

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
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**Alresford Parish Council**

**No Determination**

**Ardleigh Parish Council**

<a href="#">24/00209/TELLI C</a> Deemed Consent 16.02.2024	<i>Katie Slape - For and On Behalf of CELLNEX UK</i>	<i>Notification under Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for installation of electronic communications apparatus.</i>	<i>Telephone Mast Site ESX0159 Collierswood Farm Bromley Road Ardleigh Essex</i>
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**Beaumont Parish Council**

**No Determination**

**Bradfield Parish Council**

**No Determination**

**Brightlingsea Town Council**

**No Determination**

**Clacton-on-Sea**

<a href="#">23/01510/FUL</a> Refusal - Full 16.02.2024 Delegated Decision	<i>Ms Ros Whitley</i>	<i>Redevelopment of the site to provide a 2-storey detached building comprising 2 x 2 bedroom flats (following demolition of existing bungalow and front boundary wall) including a new vehicular access and parking from Marine Parade East (Part M(2) compliant for disabled access).</i>	<i>139 Marine Parade East Clacton On Sea Essex CO15 5AD</i>
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01 The proposed development, by reason of its design, specifically the featureless and highly visible side elevations, combined with the developments excessive depth and bulk would appear out of keeping with the prevailing character of the area and be harmful to visual amenity. The bland side elevations together with the excessively bulky building would also appear prominent and harmful from the Third Avenue street scene views. Planning conditions seeking details of facing materials will not overcome these areas of harm because of the identified excessive depth and bulk, as well as the developments resultant harmful prominence.

The development would therefore result in an excessively prominent and visually intrusive development being harmful to the character and appearance of the area, contrary to adopted Local Plan policies SP7, SPL3 and LP4.

02 The proposed development, by reason of a combination of its scale, bulk, height and proximity

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to both the side boundaries will result in a dominant and oppressive form of development for the occupiers of Number 141 Marine Parade East and Number 137 Marine Parade East. Moreover, the presence of an existing rear projection at number 137, in combination with the bulk of the proposed development along this boundary will result in a harmful sense of enclosure and a material loss of natural light to rear facing windows (of Number 137 - close to the common boundary), and the immediate rear garden area of Number 137 due to the southerly orientation of this part of the site at

No 137.

The proposal is therefore contrary to adopted Local Plan policies SP7 and SPL3.

<a href="#">23/01518/FULH</a> <a href="#">H</a> Approval - Full 12.02.2024 Delegated Decision	Mr E Gibson	Proposed first floor extension.	5 Sea Shell Way Jaywick Clacton On Sea Essex CO15 2HG
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#### 01 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

#### NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

#### 02 APPROVED PLANS & DOCUMENTS

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

167SSW\_100  
167SSW\_101  
183DC\_103  
183DC\_104

REASON: For the avoidance of doubt.

#### NOTE/S FOR CONDITION:

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The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits.

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

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

### 03 SPECIFIC RESTRICTION ON DEVELOPMENT: PROVISION OF OBSCURE GLASS

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the windows on the side elevation facing No. 7 Sea Shell Way shall be glazed in obscured glass before the development hereby permitted is first occupied/used and shall thereafter be permanently retained in this approved form. The obscured glass shall be designed as equal or higher than Pilkington Textured Glass Level 5 Standard as published January 2010 (as amended).

REASON: To protect the privacy and amenities of the occupiers of neighbouring property.

#### NOTE/S FOR CONDITION

Level 5 is also referred to as Privacy Level 5 and this web site may be of use, the Council accepts no responsibility for content.

<https://www.pilkington.com/en-gb/uk/householders/decorative-glazing>

If you are in any doubt as to the level referred, please contact the Local Planning Authority to discuss.

<a href="#">23/01612/FUL</a> Approval - Full 12.02.2024 Delegated Decision	Mr Festus Efele	Conversion of existing dwelling into 1 x 2 bedroom flat, 1 x 1 bedroom flat, including conversion of existing outbuilding into a studio/office to be used in connection with ground floor flat.	23 Beach Road Clacton On Sea Essex CO15 1UF
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Authority prior to the commencement of development pursuant to this condition.

- Amended Proposed Floor Plans - Scanned 06 Feb 2024
- Existing and Proposed Elevations - Scanned 29 Nov 2023
- Rear Elevations - Scanned 14 Nov 2023
- Side Elevations - Scanned 14 Nov 2023

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

NOTE/S FOR CONDITION:

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

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

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### 03 FURTHER APPROVAL: ENERGY EFFICENCY MEASURES

CONDITION: No internal works to facilitate the conversion of the property to two flats shall commence until a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme should include as a minimum the following:-

- Agreement of a scheme for water conservation including greywater recycling and rainwater capture/re-use for the converted dwellings.
- Agreement of heating of each dwelling
- Agreement of scheme for waste reduction
- 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 better use of water, energy and resources reduce harm to the environment and result in wider public benefit in accordance with the NPPF.

#### NOTE/S FOR CONDITION:

Slab level is 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 visually above ground level or seek confirmation from the Local Planning Authority for your development.

The greatest threat to our planet is the belief that someone else will save it and also forgetting that small acts, when multiplied by millions of people, can transform the world. Developments will provide buildings/homes to thousands/millions of people over their lifetime. A well designed sustainable development in the beginning will restrict the contribution each person makes to that threat and help enable them to transform the world.

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04 FURTHER APPROVAL: RESIDENTIAL TRAVEL PACK PRIOR TO OCCUPATION

CONDITION: Prior to first occupation of each dwelling, 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: Please contact the Travel Plan Team at ECC Highways via email to [Travel.PlanTeam@essex.gov.uk](mailto:Travel.PlanTeam@essex.gov.uk) to obtain a Residential Travel Information Pack template and the associated day travel vouchers required.

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05 COMPLIANCE: STORAGE OF BUILDING MATERIALS

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

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

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<a href="#"><u>23/01810/FULH</u></a> <a href="#"><u>H</u></a> Refusal - Full 15.02.2024 Delegated Decision	Mr and Mrs Wright	Proposed rear extension and replacement of front circular bay windows with square bays.	19 Southcliff Park Clacton On Sea Essex CO15 6HH
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01 The existing bungalow is located within a cluster of similar dwellings which are characterised by their simple hipped roof design.

The proposed two-storey rear extension to this single storey dwelling, by virtue of its excessive eaves height and bulky gable ended roof would create a visually prominent addition which would fail to reflect the proportions and detailed design of the host dwelling. The proposal is therefore considered to be overbearing and incongruous to the detriment of visual amenity and the character of the surrounding area.

The proposed development therefore fails to accord with paragraphs 131 and 135 of the National Planning Policy Framework (2023), and Policies SP7 and SPL3 of the Tendring District Local Plan 2013-2033 and Beyond.

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**Elmstead Market Parish Council      No Determination**

**Frating Parish Council                      No Determination**

**Frinton & Walton Town Council**

<a href="#"><u>23/01694/FUL</u></a> Refusal - Full 16.02.2024 Delegated Decision	Mr and Mrs Parker - Parkers Farms	Proposed nine dwellings comprising 6 No. two bed almshouse style bungalows, 1 No. three bed house and 2 No. five bed houses and a replacement garage. (re submission of 22/01670/FUL)	Land off Briarfields Kirby Le Soken Frinton On Sea Essex CO13 0EF
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01 Paragraph 180(b) of the NPPF (2023) states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Adopted Policy PPL3 states that the Council will not grant planning permission for development if it would cause overriding harm to traditional buildings and settlement settings, native hedgerows, trees and woodlands, designated and non-designated heritage assets and historic landscapes.

Adopted Policy SP3 of Section 1 of the 2013-2033 Local Plan sets out the spatial strategy for North Essex and directs growth towards existing settlements, although adds that development will be accommodated at sites adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area.

On this occasion the site falls adjacent to, but outside of, the Settlement Development Boundary for Kirby-le-Soken. The proposed development would therefore extend beyond the area planned to provide growth for this settlement. The site is currently framed by the prominent positioning of St Michael's Church which serves as a transition link between The Street to the north and wider arable land to the south and by established hedgerow vegetation to the eastern and western flank boundaries. As such, the site currently forms a pleasant green gap between Kirby Hall and Briarfields/The Sparlings. The proposed introduction of housing on this greenfield site through the change of use of the land from agricultural use to residential use would result in the loss of agricultural land and an erosion of the localised landscape character and the degradation of the visual qualities of the countryside. Whilst soft landscaping measures for the development would to some degree mitigate against this visual harm, the development would still be prominent within the local landscape.

Accordingly, the proposed development would cause overriding harm to the character and appearance of this rural landscape setting in terms of the erosion of localised landscape character in favour of housing and also its resulting impact on the settlement's setting which would fail to enhance the natural and local environment, thereby contrary to the listed local and national planning policies.

02 Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given

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to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Furthermore, Paragraph 208 states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Policy PPL8 states that new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area. Policy PPL9 adds 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.

The proposal site is adjoining the boundary of Kirby Le-Soken Conservation Area and is located within the setting of Grade II\* Listed Church of St Michael. The development would result in a detrimental impact to the setting of these heritage assets due to the permanent change of use of their historic immediate setting to the south of the churchyard, which is still open and undeveloped and rural in character and contributes to the understanding of the significance of the identified heritage assets in their original isolated location. The level of harm identified is at the high end of less than substantial, and on this occasion the modest public benefits of nine market dwellings in a location outside of a recognised Settlement Development Boundary at a time when the Council can demonstrate a sufficient five year housing land supply do not outweigh this level of harm. The proposal is therefore contrary to the above local and national planning policies.

03 Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

The application scheme proposes a residential on a site that lies within the Zone of Influence (Zol) being approximately 542 metres away from Hamford Water SPA, SAC and RAMSAR. New housing development within the Zol would be likely to increase the number of recreational visitors to these sites and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A unilateral undertaking has not been prepared to secure this legal obligation. As such, it has not been shown that the development would ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with Section 1, Policy SP2 and Section 2, Policy PPL4 of the Tendring District Local Plan 2013-2033 and Beyond and Regulation 63 of the Conservation of Habitat and Species Regulations 2017 and is therefore contrary to these plan policies.

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<a href="#">23/01747/VOC</a> Approval - Full 13.02.2024 Delegated Decision	Ms Michelle Nye- Browne - Naze Tower	Application under Section 73 of the Town and Country Planning Act, to allow a variation of condition 2 (period of permission for mobile shepherds hut and wooden shelter) of (21/02090/VOC) to extend period for further two years.	The Naze Tower Old Hall Lane Walton On The Naze Essex CO14 8LE

## 01 COMPLIANCE: APPROVED PLANS & DOCUMENTS

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

- Block Plan - Received 08.12.24
- Shepherds Hut - Received 02.01.24
- Wooden Shelter - Received 02.01.24

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

### NOTE/S FOR CONDITION:

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

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

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details

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02 COMPLIANCE: TEMPORARY PERMISSION

CONDITION: The period of this permission shall expire on 14th February 2026 at which date the shepherds hut and wooden covered shelter hereby permitted shall be removed from the site, and the land reinstated to its former condition.

REASON - In the interests of visual amenity and to protect the setting of the Naze Tower.

03 COMPLIANCE: MATERIALS

CONDITION: The materials should be as approved under planning application 21/00380/DISCON and shall continue to be implemented as approved.

REASON - The proposed development will be in the setting of a Grade II\* Listed Building

<a href="#"><u>23/01797/FUL</u></a> Refusal - Full 13.02.2024 Delegated Decision	Mr Patrick Delaney	Redevelopment of existing gypsy traveller site, including an additional two pitches upon the site.	The Rose 63 The Street Kirby Le Soken Frinton On Sea Essex CO13 0EG
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01 As the applicant has demonstrated a specific need for additional accommodation to meet the specific needs of gypsies and travellers, the provisions of criteria-based policy LP9 apply in the consideration of the proposal along with the requirements of the PPTS. Criteria c) and e) of Policy LP9 require sites to include suitable circulation and amenity space and be of a high quality design and landscaping, providing a good standard of residential amenity for their occupiers. Furthermore, paragraph 26 of the PPTS states local planning authorities should attach weight to promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children.

With respect to the amenity space provided, the plans show small grassed areas to the perimeter of each of the four homes and a small additional area to the north of the site, adjacent to five parking spaces. Whilst some level of amenity space is provided, for a site that is providing for up to 16 persons across four units, such provision is not considered to be of a size that meets the needs and expectations of the occupants, and is also not commensurate with the character of the area, which typically sees more spacious development on large plots with generous garden areas. Furthermore, part of the amenity space provided is located either adjacent to parking spaces or an area of hardstanding, which would not be encouraging to occupants and is therefore poorly located. As such, the amenity areas are not of a sufficient size or location within the site to allow for an adequate useable play area for children and would also not provide for a good standard of residential amenity for the occupiers, contrary to the above policies.

02 Criterion b. of Policy LP9 in the Tendring District Local Plan 2013-2033 and Beyond states that proposals for additional pitches to meet the needs of gypsies and traveller sites must have reasonable access to key facilities including schools, doctors' surgeries, convenience shops, and employment sites. Whilst the Council acknowledges that the site has previously obtained planning permission for gypsy and traveller accommodation, the proposed development would bring about a significant intensification of accommodation on site and an increase in the number of people being accommodated and for whom access to key facilities and services would be required.

In this respect the application site is located approximately 300 metres to the west of the Settlement Development Boundary serving Kirby-le-Soken. Kirby-le-Soken is classed as a Smaller Rural Settlement within the adopted Local Plan and has a primary school and good bus route, but does not have a GP Surgery, defined village centre, defined employment area or a railway station. There is a convenience store (including a Post Office) along Walton Road, although this is some 1,200 metres away to the east, and while Kirby-le-Soken has a frequent bus route which provides good access between Colchester and Walton-on-the-Naze, the nearest bus stop is approximately 800 metres away to the south-east. There is also the Red Lion Public House some 510 metres to the east. Furthermore, this section of The Street has no pedestrian footpath or street lighting that connects the site to the main settlement of Kirby-le-Soken, with the nearest footpath being located approximately 250 metres to the east. Taking all of the above into consideration, the proposal is considered to be contrary to criterion b. of Policy LP5.

03 Paragraph 135 of the Framework (2023) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Policy SPL3 of Section 2 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features.

Adopted Policy PPL3 states the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance.

This retrospective application will result in a total of four static caravans, four touring caravans, one day room and eight parking spaces, which thereby introduces further incongruous structures onto the site. The combination of all this built form is a significant intensification to the previously accepted provision on site, and is not in-keeping with the character of the existing site or surrounding area, and instead results in the site appearing overdeveloped and heavily urbanised, thereby eroding the more rural appearance of the site to the significant detriment of the character and appearance of the area. This harm is exacerbated by the inclusion of 1.8 metre - 2.4 metre high timber fencing along the northern boundary in-lieu of the previously approved hedging. The proposal therefore does not accord with the above local and national planning policies.

<a href="#"><u>23/01798/FUL</u></a> Refusal - Full 13.02.2024 Delegated Decision	Mr Stevens	Demolition of former livestock building and replacement with a two bed bungalow (in lieu of Prior Approval for conversion of building in to a dwelling subject of application 21/00460/COUNOT).	Land adjacent to The Willows Little Clacton Road Great Holland Essex CO13 0ET
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01 Policy SP3, Section 1 of the Tendring District Local Plan 2013-2033 and Beyond sets out the spatial strategy for North Essex and directs growth towards existing settlements, whilst Policy SPL2, Section 2 of the Local Plan has similar aims and objectives specifically to Tendring

District. The application site lies outside of any defined Settlement Development Boundary in the 2013-2033 Local Plan. The proposed development would therefore extend beyond the area planned to provide growth.

In view of its favourable housing land supply position, the Council does not need to look beyond identified settlements to meet its housing requirement. The proposal therefore gives rise to harm through failing to comply with a statutory plan-led approach to the location of future housing. In view of this, the proposal's conflict with local plan policy gives rise to a significant degree of harm. The spatial strategy of Policy SP3, Section 1 also reflects the National Planning Policy Framework (2021) sustainable development objectives and the proposal's policy conflict with this policy in this context is given full weight. The principle of development is therefore not acceptable in this location.

The availability of a building subject to an approved Prior Approval for Class Q is acknowledged and given weight (21/00460/COUNOT). The current agricultural building necessitates significant building works to effectively convert it from the current agricultural structure to a residential dwelling, a conclusion apparent even to those not well-versed in residential conversions. Moreover, under a specified condition of the prior approval decision 21/00460/COUNOT there remains only a brief two-month window to commence such building works let alone complete the prior approval "conversion work", a timeframe deemed highly improbable. Consequently, it is the Council's assertion that the lawful ability to undertake the extant Prior Approval conversion scheme under 21/00460/COUNOT is now highly unlikely and that the weight that can be attributed to the 'fall-back position' (R v Secretary of State for the Environment and Havering BC (1998) EnvLR189) is reduced. As such that the possibility of compliance with the General Permitted Development Order (as also already previously cited for refusal reason No.1 for refused planning application 22/1052/FUL) is highly unlikely also. For this reason, the proposal is considered to fail the second element of the legal fallback test where it is considered that it is now highly unlikely for such a lawful event from occurring.

02 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. Policy SP2, Section 1 of the Tendring District Local Plan 2013-2033 and Beyond states that financial contributions will be secured from development towards mitigation measures in accordance with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy 2018-20238 (RAMS), whilst Policy PPL4, Section 2 of the Tendring District Local Plan 2013-2033 and Beyond has a similar contributions requirement.

The application scheme proposes a new dwelling on a site that lies within the Zone of Influence (Zol) being approximately 3,540 metres from the Hamford Water SPA and Ramsar. However, new housing development within the Zol would be likely to increase the number of recreational visitors to Hamford Water and, in combination with other developments, it is likely that the proposal would have significant effects on this designated site. Mitigation measures must therefore be secured prior to occupation.

Mitigation measures must therefore be secured prior to occupation. A proportionate financial contribution has not been secured in accordance with the adopted Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements. As submitted, there is no certainty that the development would not adversely affect the integrity of Habitats sites. The proposal is therefore considered to be contrary to Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.



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## Great Bentley Parish Council

<a href="#">24/00028/FULH</a> <i>H</i> <i>Approval - Full</i> <i>16.02.2024</i> <i>Delegated</i> <i>Decision</i>	<i>Mr and Mrs Wallis</i>	<i>Proposed single storey side and rear extensions.</i>	<i>The Yard Simmons Way Great Bentley Colchester CO7 8FD</i>
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### 01 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

#### NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

### 02 APPROVED PLANS & DOCUMENTS

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

P01  
P02

REASON: For the avoidance of doubt.

#### NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits.

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

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with this paragraph, alongside the Development Plan and all other material considerations.

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

## Great Bromley Parish Council

<a href="#">24/00001/FUL</a> Approval - Full 16.02.2024 Delegated Decision	Mr Wayne Knowles	Erection of replacement detached chalet bungalow following demolition of existing bungalow.	Byeways Mary Lane North Great Bromley Colchester Essex CO7 7TZ
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### 01 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

#### NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

### 02 APPROVED PLANS & DOCUMENTS

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

P002 H

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

#### NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the

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

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

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

### 03 HIGHWAYS CONDITION

CONDITION: No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the carriageway.

REASON: To avoid displacement of loose material onto the carriageway in the interests of highway safety.

### 04 FURTHER APPROVAL - CONSTRUCTION MANAGEMENT TO BE AGREED (PRE COMMENCEMENT)

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

- a) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
- 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 any protection measures for footpaths and trees surrounding the site.
- e) Details of any means of access to the site during construction.
- f) Details of the scheduled timing/phasing of development for the overall construction period.
- g) 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.
- h) Details of the siting of any on site compounds and portaloo's.
- i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
- j) Site waste management plan (that shall include reuse and recycling of materials)
- k) Scheme for sustainable construction management to ensure effective water and energy use.

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- l) Scheme of review of complaints from neighbours.
- m) Registration and details of a Considerate Constructors Scheme
- n) 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 adverse harm on amenity.

**NOTE/S FOR CONDITION:**

You are strongly advised to discuss this condition with the Local Planning Authority and if possible/available local residents likely to be affected by this development prior to submission of details.

**05 HIGHWAYS PROVISION OF PARKING AND TURNING**

CONDITION: The hereby approved development shall not be first occupied until such time as the areas for purposes of manoeuvring and parking of vehicles has been provided and made functionally available. The area shall then be retained and remain free of obstruction thereafter.

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 and layout is provided To ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would otherwise be detrimental to highway safety.

**06 AGREEMENT OF MEASURES TO IMPROVE SUSTAINABILITY OF DEVELOPMENT**

CONDITION: No development shall commence above slab level until a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include as a minimum:-

- An electric car charging point.
- Agreement of a scheme for water conservation including greywater recycling and rainwater capture/re-use.
- 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 the dwelling.
- Agreement of heating of each dwelling/building
- Agreement of scheme for waste reduction
- 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

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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.

**Great Oakley Parish Council**

**No Determination**

**Harwich Town Council**

<a href="#"><u>18/01592/OUT</u></a> Refusal - Outline 13.02.2024 Delegated Decision	G & P Schelvis	Outline application with all matters reserved for the erection of two detached dwellings.	Site of 1 & 2 Bridge Cottages Parkeston Road Parkeston Essex CO12 4NY
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01 The submitted ecological information suggests the likelihood of Hazel Dormouse presence on the development site as "negligible." However, considering the site's connection to adjacent woodlands, which are known habitats for Hazel Dormice, it is considered that there is reasonable likelihood of protected species being present on the site, or that could be affected by the development. The application has failed to demonstrate that the development will not result in a net loss in biodiversity and/or no harm to protected species and/or areas capable of providing habitat for protected species. The proposal is therefore in conflict with Local Plan policy PPL4 and Paragraph 99 of the ODPM Circular 06/2005.

02 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 specific residential development type meeting those tests, which means that all residential development must provide mitigation. The proposal is for two new residential dwellings and under Local Plan Policy SP2 the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD (RAMS SPD) is therefore relevant.

The development lies within the Zone of Influence of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The occupiers of the dwellings are therefore

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considered likely to regularly visit relevant nearby designated sites for recreation. In order to avoid a likely significant effect in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) mitigation measures will need to be in place prior to occupation. A proportionate financial contribution has not been secured in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements.

The development is therefore contrary to Local Plan policies SP2 and PPL4.

<a href="#">23/01753/ADV</a> Approval - Advertisement Consent 14.02.2024 Delegated Decision	Nationwide Building Society	Consent to display replacement 1no. Projecting signage with new 600mm. Replace 1no. Fascia and 1no. Logo with 1no. New blue fascia and 1no. New 490mm logo height. Replace 1no. ATM tablet and decals with new. Replace statutory signage with new.	238 High Street Harwich Essex CO12 3PA
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#### 01 ADVERTISEMENT (SCHEDULE 2 CONDITIONS)

##### CONDITIONS:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
  - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

REASON: All advertisements displayed with the (express) consent of the Local Planning Authority are subject to these standard conditions by virtue of Schedule 2 to the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 (as amended).

#### 02 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the

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

EXTERNAL ATM DETAILS - REC'D 08/12/23

PR.00 E1 - AMENDED PROPOSED EXTERNAL ELEVATIONS - REC'D 26/01/24

LOGO DETAILS - REC'D 08/12/23

PROJECTION DETAILS - REC'D 08/12/23

SITE PLAN - REC'D 08/12/23

BLOCK PLAN - REC'D 18.12.23

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

NOTE/S FOR CONDITION:

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

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

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

## Lawford Parish Council

<a href="#"><u>23/01740/FULH</u></a> <a href="#"><u>H</u></a> Refusal - Full 12.02.2024 Delegated Decision	Mr Kevin Last	Extension of existing detached bedsit annexe into a large two bedroom annex.	Annex 77 Hungerdown Lane Lawford Manningtree Essex CO11 2LX
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01 The proposed development, by virtue of the scale and level of accommodation provided, is

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not considered ancillary to the dwelling at 77 Hungerdown Lane. The proposal therefore represents a detached two bedroom dwelling.

The application site falls outside of any defined settlement development boundary, being located approximately 1.6 km from the defined settlement development boundary of Lawford and therefore located within the countryside. The site is therefore poorly located in terms of accessibility of local services and future occupants would be largely reliant on their private car, therefore failing to represent sustainable development. The Council has an up to date adopted Local Plan so does not need to look beyond settlement boundaries to provide housing growth. The principle of additional residential development in this location is not therefore accepted, and would set an undesirable precedent for further residential development outside of the settlement development boundary in this location. Furthermore the proposal would set a harmful precedent for further in depth dwellings in the locality which cumulatively would result in demonstrable harm to the rural character of the surrounding area.

The proposal is therefore contrary to paragraph 135 of the NPPF and Policy SP3 of Section 1 of the adopted Tendring District Local Plan 2013-2033, and Policies SPL1, SPL2 and SPL3 of Section 2 of the adopted Tendring District Local Plan 2013-2033.

02 Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. The contribution is secured by unilateral undertaking.

The application scheme proposes new dwellings on a site that lies within the Zone of Influence (Zoi) being but is approximately 3217.7 metres from the Stour and Orwell Estuaries SPA and Ramsar. New housing development within the Zoi would be likely to increase the number of recreational visitors to the Stour and Orwell Estuaries and, in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A proportionate financial contribution has not been secured in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements. As submitted, there is no certainty that the development would not adversely affect the integrity of Habitats sites.

The proposal is therefore contrary to Policy PPL4 of Section 2 of the adopted Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

**Little Bentley Parish Council**                      **No Determination**

**Little Bromley Parish Council**                      **No Determination**

**Little Clacton Parish Council**                      **No Determination**

**Little Oakley Parish Council**



<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
<a href="#">23/01422/FUL</a> Approval - Full 16.02.2024 Delegated Decision	Mr James Moor - Lime Trees Care Group	Change of use of existing dwelling to C2 (care home) and proposed 3 bedroom assisted living bungalow.	52 Rectory Road Little Oakley Harwich Essex CO12 5JU

01 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

02 APPROVED PLANS & DOCUMENTS

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

2322-1101 - Red Line Site Plan  
2322-1201-P1  
2322-1103-P2

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

NOTE/S FOR CONDITION:

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

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that

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

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

03 ACTION REQUIRED: HIGHWAYS TURNING SPACE

CONDITION: Prior to the proposed building being first occupied, the vehicle turning space shown on the hereby approved plans shall be provided in its entirety and shall then be retained in its approved form and used for no other purpose.

REASON: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety.

04 ACTION REQUIRED: PROVISION OF ACCESS

CONDITION: The hereby approved access changes, incorporating its widening to a width of 5 metres for at least its first 6 metres back from Rectory Road, shall be completed in all respects in accordance with the approved drawings and be available for use before first occupation/use of the development hereby approved. The access shall then be retained in its approved form.

REASON: In the interests of highway safety to ensure the access is properly designed and constructed and made available for use.

NOTE/S FOR CONDITION:

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

05 HIGHWAYS PROVISION OF PARKING AND TURNING

CONDITION: The hereby approved development shall not be first occupied until such time as the areas for purposes of parking vehicles has been provided and made functionally available. The area shall then be retained and remain free of obstruction thereafter.

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 and layout is provided. To ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would otherwise be detrimental to highway safety.

06 FURTHER APPROVAL - CONSTRUCTION MANAGEMENT TO BE AGREED (PRE COMMENCEMENT)

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

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- a) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
  - 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 any protection measures for footpaths and trees surrounding the site.
  - e) Details of any means of access to the site during construction.
  - f) Details of the scheduled timing/phasing of development for the overall construction period.
  - g) 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.
  - h) Details of the siting of any on site compounds and portalos.
  - i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
  - j) Site waste management plan (that shall include reuse and recycling of materials)
  - k) Scheme for sustainable construction management to ensure effective water and energy use.
  - l) Scheme of review of complaints from neighbours.
  - m) Registration and details of a Considerate Constructors Scheme
  - n) 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 adverse harm on amenity.

**NOTE/S FOR CONDITION:**

You are strongly advised to discuss this condition with the Local Planning Authority and if possible/available local residents likely to be affected by this development prior to submission of details.

**07 FURTHER APPROVAL REQUIRED - BIODIVERSITY ENHANCEMENT STRATEGY**

**CONDITION:** Prior to any works above slab level 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 to achieve stated objectives;
- c) locations 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.

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

08 APPROVAL REQUIRED: LANDSCAPING SCHEME

CONDITION: No development above slab level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels.

REASON: In the interests of visual amenity and the character and appearance of the area.

NOTE/S FOR CONDITION:

Slab level is 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 visually above ground level or seek confirmation from the Local Planning Authority for your development.

Should the landscape works include any new hedgerow, please consider the following planting for a native hedge. Native hedge: 50% hawthorn, 25% blackthorn (but beware - this can spread into adjacent fields), 15% field maple, 2% holly, 2% wild privet, 2% guelder rose, 2% dog rose, 2% buckthorn.

09 COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED - 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 has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

10 COMPLIANCE REQUIRED: MINIMISATION OF GROUND COMPACTION

CONDITION: Any hard surfacing beneath the canopy and/or with the root area of the retained Maple tree shall be designed to minimise ground compaction in accordance with the recommendations set out in the Arboricultural Associations Guidance Note 12 - The Use of Cellular Confinement Systems Near Trees or any alternative as may be first agreed in writing by the Local Planning Authority. (Such areas may require the use of geo-textile membranes coupled with no excavation and minimal alterations in ground level).

REASON: To minimise disturbance to and help to ensure the satisfactory retention of the tree.

11 AGREEMENT OF MEASURES TO IMPROVE SUSTAINABILITY OF DEVELOPMENT

CONDITION: No development shall commence above slab level until a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
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development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include as a minimum:-

- A communal electric car charging point per bungalow;
- Agreement of a scheme for water conservation including greywater recycling and rainwater capture/re-use for the proposed bungalow;
- 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 the proposed bungalow;
- Agreement of heating of the proposed bungalow;
- Agreement of scheme for waste reduction; and
- 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.

#### 12 FURTHER APPROVAL - SOUND MITIGATION MEASURES TO BE AGREED

CONDITION: Prior to the first operational use of the hereby approved development, a scheme of sound insulation for the proposed laundry room, shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall demonstrate that the laundry room, when operational, will not adversely impact upon local residents in terms of noise and disturbance. The approved scheme shall be carried out, in its entirety, before the rooms are first occupied and shall be retained thereafter.

REASON: In the interest of the amenity of neighbouring residents.

#### NOTE/S FOR CONDITION:

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This condition shall engage and requires details to be agreed prior to first use. This condition is imposed due to concern/s over potential noise that may harm amenity and is imposed as it is considered necessary to control potential noise.

13 SPECIFIC RESTRICTION ON DEVELOPMENT: RESTRICTION ON CHANGES OF USE

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2 Part 3 of the Town & Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), the hereby approved development shall be used as a care home use and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument and re-enacting that Order with or without modification).

REASON: To enable the Local Planning Authority to retain control over the development in the interests of the amenity.

14 ACTION AND DISCHARGE REQUIRED: REFUSE BINS AND COLLECTION AREAS

CONDITION: Prior to the occupation of the development, or in accordance with an alternative timetable for provision as may be agreed in writing by the Local Planning Authority, details of the storage for refuse/recycling bins and any collection areas shall be submitted to and approved, in writing, by the Local Planning Authority. The approved areas shall be provided prior to first occupation and thereafter retained as approved.

REASON: In the interest of highway safety to ensure that refuse/recycling bins do not cause any obstruction or danger on the highway and in the interests of an attractive well-designed development that is not detrimental to visual amenity.

NOTE/S FOR CONDITION:

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

15 ACTION AND DISCHARGE REQUIRED: CYCLE STORAGE

CONDITION: Prior to the first use/occupation of the development, or in accordance with an alternative timetable for provision as may be agreed in writing by the Local Planning Authority, details of a secure cycle/powered two-wheeler parking area shall be submitted to and approved, in writing, by the Local Planning Authority. The approved areas shall be provided prior to first occupation/use and thereafter retained as approved.

REASON: To promote sustainable modes of transport.

16 SPECIFIC RESTRICTION ON DEVELOPMENT: PROVISION OF OBSCURE GLASS AND NON OPENING WINDOW

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the side facing kitchen and bedroom windows in the east facing elevation of the proposed bungalow shall be non opening and glazed in obscured glass before the development hereby permitted is first occupied and shall



<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
<a href="#">23/01459/LUEX</a> Lawful Use/development Refused 16.02.2024 Delegated Decision	Mr Alistair Gibson - Pro Gas Essex	<i>Certificate of Lawfulness for the use of the front/side part of the site for the storage of gas bottles as storage (ancillary to the wider Sui Generis use of the site) for more than 10 years before the date of the application (coloured green on the accompanying plan), and the development of a hardstanding and the siting of gas tank/bottling equipment on the side/rear part of the site for more than 4 years in association with the Sui Generis use of the site before the date of the application (coloured yellow on the accompanying plan).</i>	Chapel Barn Crosslands Game Farm Clay Lane St Osyth Essex CO16 8HH

01 The application seeks a Certificate of Lawfulness for an existing use of land and operational development under section 191 of the Town and Country Planning Act 1990. For the purposes of this Act, uses can be considered lawful when a continuous period of 10 years is demonstrated (s171B (3)) and substantial completion of operational development becomes lawful after 4 years (s171B (1)). This certificate has been made for both an existing use and development all within one red lined site area. The application is not supported by precise or unambiguous evidence to demonstrate the 10 and 4 year time limits required by the Act.

The certificate seeks confirmation that use of the front part of the site (as indicated in green on the accompanying coloured plan) is lawful as ancillary storage to the wider Sui Generis Use of the site.

The operational development comprising the installation of hardstanding for the citing gas cylinders to the rear portion of the site (as indicated yellow in the accompanying coloured plan) has not been in situ since 2019 as evidenced by the aerial images provided within the Planning Statement.

The storage element in excess of 10 years as claimed cannot exist as an ancillary element to an unlawful Sui Generis Use across the wider site facilitated by the operational development undertaken less than 4 years ago.

Based on the submitted evidence, the lawful certificate claimed fails to provide sufficient or precise information to establish the use or operational development as lawful. Consequently, this application for a Lawful Development Certificate for an Existing Use is refused.

## **Tendring Parish Council**



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<a href="#">23/01284/FULH</a> <a href="#">H</a> Approval - Full 16.02.2024 Delegated Decision	Dr Philip Letton	Proposed installation of solar panels onto garage.	Hollywood Farm House Crow Lane Tendring Clacton On Sea Essex CO16 9AP

01 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

02 APPROVED PLANS & DOCUMENTS

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

The approved red line plan drawing is DWG NO PLN23/10014 page 2 Rev. D received 2 November 2023

DWG NO PLN23/10014 page 1 Rev. C  
Design and Access Statement

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

NOTE/S FOR CONDITION:

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

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and not a requirement.

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

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

### 03 COMPLIANCE - REMOVAL OF PANELS

CONDITION: The solar panels hereby approved shall be removed from the site in their entirety, including any associated equipment, as soon as reasonably practicable when no longer needed for their intended purpose of generating energy.

REASON: In the interest of protecting visual amenity and to define the scope of this permission.

<a href="#"><u>23/01285/LBC</u></a> <i>Approval - Listed Building Consent 16.02.2024 Delegated Decision</i>	<i>Dr Philip Letton</i>	<i>Proposed installation of solar panels onto garage.</i>	<i>Hollywood Farm House Crow Lane Tendring Clacton On Sea Essex CO16 9AP</i>
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### 01 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

#### NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the consent becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk of both Enforcement Action and Criminal proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

### 02 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
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Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

The approved red line plan drawing is DWG NO PLN23/10014 page 2 Rev. D received 3 November 2023  
 DWG NO PLN23/10014 page 1 Rev. C  
 Design and Access Statement  
 Specification of aluminium roof hook

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

NOTE/S FOR CONDITION:

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

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

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

<a href="#"><u>23/01539/LBC</u></a> Approval - Listed Building Consent 16.02.2024 Committee Decision	Mr Joe Plunkett - Maud's Property Management Limited	Proposed conversion of a coach house into a 2 bedroom residential dwelling.	Mauds Court Long Lane Tendring Clacton On Sea Essex CO16 0BG
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01 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
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Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

**NOTE/S FOR CONDITION:**

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the consent becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk of both Enforcement Action and Criminal proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

**02 APPROVED PLANS & DOCUMENTS**

**CONDITION:** The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this consent.

The approved red line plan drawing is Site Plan scale 1:1250 received 30 October 2023  
 Block Plan 1:500  
 Site Plan showing proposed site layout 1:50  
 Plan and Elevations 1:50  
 Roof plan and section  
 Design and Access Statement including Heritage Statement

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

**NOTE/S FOR CONDITION:**

The primary role of this condition is to confirm the approved plans and documents that form the listed building consent decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision.

**03 FURTHER APPROVAL: HERITAGE**

**CONDITION:** Prior to any work to the windows and doors, detailed elevation and section drawings of the windows and doors (including sections through head, jamb - including construction details of surrounding fabric - frame, stile, mullion, transom, meeting rail, glazing bar, bottom rail, sill or leaded glazing) at 1:2 or 1:10 as appropriate, to be submitted and agreed, in writing, to the Local Planning Authority for approval. The details shall be carried out in full and as may be approved.

**REASON:** In the interests of protecting and reducing harm to the designated heritage asset.

<a href="#"><u>23/01540/FUL</u></a> Approval - Full 16.02.2024 Committee Decision	Mr Joe Plunkett - Maud's Property Management Limited	Proposed conversion of a coach house into a 2 bedroom residential dwelling	Mauds Court Long Lane Tendring Clacton On Sea Essex CO16 0BG
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**01 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT**

CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

## 02 APPROVED PLANS & DOCUMENTS

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

The approved red line plan drawing is Site Plan scale 1:1250 received 30 October 2023  
Block Plan 1:500  
Site Plan showing proposed site layout 1:50  
Plan and Elevations 1:50  
Roof plan and section  
Design and Access Statement including Heritage Statement

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

NOTE/S FOR CONDITION:

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

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

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

### 03 FURTHER APPROVAL: HERITAGE RECORD

CONDITION: No development to the building shall take place until the applicant or developer has secured the implementation of a programme of historic building/s and associated analysis work in accordance with a written scheme of investigation which have been first submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include a timetable for the programme and arrangements for the deposition of the archive to an appropriate depository as identified by the scheme and the scheme shall be carried out in its entirety.

REASON: To allow proper investigation and recording of the building/s of potential archaeological and historic significance. This condition is required to be agreed prior to the commencement of works to the building/s to ensure matters of archaeological importance are preserved and secured early to ensure avoidance of damage or loss due to the development and/or its construction. If agreement was sought at any later stage there is an unacceptable risk of loss or damage to archaeological and historic assets.

#### NOTE/S FOR CONDITION:

This condition engages prior to any works/development taking place that affects the building/s the subject of this decision.

### 04 ELECTRIC VEHICLE CHARGING

CONDITION: Prior to any above ground works, details of the electric vehicle charging facility shall have first been submitted to and approved in writing by the local planning authority. Thereafter the charging facilities shall be installed in a working order, prior to first occupation of the dwelling and maintained thereafter.

REASON: In order to promote sustainable transport in accord with local policy and NPPF.

### 05 ACCESS MATERIAL

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

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

#### NOTE/S FOR CONDITION:

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

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06 FURTHER APPROVAL: RESIDENTIAL TRAVEL PACK PRIOR TO OCCUPATION

CONDITION: Prior to first occupation of the dwelling, 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](mailto:Travel.PlanTeam@essex.gov.uk) to obtain a Residential Travel Information Pack template and the associated day travel vouchers required.

07 ACTION REQUIRED IN THE EVENT OF UNEXPECTED GROUND CONDITIONS

CONDITION: The Local Planning Authority shall be contacted in the event of unexpected ground conditions being encountered during construction and the below minimum precautions shall be undertaken immediately.

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

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

Authority before development can proceed.

REASON: It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

08 FURTHER APPROVAL: CYCLE PARKING PRIOR TO OCCUPATION

CONDITION: Prior to first occupation of the dwelling, cycle parking shall be provided in accordance with the EPOA Parking Standards. The cycle parking shall be secure, convenient and covered and shall be agreed, in writing, by the local planning authority. The cycle parking shall be maintained and retained in perpetuity.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety, amenity and promoting sustainable transport.

09 AGREEMENT OF MEASURES TO IMPROVE SUSTAINABILITY OF DEVELOPMENT

CONDITION: No development shall commence above slab level until a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include as a minimum:-

- 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
- 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



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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.

10 COMPLIANCE: CONSTRUCTION ACTIVITY TIMES

CONDITION: No vehicle connected with the construction works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Construction working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

REASON: To protect the amenity of nearby residential properties.

11 COMPLIANCE: NO BURNING OF SITE MATERIALS OR WASTE

CONDITION: No materials produced during construction as a result of the site development or clearance shall be burned on site.

REASON: To protect the amenity of nearby residential properties.

12 APPROVAL REQUIRED: LANDSCAPING SCHEME

CONDITION: No development above slab level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include a suitable replacement for the Conifer tree to be felled and any proposed changes in ground levels.

REASON: In the interests of visual amenity and the character and appearance of the area.

NOTE/S FOR CONDITION:

Slab level is 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 visually above ground level or seek confirmation from the Local Planning Authority for your development.

Should the landscape works include any new hedgerow, please consider the following planting for a native hedge. Native hedge: 50% hawthorn, 25% blackthorn (but beware - this can spread into adjacent fields), 15% field maple, 2% holly, 2% wild privet, 2% guelder rose, 2% dog rose, 2% buckthorn.

13 COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED - 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

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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 has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

#### 14 HIGHWAYS RESTRICTION

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

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

### Thorpe-le-Soken Parish Council

<a href="#">24/00126/NMA</a> Approval Non Material Amendment 13.02.2024 Delegated Decision	Mr Mark Pickett	Non Material Amendment to application reference 22/00732/DETAIL to change roof material from red tile to black slate.	Land opposite 1 to 5 Tendring Road Thorpe Le Soken Essex CO16 0AA
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01 The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Drawing Numbers 0965\_A\_SC\_01G, 0965\_A\_SC\_02E and 0965\_A\_SC\_03E.

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

### Thorrington Parish Council

<a href="#">23/01670/FUL</a> Approval - Full 15.02.2024 Delegated Decision	Mrs Scott	Construction of manege.	Gatehouse Farm Brightlingsea Road Thorrington Colchester Essex CO7 8JL
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01 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

02 APPROVED PLANS & DOCUMENTS

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

Drawing No. 891/loc B

Drawing No. 891/01 A

Document titled Planning Statement - Rec'd 23/11/2023

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

NOTE/S FOR CONDITION:

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

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

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

### 03 EXTERNAL LIGHTING

No floodlighting or other external lighting shall be installed to the hereby approved manege until details of the illumination scheme have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.

Reason: In the interest of residential amenity and to reduce the impact of night time illumination on the character of the area.

### 04 PROPOSED USE

The manege hereby approved shall be used solely in connection with the occupiers of Gatehouse Farm and no business or commerical use including livery or riding school activities shall be carried on from the site whatsoever.

Reason: In the interest of local amenity and highway safety.

05 In the event of unexpected ground contamination being encountered during construction, works shall cease and the Local Planning Authority shall be informed. The below minimum precautions shall be undertaken until such time as the LPA responds to the notification.

1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.
2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.
4. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.
5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.
9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.
10. A photographic record will be made of relevant observations.
11. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be: re-used in areas where test results indicate that it meets compliance targets so it

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can be re-used without treatment; or treatment of material on site to meet compliance targets so it can be re-used; or removal from site to a suitably licensed landfill or permitted treatment facility.

12. Prior to recommencement of the development a Verification Report shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

<a href="#">24/00212/CMTR</a> <i>Determination approved by another Authty 16.02.2024 Delegated Decision</i>	<i>Tom Sycamore</i>	<i>Erection and use of a Concrete Batching Plant within part of an approved quarry plant and stockpile area.</i>	<i>Lufkins Farm Great Bentley Road Frating Colchester Essex CO7 7HN</i>
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#### **Weeley Parish Council**

#### **No Determination**

#### **Wix Parish Council**

<a href="#">24/00154/AGRIC</a> <i>Determination prior approval not reqred 13.02.2024 Delegated Decision</i>	<i>Mr A Brown - HAB Poultry</i>	<i>Prior Approval Application under Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for agricultural grain storage building.</i>	<i>Treestacks Farm Oakley Road Wix Manningtree Essex CO11 2SF</i>
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- 01 The development complies with the provisions of Class A of Part 6 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) (as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018; Statutory Instrument No. 343. The erection of the building for the purposes of agriculture are acceptable subject to the following conditions:

1. The development must not begin before the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required.
2. The development must, except to the extent that the local planning authority otherwise agree in writing, be carried out where prior approval is not required, in accordance with the details submitted with the application.
3. The development must be carried out where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given.

*Application No.*  
*Decision*  
*Date of Decision*  
*Conditions/Reasons*

*Applicant's Name*

*Proposal*

*Location*

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**Wrabness Parish Council**

**No Determination**