



Appeal Decision

Hearing held on 27 September 2017

Site visit made on 27 September 2017

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 February 2018

Appeal Ref: APP/P1560/W/17/3169150

Land east of School Road, Elmstead Market, Colchester

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Hills Residential (Mr J Hills) against Tendring District Council.
 - The application Ref 16/01797/OUT, is dated 31 October 2016.
 - The development proposed is the erection of 62 dwellings, associated garaging, parking and infrastructure.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 62 dwellings, associated garaging, parking and infrastructure at land east of School Road, Elmstead Market, Colchester, in accordance with the terms of the application, Ref 16/01797/OUT, dated 31 October 2016, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The application was made in outline with all matters reserved for further approval. However, a site layout plan was submitted with the application. The plan is described as indicative and I have considered it on that basis.
 3. Whilst the appeal arises from the failure of the Council to determine the application, its Statement of Case confirms that the application would have been refused for two reasons. The first concerns to the effect of the scale of the proposal on Elmstead Market and Council's ability to manage growth through the plan-led approach. Related to this is the question of housing land supply in the District. The parties' positions on this topic have evolved since the hearing took place and they were given the opportunity to submit supplementary statements. I have taken those submissions into account.
 4. The Council's second putative reason for refusal concerns the absence of a Planning Obligation to secure affordable housing, education and health contributions and the provision of open space. The appellant submitted a Planning Obligation with the appeal. The Council confirmed at the hearing the second reason should not have referred to the need for a contribution towards healthcare and that the submitted Obligation overcomes the remainder of the reason for refusal. Nevertheless, I need to be satisfied that the Obligation meets the tests in the Community Infrastructure Levy Regulations 2010 (CIL Regs).
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Main Issues

5. Having regard to the matters set out above, I consider the main issues to be:
- whether or not the Council is able to demonstrate a five year supply of housing land;
 - the effect of the proposal on the development plan strategy for the location of residential development.

Reasons

6. The development plan for the area comprises the saved policies of the Tendring District Local Plan 2007 (LP). The emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (ELP) was issued in June 2017. Part 1 of the ELP has been produced with Braintree and Colchester Councils and is timetabled for examination in January 2018. Part 2 deals with Tendring only and is due to be examined in April 2018.

Housing Land Supply

7. For the purposes of establishing whether there is a five year supply of housing land the Council's original appeal submissions were based on an objectively assessed need (OAN) of 550 dwelling per annum (dpa). This figure came from the Objectively Assessed Housing Needs Study November 2016 Update (OAN Study)¹ prepared as part of the evidence base for the ELP. It has subsequently been accepted by the Council in a number of appeals².
8. However, as part of its evidence for a Section 78 Inquiry into three appeals at Great Bentley³, the Council revised its OAN figure to 480 dpa. I understand that it will also use this figure in the ELP examination. I have been provided with some of the evidence to the Great Bentley Inquiry in the form of appendices to the parties' supplementary statements. The appellant in the Great Bentley case has challenged the basis on which the Council has revised its OAN figure. Among other things, it questions whether the Council is justified in departing from the Government's demographic projections, the extent to which the District's affordable housing needs have been taken into account and whether the figure aligns with economic growth requirements. The appellant's evidence also indicates that the Council's witness has conceded some of these points, although that has not been confirmed.
9. The appellant in the Great Bentley case considers that the OAN should be in the range 570-670 dpa. The range acknowledges uncertainty regarding the Unattributable Population Change (UPC) component of the OAN. The weight to be attached to the UPC is among the matters in dispute. The appellant goes on to argue that a mid-point of 620 dpa should be used where a single figure for OAN is necessary.
10. At the time of the hearing in this case, the appellant referred to the Government's consultation paper 'Planning for the right homes in the right places' which, based on a standardised methodology, indicates a higher OAN for Tendring than the 550 dpa then proposed by the Council. Nevertheless, it reluctantly accepted the figure of 550 dpa for the purposes of the appeal.

¹ Prepared by Peter Brett Associates on behalf of Braintree, Colchester and Tendring Councils

² For example appeal references APP/P1560/W/16/3145531 and APP/P1560/W/16/3164169

³ Appeal references APP/P1560/W/17/3183626, 3183678 and 3183695

However, it has subsequently asked me to 'give weight' to the OAN evidence of the appellant in the Great Bentley appeal. The updated positions of the parties on OAN, have therefore, moved in opposite directions from the position agreed by the time of the hearing, largely based on evidence which was not prepared for this appeal.

11. The Great Bentley Inquiry has yet to be completed. It is apparent from the submissions I have received that other exchanges between the Council's and appellant's housing witnesses in that case have already and, indeed, may still take place. The areas of dispute may yet be narrowed and clarified. As such, I consider that the Great Bentley evidence which has been made available to me does not allow robust conclusions to be drawn. Under these circumstances, I shall revert to the figure of 550 dpa as originally accepted by both parties.
12. There is no dispute between the parties that there was shortfall in housing delivery in the period 2013/4 to 2016/17 and that, based on an OAN of 550 dpa, 826 units should be added to the five year requirement. It is also agreed that a 20% buffer should be applied in view of the Council's persistent record of under-delivery. Consequently the total five year requirement (2017/18 – 2021/22) amounts to 4291 dwellings.
13. The appellant disputes whether the supply of housing will be delivered at the rates set out in the Council's trajectory. Again, both parties have updated their positions on this matter. The Council's housing supply is made up of 3363 units from large site commitments, 214 units from allocations in the ELP and 770 units from windfall sites. This would yield a total supply of 4347 dwellings, equating to 5.1 years. The appellant considers that the Council's updated housing supply trajectory is still too optimistic and that the large site supply should be 3137 units. It does not dispute the windfall supply, but argues that no ELP allocations should be included. The resulting total of 3907 units would amount to a 4.55 year supply.
14. Footnote 11 to National Planning Policy Framework (the Framework) paragraph 47 states that, to be considered deliverable, sites should be available now and be achievable with a realistic prospect that housing will be delivered on the site within five years. Sites with planning permission should be considered deliverable unless there is clear evidence that schemes will not be implemented within five years. Planning Practice Guidance (PPG) paragraph ID: 3-023-20140306 advises that timescales for delivery of sites should include indicative lead-in times and build-out rates for the development of different scales of sites. On the largest sites allowance should be made for several developers to be involved. The advice of developers and local agents will be important in assessing lead-in times and build-out rates. PPG paragraph ID: 3-031-20140306 advises the planning permission or allocation in a development plan is not a prerequisite for a site being deliverable. However robust, up to date evidence will be needed to support the deliverability of such sites.
15. The Council's trajectory for large sites has been amended as a consequence of the appellant's original evidence and the findings of the Inspector for the Sladbury's Lane appeal⁴. In many cases this has resulted in more time being allowed to deal with the discharge of conditions and the like before the first units are delivered. Nevertheless, the appellant has commented on a number

⁴ Appeal reference APP/P1560/w/17/3169220

- of sites where the Council's updated trajectory adopts faster build out rates than before.
16. In the cases of Thorpe Road, Clacton, Brook Park Road, Clacton and Halstead Road, Kirby Cross the Council has assumed build-out rates of 50 units per year, and 40 per year at Turpins Farm, Kirby le Soken, based on discussion with the developers. However, both Clacton sites and the Kirby le Soken site are under the control of development companies, rather than housebuilders, and the appellant's evidence is that those companies have not been contacted by the Council. Even where the site is under the control of a single housebuilder (such as the Kirby Cross site) the delivery of 40 or more units per year would appear to be optimistic, in particular having regard to the evidence of the housebuilder for another site in the District at Admiral's Farm⁵ which indicates expected sales of unit per month. There is no firm evidence of the involvement of more than one housebuilder on the sites in question which may lead to higher build out rates. Consequently, I consider the appellant's built out rates to be more realistic.
 17. The Council has also included in its supply the sites at Centenary Way, Clacton and Sladbury's Lane. The planning permissions for both were allowed on appeal. The first was the subject of a successful High Court challenge by the Council and the second is the subject of a challenge which has yet to be determined. In view of the inevitable delay and uncertainty associated with the challenges to these permissions, I consider that it would be unsafe to include these sites in the supply.
 18. The 214 units from ELP allocations are on four sites, each of which is the subject of a current planning application. Whilst national policy allows for sites without a planning permission or allocation to be included in the supply, it also requires their inclusion to be supported by robust evidence on deliverability. I recognise that the submission of a planning application shows intent in that regard. Nevertheless, I understand that the allocations are the subject of objections and Part 2 of the ELP examination, which will deal with Tendring allocations, has yet to start. Furthermore, the Council has a track record of being slow in dealing with major development applications⁶ and there can be no certainty that permission will be granted.
 19. The Rouses Farm site is a large scale development and the Council's trajectory indicates that there is a requirement to provide education and health care facilities as well as drainage issues to be resolved. It is not clear how these considerations would affect the phasing of housing on the site. There are existing occupiers and queries over the need for a foot/cycle bridge at the site to the rear of the Council Offices, Weeley. Therefore, although I do not discount altogether contributions from ELP allocations, the number is likely to be considerably smaller than that included by the Council.
 20. Taken together with the deductions from the large sites, I consider that the Council's supply should be reduced by in the region of 350 units. Given that the Council's supply figure is little more than 50 units above the OAN for the District, it follows that a five year supply of housing land has not been demonstrated. Nor can be shortfall be considered marginal. In these

⁵ Appellant's final comments appendix 2(a)

⁶ Government statistics at appellant's final comments appendix 2(b) show that Tendring was the second slowest authority in England in the period October 2015 to September 2017.

circumstances Framework paragraphs 49 and 14 advise that relevant policies for the supply of housing should be considered out of date and that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. Nevertheless, the weight to be given to development plan policies is a matter for the decision maker having regard to factors including their degree of consistency with the Framework, the extent of the shortfall in the five year housing land supply and the prospect of development coming forward to address it.

Development Plan Strategy

21. Policy QL1 of the LP sets out the spatial strategy for the District based on established principles for sustainable development. It seeks to concentrate most new development in the larger urban areas of Clacton and Harwich and states that 'limited development consistent with local community needs' will be permitted in smaller town and villages. Elmstead Market is identified as a village. The policy goes on to state that, outside of defined settlement boundaries and specific land use allocations, only development which is consistent with countryside policies will be permitted. The appeal site adjoins, but falls outside of the settlement boundary and is not otherwise allocated. Nor is it claimed that the appeal proposal is consistent with countryside policies.
22. Policy QL1 is intended guide development, including housing and is therefore a relevant policy for the purposes of Framework paragraphs 14 and 49. The policy covers the period to 2011 and the Council has found it necessary to amend the settlement hierarchy as defined in the equivalent policy in the ELP. Taken together with the absence of a five year housing supply, this suggests that the policy is not adequately meeting future development needs. In this regard I am mindful that paragraph 47 of the Framework seeks to significantly boost the supply of housing. The recent planning permissions and applications set out in the Council's evidence show that there is some prospect of improvement in the housing land supply position. However, there is nothing to suggest that it is the result of the operation of Policy QL1. Consequently I consider this policy can be accorded moderate weight.
23. Policy SPL1 of the ELP defines a five tiered settlement hierarchy, within which Elmstead Market is identified as a fourth tier Rural Service Centre. Policy SPL2 defines settlement boundaries and states that, outside of settlement boundaries, the Council will seek to protect or enhance the character and openness of the countryside. Whilst the policy goes on to specify circumstances in which development outside of settlement boundaries may be permitted, the appellant does not claim that the appeal proposal meets those requirements.
24. However, Policy SPL2 is the subject of unresolved objections and has yet to be tested at examination. In accordance with Framework paragraph 216 and, as the Council recognises in its main statement, limited weight can be attached to this policy.
25. Whilst LP Policy QL1 refers to limited development in villages, it does not seek to quantify the amount of development appropriate in such locations. Nor does ELP Policy SPL1 quantify the position in respect of Rural Service Centres. However, based on the objectively assessed housing need set out in the OAN

Study the Council is planning for a 16% increase in the housing stock of the District in the period 2013-2033. Applying the development strategy outlined above, the Council considers that it would be reasonable to expect larger settlements to accommodate more than 16% growth and smaller settlements, including Elmstead Market, a lesser proportion. However, that approach is not quantified in existing or emerging development plan policies. Nor is it clear from the evidence available how it would be affected by the Council's updated position on OAN.

26. Planning permission has been granted recently for some 154 dwellings on major sites in Elmstead Market which equates to a 25% increase in the housing stock. Adding the 62 units in the appeal proposal would raise the figure to 34%. The Parish Council also point to permissions on smaller sites which take existing commitments from 154 to 192 units. The Council considers that this amounts to a disproportionate level of growth and runs contrary to the aims of the Framework which seek a plan-led approach and the active management of patterns of growth, focussing significant development in sustainable locations (paragraph 17).
27. The appellant argues that Elmstead Market performs well in terms of accessibility to facilities, services and public transport in the Settlement Hierarchy paper⁷ produced for the ELP evidence base and that the appeal site is reasonably well located with regard to these facilities. Furthermore, planning permissions has been granted for residential development in other locations classified as Rural Service Centres where the resulting increase in housing stock would be greater than in this case. Nor, it is argued, is there substantive evidence that the proposal would place an undue burden on local services or facilities and lead to other, site specific harms. In these circumstances, it would not be appropriate to place an embargo on new development.
28. I saw on the site visit that the site is located immediately adjoining the built up area and has the potential for footpath link to a reasonable range of local facilities and services. This link could be secured by condition. A Planning Obligation has been submitted to deal with the effects of the proposal on education provision. It would also secure on-site public open space. No other public service providers have suggested that the proposal would have an adverse impact and future occupiers could be expected to support local businesses.
29. Whilst I recognise that there is tension between the scale of development proposed and the Council's strategy for development in Elmstead Market, there is no firm evidence that its scale or location would lead to tangible harm to local services or facilities. The appeal site is reasonably sustainably located with regard to access to these facilities and to public transport. The Framework's aim of seeking plan-led growth should be considered alongside its support for housing growth. In this case I have found that the housing land supply position in the District, among other factors, indicates that only moderate weight can be accorded to the relevant development plan policy. Overall, therefore, I find that the proposal would result in very limited conflict with the development plan strategy for the location of residential development.

⁷ Appendix 8 of the Appellant's Statement

Other Matters

30. The site is undeveloped land on the edge of the settlement. However, the area's flat topography, combined with fairly substantial road-side planting, ensure that the site is not prominent in the wider landscape. The indicative site layout plan shows planting along the site boundaries. Details of this planting could be agreed at the reserved matters stage. The planting on the southern boundary would help to soften the edge of development in close range views from the south and from the public right of way. Planting and the proposed ecological corridor on the northern boundary, together with a carefully considered site layout, would ensure the development would have a satisfactory relationship with the school to the north. It has been suggested that the proposal would lead to a loss of agricultural land. Whilst the site is in agricultural use, I have not been made aware of its classification or any assessment to demonstrate that the impact of its loss as agricultural land would be unacceptable.
31. Concern has also been expressed locally regarding the highways impact of the proposal. However, there is no substantive evidence of highways problems along School Road or its junction with the A133. I also note that the local highway authority does not object to the proposal, subject to the control of the design of the access and car parking. They can be dealt with at the reserved matters stage.
32. I deal with the requirements to ensure that the site is properly drained below.
33. The Council's statement also refers to LP Policy HG3 which deals with the requirements for development within settlement boundaries in terms of matters such as design, density and highways considerations. Whilst it would be reasonable to expect development outside of settlement boundaries to adhere to those requirements, there is no substantive evidence to show that the appeal proposal would not do so. Therefore, I find that it would not conflict with LP Policy HG3.

Planning Obligation

34. Regulation 122 of the CIL Regs states that a Planning Obligation may only constitute a reason for granting planning permission if it is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind.
35. Policy HG4 of the LP requires the provision of 40% affordable housing on housing sites of five or more dwellings in settlements with a population of 3000 or less. However, more up to date evidence on the viability of affordable housing, prepared for the ELP, indicates that a rate of 30% should be used and this is reflected in ELP Policy LP5. Whilst the policy also incorporates flexibility to allow for a lower rate, there is nothing to suggest a reduced rate is necessary in this case. The submitted Obligation makes provision for 30% affordable housing in a mix of rented and intermediate housing tenures. I am content, therefore, that the affordable housing Obligation meets the Regulation 122 tests and have taken it into account.
36. The appeal site falls within the Brightlingsea/Elmstead primary school forecast planning group. Evidence from Essex County Council indicates that the group is forecast to have a deficit of some 187 permanent places in the year 2020-

21. The existing capacity includes 30 places in temporary accommodation. A contribution is sought to replace this accommodation. The Essex County Council Developer's Guide to Infrastructure Contributions Revised Edition 2016 (DG) advises that the cost of extending an existing primary school is around £12,200 per pupil place. The Obligation makes provision for a contribution of £12,218 per pupil generated by the proposed development. The contribution sought is, therefore, directly related to the proposed development and reasonably related in scale and kind.
37. The appeal site falls within the priority admissions area for Colne Community School and College. Evidence from the County Council indicates that the school is forecast to have a deficit of some 45 permanent places by the year 2020-21. The existing capacity includes 30 places in temporary accommodation. A contribution is sought to replace this accommodation, which is estimated to cost £230,156. The DG advises that the cost of extending an existing secondary school is around £18,500 per pupil place. The Obligation makes provision for a contribution of £18,561 per pupil generated by the proposed development. Since the school is more than three miles from the appeal site, the County Council is under an obligation to provide pupil transport. The DG calculates the cost at £4.30 per pupil per day and seeks contributions to cover a five year period. A contribution of £52,303.20 toward these travel costs is, therefore, sought.
38. I consider that the education contributions sought are necessary, directly related to the proposed development and reasonably related in scale and kind. The primary and secondary school contributions would fund specific projects and, therefore, would not be caught by the pooling restrictions under Regulation 123. I have, therefore, taken the education contributions into account.
39. Policy COM6 of the LP requires large residential developments to provide at least 10% of the site area as public open space. The appeal site has an area of 4.37 hectares and the Obligation makes provision for an area of not less than 0.4989 hectares to be used as open space. It also makes provision for the design, laying out and maintenance of the space. I consider that these requirements are necessary to make the development acceptable in planning terms and are reasonably related in scale and kind to the proposal. I have, therefore, taken them into account.

Conditions

40. The Council has suggested a list of 18 conditions. At the hearing it was agreed that suggested conditions 5 (Landscape and Public Open Space Management Plan) and 6 (hard and soft landscaping) were unnecessary as their requirements would be secured through the provisions of the Planning Obligation and the approval of reserved matters. Suggested condition 15 (contamination) was also agreed to be unnecessary having regard to the greenfield character of the site. With amendments, I consider that the remaining conditions meet the tests set out in the Planning Practice Guidance.
41. A condition specifying the approved plan is necessary in the interests of certainty. A condition to secure the provision of travel information packs is required in support of national and local policies for sustainable travel. The detailed requirements for surface water drainage were discussed at the hearing in the light of concerns expressed on behalf of the Beth Chatto Gardens which

is located close to the site. I have amended suggested condition 9 accordingly. This condition, a condition dealing with surface water drainage during construction, and conditions to secure a maintenance plan and annual maintenance logs for the surface water drainage system are necessary to avoid flooding and prevent pollution. A condition to secure the provision of a foul drainage scheme is required for the same reasons.

42. A condition to secure the provision and implementation of an archaeological written scheme of investigation, including mitigation and post excavation assessment, is required to safeguard the below ground heritage of the site. A construction method statement is necessary in the interests of the living conditions of nearby occupiers and highway safety. In order to protect the living conditions of future occupiers, a condition to prevent noise sensitive development close to an existing pumping station is required. A condition to ensure the provision of a fibre optic broadband connection to the site is necessary to accordance with Framework objectives for high quality communications infrastructure.
43. Additional conditions dealing with the dimensions of the proposed access and car parking standards were suggested by Essex County Council highways. These requirements could be secured through the approval of reserved matters. It was agreed at the hearing that a condition to require the improvement of nearby bus stops was unnecessary. However, I will impose a condition to ensure the provision of a footpath linking the site access with the School Road footpath. This is necessary in the interests of accessibility and pedestrian safety.
44. The appeal site adjoins the specialist Market Field School and appellant has suggested that one of the proposed dwellings could be used as a respite house for parents of pupils at the school. This element of the proposal has attracted support from a number of parents and would help to integrate the school and the new development. A negatively worded condition could be used to secure the use of a dwelling as a respite facility.
45. The appellant has submitted an Ecological Assessment which identifies potential bio-diversity enhancements through landscape planting and the creation of on-site water feature. Such an approach accords with Framework paragraph 118 and can be secured by condition.

Planning Balance and Conclusion

46. Paragraphs 7 and 8 of the Framework require the economic, social and environmental roles of sustainability to be considered together.
47. The proposal would provide 62 new dwellings in an area where there is a shortfall in housing supply. It would also provide 30% affordable housing in a mix of tenures. These considerations are strongly supported by the Framework and I give them significant weight. I also give moderate weight to the provision of a respite dwelling as a social benefit of the proposal.
48. The appellant also points to the economic benefits of the proposal through construction employment and activity and spending by future residents at local facilities. Collectively, these amount to moderate benefits of the proposal.
49. I have found that the proposal would not lead to tangible harms to local community facilities or services, notwithstanding the limited conflict with the

development plan strategy for the location of residential development. Nor would it harm the local environment. Indeed it offers the potential for bio-diversity enhancement.

50. Overall therefore, I find that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits of the proposal. As such, the proposal benefits from the presumption in favour of sustainable development set out in Framework paragraph 14. This consideration is sufficient to overcome the very limited conflict with LP Policy QL1 and ELP Policy SPL2.

51. For the reasons set out above, the appeal should be allowed.

Simon Warder

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE APPELLANT

Trevor Dodkins	Director, Phase 2 Planning
Emma Walker	Associate, Phase 2 Planning
Jonathan Hills	Director, Hills Residential
Stephen Williams	Senior Development Manager, Hills Residential

FOR THE COUNCIL

Graham Norse	Principal Planning Officer, Tendring District Council
Gary Guiver	Planning Manager, Tendring District Council

INTERESTED PERSONS

Julia Boulton	Beth Chatto Gardens
Mark Geddes IEng, AMICE	Richard Jackson Consultants on behalf of Betto Chatto Gardens
Brian Jennings	Whitebeam Farm
Ron Fairweather	Elmstead Market Parish Council

DOCUMENTS SUBMITTED AT THE HEARING

1. Planning Practice Guidance paragraph 0-031-20140306
2. Essex County Council letter dated 20 January 2017 (suggested highways conditions)
3. K Welham Ltd letter dated 21 September 2017 (response to Richard Jackson letter of 4 August 2017)
4. Phase 2 Planning email dated 26 September 2017 (suggested additional condition on respite house)

DOCUMENTS SUBMITTED AFTER THE HEARING

5. Essex County Council Developers' Guide to Infrastructure Contributions 2016
6. Tendring District Council email dated 3 October (education contributions and additional condition on ecology)
7. Phase 2 Planning email dated 4 October 2017 (revised suggested additional condition on respite house)

**Schedule of conditions attached to
Appeal Ref: APP/P1560/W/17/3169150
Land east of School Road, Elmstead Market, Colchester**

- 1) Details of the appearance, access, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be within the area edged in red on Location Plan No: 16/08/10C.
- 5) No development shall commence until details of tree protection measures, including during the construction phase, have been submitted to and approved in writing by the local planning authority. The approved measures shall be implemented in full throughout the construction and operational phases of the development.
- 6) Prior to occupation of the approved development, the developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport (in consultation with Essex County Council), to include six one day travel vouchers for use with the relevant local public transport operator.
- 7) Prior to the commencement of development, a detailed surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, including infiltration testing, shall be submitted to and approved in writing by the local planning authority. The scheme shall provide sufficient treatment for all elements of the development and shall accord with the guidance in CIRA SuDS Manual C753 for a sensitive receptor (the Beth Chatto Gardens) as defined by Chapter 26. The scheme shall include a timetable for implementation. The approved scheme shall be fully implemented in accordance with the approved timetable.
- 8) No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and to prevent pollution has been submitted to and approved in writing by the local planning authority. Construction works shall be carried out in accordance with the approved scheme.
- 9) Prior to commencement of the development a maintenance plan detailing the maintenance arrangements including who is responsible for all of the surface water drainage system and the maintenance activities/frequencies shall be submitted to and approved in writing by the local planning authority. Upon completion, the surface water drainage system shall be maintained in accordance with the approved plan.
- 10) The applicant shall maintain yearly logs of the maintenance of the surface water drainage system which should be carried out in accordance with the approved maintenance plan. These must be available for inspection upon a request by the local planning authority.

- 11) No development shall commence until a foul water drainage scheme has been submitted to and approved in writing by the local planning authority. None of the dwellings hereby permitted shall be occupied until the works have been carried out in accordance with the approved scheme.
- 12) No development or preliminary groundworks shall commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a written scheme of investigation, which has been first submitted to and approved in writing by the local planning authority. Following the completion of this work, a summary report shall be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ, shall be submitted to and approved in writing the local planning authority. No development or preliminary groundworks shall commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been approved in writing. Following the completion of archaeological fieldwork, the applicant shall submit to the local planning authority a post excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the local planning authority), which shall result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.
- 13) No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The statement shall include:
 - i) the proposed hours and days of working;
 - ii) use of barriers to mitigate noise;
 - iii) the need for and method for any piling;
 - iv) the selection and use of machinery;
 - v) vehicle movement plans;
 - vi) waste management measures;
 - vii) methods and details of dust suppression during construction;
 - viii) proposals to minimise harm and disruption to the adjacent area from ground works, construction noise and site traffic; and
 - ix) details of a wheel washing facility.The development shall be carried out in accordance with the approved Statement.
- 14) No development that is sensitive to noise or disturbance shall take place within 15 metres of the boundary of any Anglian Water sewage pumping station.
- 15) The development hereby permitted shall not be occupied until a fibre optic broadband connection installed on an open access basis and directly accessed from the nearest exchange, incorporating the use of resistant tubing, has been installed at the site, in accordance with details that shall be submitted to and approved in writing by the local planning authority.

- 16) A 2m wide footpath shall be constructed close to the front of the site to link the new site access with the existing footpath on School Road.
- 17) No more than 35 dwellings hereby approved shall be occupied until one 2 bed house has been made available for use by Market Field School as a respite house for parents of the school's pupils.
- 18) No development shall commence until an Ecological Design Specification and Ecological Management Plan have been prepared in accordance with the recommendations in the Ecological Assessment (Ref 033/16) submitted with the application. The development shall be carried out in accordance with the measures set out in the approved Specification and Plan.

Richborough Estates