting of the adjacent listed building as insufficient information has been provided with the application.

18. FURTHER APPROVAL: SUSTAINABILITY & ENERGY EFFICIENCY

CONDITION: No development shall commence above slab level until full details of the sustainability and energy efficiency measures to be used in the development shall be submitted to and approved in writing by The Local Planning Authority. The detailed scheme shall include as a minimum:-

- An electric car charging point per dwelling
- Agreement of a scheme for water conservation including greywater recycling and rainwater capture/re-use for new dwellings
- Agreement of a scheme to achieve as far as possible a water consumption rate of not more than 110 litres, per person, per day for new dwellings
- Agreement of heating of each dwelling/building
- Agreement of scheme for waste reduction
- In line with the accompanying Broadband Statement, the provision of a fibre optic broadband connection to the best possible speed installed on an open access basis and directly accessed from the nearest exchange, incorporating the use of resistant tubing. (If the applicant is unable to achieve this standard of connection and can evidence through consultation that this would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 30mbps) wireless service will be considered.)

The scheme shall be fully implemented prior to the first occupancy of the development unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be constructed, and the measures provided and made available for use as may be agreed and thereafter shall be maintained.

REASON: To enhance the sustainability of the development through reduced need, better use or savings in the use of water, energy and resources; reduced harm to the environment; and result in wider public benefit in accordance with the NPPF.

NOTES FOR CONDITION:

Slab level normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visualised above ground level or seek confirmation from the Local Planning Authority for your development.

Broadband provision is included to ensure the development is able to be equipped with high speed broadband to enable opportunities for web-based communication and homeworking reducing the need for unsustainable travel.

A water consumption rate of not more than 110 litres, per person, per day adopted as Planning Policy and as imposed by this condition will directly change the building regulations water consumption rate to match as a result of this policy. The introduction of effective utilities, rainwater capture for watering plants, aerators to taps and other water saving options can be considered.

19. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PD FOR ENCLOSURES

CONDITION: Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 2 Minor operations, Class A (or any Order revoking and re-enacting that Order with or without modification):- no fence, gate, wall or any other means of enclosure, shall be erected forward of any front elevation of the dwellings hereby approved.

REASON: To enable the local planning authority to retain control over the development in the interests of the visual amenity, the quality of the development and character of the area.

20. FURTHER APPROVAL: FURTHER INTRUSIVE INVESTIGATION & REPORT

CONDITION: Upon demolition of the outbuildings and removal of hardstanding, an intrusive investigation shall be undertaken in full accordance with Section 7.2 Recommendations for Further Investigative Works of the accompanying Phase 1 Geo-environmental Desk Study and Preliminary Risk Assessment. A comprehensive interpretative report should be submitted to the Local Planning Authority for approval.

REASON: To ensure that any risks (to future users of the land and neighbouring land and to controlled waters, property and ecological systems) arising from any land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

21. COMPLIANCE: WATCHING BRIEF

CONDITION: A watching brief for visual and olfactory signs of contamination shall be adhered to during groundworks, in accordance with Section 7.3 Recommendations for Works during Development of the accompanying Phase 1 Geo-environmental Desk Study and Preliminary Risk Assessment. If suspected contaminated soils, such as asbestos, significant ashy soils (e.g. as a result of fires), unusual, brightly coloured or significantly oily or odorous material are encountered, the procedures set out within 7.3.2 of the Phase 1 Geo-environmental Desk Study and Preliminary Risk Assessment must be adhered to and a verification report be submitted to the Local Planning Authority for approval.

REASON: To ensure that any risks (to future users of the land and neighbouring land and to controlled waters, property and ecological systems) arising from any land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

22. FURTHER APPROVAL: MITIGATION TO BE AGREED - RAMS

CONDITION: Prior to the commencement of any works to the dwellings hereby approved, detailed proposals addressing the mitigation of the development's impact on protected Essex Habitats Sites have been submitted to and received written approval from the Local Planning Authority. Such proposals must provide for mitigation in accordance with the joint Habitats Regulations Assessment Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) or demonstrate mitigation measures of an equivalent effectiveness.

These proposals may require on site or off-site mitigation, but in either case must include evidence of the completion of a necessary legal agreement to secure the proposed mitigation and/or contribution towards mitigation. Please note a legal agreement will include legal fees and may require obligations to secure monitoring and associated fees. For any on site mitigation proposals approved, it shall be carried out in full and thereafter shall be maintained as approved.

REASON: In order to safeguard protected wildlife species and their habitats in accordance with the NPPF and Habitats Regulations. Failure to achieve satisfactory mitigation would result in harm by new residents due to the development's impact on protected sites.

NOTE/S FOR CONDITION:

This condition establishes the necessity to ensure the implementation of appropriate mitigation measures due to the impact of the approved development. Such mitigation may be required on-site, off-site, or a combination of both.

Typically, a contribution towards visitor management measures at the protected Habitats Site(s) is the preferred and simplest approach to fulfil the requirements of this condition. To fulfil this requirement, you can contribute funds towards a range of mitigation projects in the protected areas. It is essential to secure this provision through a legal agreement between the Council, Developer/Applicant, and site owners before occupation. If this is the approach to fulfilling this condition you wish to take, you are strongly advised to finalise the legal agreement with the Council before submitting any request to discharge this condition. Failure to conclude the agreement within the discharge of condition application time frame may lead to the refusal to discharge the condition.

23. COMPLIANCE: IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

CONDITION: All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Assessment (ACJ Ecology, October 2023), as already submitted with the planning application and agreed with the Local Planning Authority. This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

24. FURTHER APPROVAL: BIODIVERSITY ENHANCEMENT STRATEGY

CONDITION: Prior to any above ground works, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;

- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (as amended).

25. FURTHER APPROVAL: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

CONDITION: Prior to occupation, a lighting design strategy for biodiversity for areas to be lit in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

10. 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.

Recreational Impact Mitigation Condition - Legal Agreement Required

As per the relevant condition above, this application requires mitigation against recreational impact in accordance with The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and Regulation 63 of the Conservation of Habitat and Species Regulations 2017. The current RAMS tariff is £163.86 per new dwelling (from the 1st April 2024). To satisfy a RAMS condition and allow a condition to be formally discharged, a completed UU must be submitted with a Discharge of Condition application.

Prior to the submission of the Discharge of Condition application, we can prepare the UU for you (to be reviewed by your solicitor) or we can review a draft UU you have provided (drafted by your solicitor). Both services will incur a charge.

Please see the 'Preparation of a UU' guidance on our website at:

Highways Informatives

1. Prior to any works taking place in the highway the developer should enter into an S278 agreement with the Highway Authority under the Highways Act 1980 or Minor Works Authorisation to regulate the construction of the highway works.
2. A Stage 1 RSA for the proposed access and highway improvement measures to be provided, ideally to be carried out by Essex Highways (to avoid the issue of additional items being identified at RSA2 stage which can then delay technical approval) roadsafety.audit@essexhighways.org
3. the grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority.
4. The public's rights and ease of passage over public footpath no.1 (Frating_163) shall be maintained free and unobstructed at all times, To ensure the continued safe passage of the public on the definitive right of way and accessibility.
5. 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

6. 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.
7. Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

12. Notification of Decision

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