

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

Alresford Parish Council

24/01556/FULHH Approval - Full 28.11.2024 Delegated Decision	Mrs Hazel Martin	Householder Planning Application - Two storey rear extension with hipped roof to match existing dwelling. Existing first floor window in hallway to be replaced and reduced in size.	87 Wivenhoe Road Alresford Colchester Essex CO7 8AG
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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.

0236-A-001
0236-A-002
0236-A-200

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

<i>Application No.</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
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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).

Drawing No's
0000-A-002 00
0156-A-001 00
0156-A-200 02

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 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.

24/01477/LUPR <u>OP</u> Lawful Use Certificate Granted 29.11.2024 Delegated Decision	Gym Atomic Ltd	Application for Lawful Development Certificate for Proposed Use or Development for proposed use to be a gym, use class E(d). The hours of operation will be 7 days a week, 6am until 10pm.	2 Harbour Square Waterside Marina Brightlingsea Essex CO7 0GE
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01 The proposed development constitutes permitted development by virtue of the provisions of

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Schedule 2, Part A, Class E of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

Clacton-on-Sea

24/01374/VOC Approval - Full 27.11.2024 Delegated Decision	Miss Jane Butler	Application under Section 73 of the Town and Country Planning Act for Variation of Conditions 2 (Drawings) of application 20/01424/FUL to enable/allow window/door changes to approved plan.	129 Marine Parade East Clacton On Sea Essex CO15 5AB
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01 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. SW44-01-A
- Drawing No. 02

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

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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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<u>24/01420/FULH</u> <u>H</u> Refusal - Full 25.11.2024 Delegated Decision	Mr P Allwin	Householder Planning Application - Proposed two storey rear extension and loft conversion including dormer windows.	7 Windermere Road Holland On Sea Essex CO15 5BZ
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01 Paragraph 135 of the NPPF (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. Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context, and to protect the district's landscape and the quality of existing places and their environs. Policy SPL3 of the 2013-33 Local Plan seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. It also states buildings and structures should be designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents.

The proposed extension by virtue of its poor design, size, scale, height and massing is considered to have a materially harmful impact upon the main dwelling and the character and appearance of the surrounding area. The extended ridge, coupled with the overall height and depth of the extension, along with the contrived flat roof side 'dormer' like extensions is considered to be bulky in design and lacks coherence in terms of its form, massing, fenestration styling and size, being incongruous in nature and failing to be subordinate in appearance to the main dwelling.

The extension would also result in a dominant and overbearing impact with harmful views possible direct down into frequently used rear (external) amenity areas of both neighbouring dwellings, and the rear elevational windows of the neighbouring dwelling to the north (No. 9 Windermere Road) causing harm to the residential amenity of the neighbouring occupiers.

For the reasons set out above, the poor design and form of the proposal together with its over dominant nature and siting, would result in an unacceptable and unduly prominent form of development, being harmful to the host dwelling, the character and appearance of the area and neighbouring amenity, contrary to the aforementioned Development Plan Policies.

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24/01428/FUL Refusal - Full 29.11.2024 Delegated Decision	Mr I and Mrs A Houghton	Planning Application - Proposed change of use - 2no ground floor rooms to form an additional new HMO studio unit, formally used for part retail purposes (currently vacant). The Existing 3no ground floor HMO studio units all remain unchanged. This would total 4no HMO units within the ground floor of the building.	23 West Avenue Clacton On Sea Essex CO15 1QU
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01 Adopted Local Policy LP11 a) c) d), e) & h) states that all proposals involving the creation of Houses in Multiple Occupation (HMOs) will require planning permission and will only be permitted within defined town centres where within a 100 metre radius the total number of existing and proposed HMO tenancy units would not exceed 10%, each individual tenancy unit or bedsit has direct physical access to communal facilities without the need to rely on access via another tenancy unit or bedsit, no more than six tenancy units or bedsits will be served by a single indoor communal facility such as a living room, dining room or kitchen, a minimum of 1 off-street car parking space per tenancy unit or bedsit is provided and each parking space must be capable of being used independently of one another and an area of communal open space is provided that has sufficient space and facilities for drying clothes.

Notwithstanding that the existing HMO units do not have the express benefit of planning permission and is therefore unauthorised, the proposal would result in a total of at least three HMO's with 30 units within a 100m radius which equates to 21.28% of all properties within this radius. In addition, the proposed HMO fails to demonstrate an area of shared communal facilities which can be accessed independently. Further there is insufficient parking provision, and a failure to demonstrate adequate communal open space for the provision of drying clothes. As such the site and location is not suitable to support the provision of an HMO contrary to the above requirements of Policy LP11.

24/01453/FULH H Approval - Full 26.11.2024 Delegated Decision	Mrs Gemma Wesbroom	Householder Planning Application - Single storey side extension (following removal of existing garage) and proposed porch.	1 Ryde Avenue Clacton On Sea Essex CO15 4PW
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<i>Decision</i>			
<i>Date of Decision</i>			
<i>Conditions/Reasons</i>			

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).

Drawing No's
0225-A-001 00
0225-A-002 00
0225-A-200 01

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

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24/01459/FULH H Approval - Full 25.11.2024 Delegated Decision	Morgan and Mary Clarke and Kemp	Householder Planning Application - Single storey rear flat roof extension following removal of conservatory.	39 Thornbury Road Clacton On Sea Essex CO15 3PB

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

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Drawing No's
Location Plan
0499/PL/01
0499/PL/02
0499/PL/03

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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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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24/01491/FULH H Approval - Full 25.11.2024 Delegated Decision	Mrs McDermott	Householder Planning Application - single storey rear extension.	104 Coppins Road Clacton On Sea Essex CO15 3LD
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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 BLANK received BLANK
LIST ALL OTHER DRAWINGS

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

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.

<u>24/01518/FUL</u> Refusal - Full 28.11.2024 Delegated Decision	Mr Thauarajah Rekulan	Planning Application - Change of use of former shop (Use Class E(a)) to hot food takeaway (Sui Generis) including new shop front and extract flue.	8 Broadway Jaywick Clacton On Sea Essex CO15 2EB
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- 01 The proposal includes the provision of a new flue pipe which will be positioned to the side of the building and located immediately next to the balcony serving the second floor flat above and in close proximity to its facing windows. Consequently, the positioning of the flue would result in an adverse impact upon the residential amenity of the occupiers of the flat by virtue of noise, fumes and odours emanating from the proposed flue.

The proposal therefore fails to comply with paragraph 135 of the NPPF and Local Plan Policy SPL3 (Part C).

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<i>Conditions/Reasons</i>			
24/01532/FULH H Approval - Full 29.11.2024 Delegated Decision	Mr Wright	Householder Planning Application - Retrospective permission for single storey rear extension.	19 Southcliff Park Clacton On Sea Essex CO15 6HH

01 APPROVED PLANS & DOCUMENTS

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Document titled; Site Location Plan at a scale of 1:1250 - Received 16/10/2024
Drawing No. WSP-01

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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<i>Conditions/Reasons</i>			
24/01585/WTPO Approval - Full 25.11.2024 Delegated Decision	May	1 No. Oak Tree - remove unsafe limb with large defect on top of branch.	40 Sherwood Drive Clacton On Sea Essex CO15 4EB

01 COMPLIANCE REQUIRED: COMPLETION TIME LIMIT

CONDITION: The work authorised by this Decision Notice must be completed within two years of the date of this Notice. If the work is not completed within this period, for whatever reason, the authority to proceed expires.

REASON: To ensure that the permitted works are arboriculturally appropriate.

NOTE/S FOR CONDITION:

- 1) Please note that any approval given to by the Council does not give an exemption from the requirements to comply with the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000, the Conservation (Natural Habitats etc.) Regulations 1994 or any Acts offering protection to wildlife. All birds (except those listed in schedule 2 of the Wildlife and Countryside Act 1981), their nests and eggs are protected by law. It is an offence to intentionally or recklessly kill, injure or take any wild bird, or damage, destroy or intentionally disturb the nest of any wild bird whilst it is in use or being built. For this reason tree work should not be undertaken during the nesting season (broadly March to August) unless a survey for nesting birds confirms their absence. Should you require any further information on nesting birds, please contact Natural England on 03000 603900.
- 2) You are advised that trees have the potential to support roosting bats. Bats and their roosts are legally protected. It is an offence to disturb or harm a bat, or damage, destroy or obstruct any place used by bats for shelter, whether they are present or not. Trees should be inspected before any works commence and if the presence of bats is suspected works must cease and advice sought from The Bat Conservation Trust on 0845 1300228.
- 3) This decision is valid for two years from the date of this decision or until the work is completed, whichever is the sooner. You are advised that the appropriate standards for tree work are set out in British Standard 3998:2010. Failure to ensure the proposed works are carried out to these standards may result in damage to the tree(s) and may result in legal action by the Council.
- 4) The council not objecting to/approving the proposal does not give the legal right for a person to enter another person's land to prune or fell their tree(s). Permission should be sought from the tree owner before works to a tree(s) are carried out.

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24/01684/WTPO Approval - Full 25.11.2024 Delegated Decision	Mr Jon Butcher - Elmstead Cricket Club	Works related to Tree Preservation Order (92/00014/TPO) - T1 - Oak Tree- Reduce crown by 3-4m, to reshape and balance. Remove deadwood over 2m in length and 5cm dia. Sever Ivy at base up to 1m. T2 - Oak Tree - Sever Ivy at base up to 1m. To rebalance crown for aesthetic reasons only.	Elmstead Cricket Club Church Road Elmstead Essex CO7 7AW

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REASON: To ensure that the permitted works are arboriculturally appropriate.

NOTE/S FOR CONDITION:

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- 4) The council not objecting to/approving the proposal does not give the legal right for a person to enter another person's land to prune or fell their tree(s). Permission should be sought from the tree owner before works to a tree(s) are carried out.

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24/01633/WTPO	Mr Gary	Works related to Tree	42 Elmcroft
Approval - Full	Meadowcroft	Preservation Order	Elmstead
29.11.2024		(89/00016/TPO) - T6	Essex
Delegated		Holly crown reduce by	CO7 7YZ
Decision		2m to manage height in	
		relation to proximity to	
		the properties.	

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REASON: To ensure that the permitted works are arboriculturally appropriate.

NOTE/S FOR CONDITION:

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- 2) You are advised that trees have the potential to support roosting bats. Bats and their roosts are legally protected. It is an offence to disturb or harm a bat, or damage, destroy or obstruct any place used by bats for shelter, whether they are present or not. Trees should be inspected before any works commence and if the presence of bats is suspected works must cease and advice sought from The Bat Conservation Trust on 0845 1300228.
- 3) This decision is valid for two years from the date of this decision or until the work is completed, whichever is the sooner. You are advised that the appropriate standards for tree work are set out in British Standard 3998:2010. Failure to ensure the proposed works are carried out to these standards may result in damage to the tree(s) and may result in legal action by the Council.
- 4) The council not objecting to/approving the proposal does not give the legal right for a person to enter another person's land to prune or fell their tree(s). Permission should be sought from the tree owner before works to a tree(s) are carried out.

Frating Parish Council

No Determination

Frinton & Walton Town Council

<i>Application No.</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
<i>Decision</i>			
<i>Date of Decision</i>			
<i>Conditions/Reasons</i>			
24/01433/FULH H Approval - Full 25.11.2024 Delegated Decision	Mr Stephen Lazell	Householder Planning Application - Light grey render to front and part side of dwelling, replacement canopy above front door.	33B The Esplanade Frinton On Sea Essex CO13 9HY

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 titled; Location Plan at a scale of 1:1250 - Received 24/09/2024

Drawing showing the site outlined in RED at a scale of 1:500 - Received 11/10/2024

Drawing titled; Showing Existing and Proposed Canopy Side Elevation - Received 11/10/2024

Drawing titled; Showing Proposed Canopy Front Elevation - Received 11/10/2024

Document showing photos of the host dwelling and the metric measurement of the proposed canopy - Received 24/09/2024

Document showing the proposed colour of the waterproof coating - Received 20/11/2024

Document addressed to the applicant specifying the exact colours being used - Received 23/11/2024

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

NOTE/S FOR CONDITION:

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

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.

<u>24/01470/FULH</u> <u>H</u> Refusal - Full 27.11.2024 Delegated Decision	Mr and Mrs Marshall	Householder Planning Application - Extension and conversion of existing garage to form an annexe for a purpose ancillary to the existing dwellinghouse, alteration of planning approval 24/00860/FULHH.	97 Pole Barn Lane Frinton On Sea Essex CO13 9NQ
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01 Paragraph 135 of the National Planning Policy Framework (NPPF) (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 Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings, create a unique sense of place. Policy LP8 (c) states that proposals for the residential development of backland sites must avoid tandem development using a shared access. Part (f) of this Policy adds that proposals must not be out of character with the area or set a harmful precedent for other similar forms of development.

Although described as an annexe, this proposal constitutes a self-contained dwelling by way of its size and separation from the host dwelling and has been assessed in accordance with local and national policies that relate to such developments. The proposed development would utilise an existing access that would be shared with 97 Pole Barn Lane, and as the

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

development would consist of a dwelling immediately behind an existing residential frontage, the layout is considered to represent a form of tandem development. Furthermore, there is a defined and linear pattern of development running east to west along this section of Pole Barn Lane, and to the south along Greenway, with no other examples in this location of dwellings located to the rear of this existing built form. On this occasion, the creation of what is tantamount to a new dwelling to the rear of 97 Pole Barn Lane will be out of character with the existing built form and could also set a harmful precedent for other similar forms of development in the immediate surrounding area. The proposal therefore overall fails to adhere with the above local and national planning policies.

02 Paragraph 135 of the National Planning Policy Framework (2023) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

There is an existing residential property located adjacent to the south of the application site (Number 50 Greenway), and the building subject of the application adjoins the boundary to this property. On this occasion, the proposed extension would mean that the building would extend across nearly the entirety of the rear boundary. This excessive width, alongside the height of the building at 5 metres, will combine to appear highly oppressive and imposing to the significant detriment of the amenities of Number 50 Greenway, and is therefore contrary to the above local and national planning policies.

<u>24/01521/FULH</u> <i>H</i> <i>Approval - Full</i> <i>28.11.2024</i> <i>Delegated</i> <i>Decision</i>	<i>Mrs Devlin</i>	<i>Householder Planning</i> <i>Application - Proposed</i> <i>extension.</i>	<i>10 Saville Street</i> <i>Walton On The Naze</i> <i>Essex</i> <i>CO14 8PL</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

<i>Application No.</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
<i>Decision</i>			
<i>Date of Decision</i>			
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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.

2024/0068/0003 B

2024/0068/0002 B

HERITAGE STATEMENT - REC'D 15.11.24

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 and used as necessary for compliance purposes and/or enforcement action.

<i>Application No.</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
<i>Decision</i>			
<i>Date of Decision</i>			
<i>Conditions/Reasons</i>			
24/01529/FULH H	Ms Linda Middleditch	Householder Planning Application - Erection of a single-storey side extension	Ferndene Main Road Great Holland Essex CO13 0JN
Approval - Full 28.11.2024 Delegated Decision			

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.

Document showing the site outlined in red at a scale of 1:1250 - Received 15/10/2024

Drawing No. 300002

Drawing No. 100001

Drawing No. 100004

Drawing No. 200001

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

<i>Application No.</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
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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.

24/01581/WTPO Approval - Full 25.11.2024 Delegated Decision	Mrs McNulty	1 No. Sycamore - re pollard	70 Pole Barn Lane Frinton On Sea Essex CO13 9NH
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01 COMPLIANCE REQUIRED: COMPLETION TIME LIMIT

CONDITION: The work authorised by this Decision Notice must be completed within two years of the date of this Notice. If the work is not completed within this period, for whatever reason, the authority to proceed expires.

REASON: To ensure that the permitted works are arboriculturally appropriate.

NOTE/S FOR CONDITION:

- 1) Please note that any approval given to by the Council does not give an exemption from the requirements to comply with the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000, the Conservation (Natural Habitats etc.) Regulations 1994 or any Acts offering protection to wildlife. All birds (except those listed in schedule 2 of the Wildlife and Countryside Act 1981), their nests and eggs are protected by law. It is an offence to intentionally or recklessly kill, injure or take any wild bird, or damage, destroy or intentionally disturb the nest of any wild bird whilst it is in use or being built. For this reason tree work should not be undertaken during the nesting season (broadly March to August) unless a survey for nesting birds confirms their absence. Should you require any further information on nesting birds, please contact Natural England on 03000 603900.
- 2) You are advised that trees have the potential to support roosting bats. Bats and their roosts are legally protected. It is an offence to disturb or harm a bat, or damage, destroy or obstruct any place used by bats for shelter, whether they are present or not. Trees should be inspected before any works commence and if the presence of bats is suspected works must cease and advice sought from The Bat Conservation Trust on 0845 1300228.

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

- 3) This decision is valid for two years from the date of this decision or until the work is completed, whichever is the sooner. You are advised that the appropriate standards for tree work are set out in British Standard 3998:2010. Failure to ensure the proposed works are carried out to these standards may result in damage to the tree(s) and may result in legal action by the Council.
- 4) The council not objecting to/approving the proposal does not give the legal right for a person to enter another person's land to prune or fell their tree(s). Permission should be sought from the tree owner before works to a tree(s) are carried out.

24/01595/TCA	Walduck	1 No. Repollard Poplar. 1 No. Thin rebalance Poplar. 2 No. Yew trees - Shape and trim. Prune cluster of Pear trees.	St Annes 5 Fourth Avenue Frinton On Sea Essex CO13 9DU
Approval - Full 25.11.2024 Delegated Decision			

01 COMPLIANCE REQUIRED: COMPLETION TIME LIMIT

CONDITION: The work authorised by this Decision Notice must be completed within two years of the date of this Notice. If the work is not completed within this period, for whatever reason, the authority to proceed expires.

REASON: To ensure that the permitted works are arboriculturally appropriate.

NOTE/S FOR CONDITION:

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

4) The council not objecting to/approving the proposal does not give the legal right for a person to enter another person's land to prune or fell their tree(s). Permission should be sought from the tree owner before works to a tree(s) are carried out.

24/01601/WTPO Approval - Full 25.11.2024 Delegated Decision	Mr Kandiah	Works related to Tree Preservation Order (94/00002/TPO) - T1 - Reduce large oak tree by 30%. T2 - Remove previously pollarded Oak tree showing large defect at base of stump.	The Acorns Turpins Lane Kirby Cross Essex CO13 0PB
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01 COMPLIANCE REQUIRED: COMPLETION TIME LIMIT

CONDITION: The work authorised by this Decision Notice must be completed within two years of the date of this Notice. If the work is not completed within this period, for whatever reason, the authority to proceed expires.

REASON: To ensure that the permitted works are arboriculturally appropriate.

NOTE/S FOR CONDITION:

- 1) Please note that any approval given to by the Council does not give an exemption from the requirements to comply with the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000, the Conservation (Natural Habitats etc.) Regulations 1994 or any Acts offering protection to wildlife. All birds (except those listed in schedule 2 of the Wildlife and Countryside Act 1981), their nests and eggs are protected by law. It is an offence to intentionally or recklessly kill, injure or take any wild bird, or damage, destroy or intentionally disturb the nest of any wild bird whilst it is in use or being built. For this reason tree work should not be undertaken during the nesting season (broadly March to August) unless a survey for nesting birds confirms their absence. Should you require any further information on nesting birds, please contact Natural England on 03000 603900.
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<i>Application No.</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
<i>Decision</i>			
<i>Date of Decision</i>			
<i>Conditions/Reasons</i>			

24/01606/TCA	Mr Marcus Eatherton - Green Robins	Trees in a Conservation Area Notification - (T1) Small Cherry Tree to be felled to ground level. (T2) Crab apple Tree to be felled to ground level. (T3) Holly Tree to be reduced 2m in height. (T4) Conifer Tree to reduced 2m in height. (T5) Yew Tree to receive 1m height reduction. (T6) Blue Cedar to be crown thinned.	29 Third Avenue Frinton On Sea Essex CO13 9EQ
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01 COMPLIANCE REQUIRED: COMPLETION TIME LIMIT

CONDITION: The work authorised by this Decision Notice must be completed within two years of the date of this Notice. If the work is not completed within this period, for whatever reason, the authority to proceed expires.

REASON: To ensure that the permitted works are arboriculturally appropriate.

NOTE/S FOR CONDITION:

- 1) Please note that any approval given to by the Council does not give an exemption from the requirements to comply with the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000, the Conservation (Natural Habitats etc.) Regulations 1994 or any Acts offering protection to wildlife. All birds (except those listed in schedule 2 of the Wildlife and Countryside Act 1981), their nests and eggs are protected by law. It is an offence to intentionally or recklessly kill, injure or take any wild bird, or damage, destroy or intentionally disturb the nest of any wild bird whilst it is in use or being built. For this reason tree work should not be undertaken during the nesting season (broadly March to August) unless a survey for nesting birds confirms their absence. Should you require any further information on nesting birds, please contact Natural England on 03000 603900.
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- 4) The council not objecting to/approving the proposal does not give the legal right for a person to enter another person's land to prune or fell their tree(s). Permission should be sought from the

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

tree owner before works to a tree(s) are carried out.

24/01609/TCA	Watts	Trees in a Conservation Area Notification - Reduce and shape cherry tree (T1) by circa 2m.	Brierley First Avenue Frinton On Sea Essex CO13 9EX
Approval - Full			
29.11.2024			
Delegated Decision			

01 COMPLIANCE REQUIRED: COMPLETION TIME LIMIT

CONDITION: The work authorised by this Decision Notice must be completed within two years of the date of this Notice. If the work is not completed within this period, for whatever reason, the authority to proceed expires.

REASON: To ensure that the permitted works are arboriculturally appropriate.

NOTE/S FOR CONDITION:

- 1) Please note that any approval given to by the Council does not give an exemption from the requirements to comply with the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000, the Conservation (Natural Habitats etc.) Regulations 1994 or any Acts offering protection to wildlife. All birds (except those listed in schedule 2 of the Wildlife and Countryside Act 1981), their nests and eggs are protected by law. It is an offence to intentionally or recklessly kill, injure or take any wild bird, or damage, destroy or intentionally disturb the nest of any wild bird whilst it is in use or being built. For this reason tree work should not be undertaken during the nesting season (broadly March to August) unless a survey for nesting birds confirms their absence. Should you require any further information on nesting birds, please contact Natural England on 03000 603900.
- 2) You are advised that trees have the potential to support roosting bats. Bats and their roosts are legally protected. It is an offence to disturb or harm a bat, or damage, destroy or obstruct any place used by bats for shelter, whether they are present or not. Trees should be inspected before any works commence and if the presence of bats is suspected works must cease and advice sought from The Bat Conservation Trust on 0845 1300228.
- 3) This decision is valid for two years from the date of this decision or until the work is completed, whichever is the sooner. You are advised that the appropriate standards for tree work are set out in British Standard 3998:2010. Failure to ensure the proposed works are carried out to these standards may result in damage to the tree(s) and may result in legal action by the Council.
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<i>Application No.</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
<i>Decision</i>			
<i>Date of Decision</i>			
<i>Conditions/Reasons</i>			
<u>24/01630/NMA</u>	Mr and Mrs	Non Material	47 Michael Wright Way
Approval Non	Murphy	Amendment to	Great Bentley
Material		23/00774/FULHH -	Colchester
Amendment		external walls to be clad	Essex
25.11.2024		in light grey cedar	CO7 8GH
Delegated		boarding.	
Decision			

01 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. 2317.02A

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.

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

24/01422/VOC Approval - Full 25.11.2024 Delegated Decision	Mr Andrew Fairley - Henry Fairley and Son Ltd	Application under Section 73 of the Town and Country Planning Act for Variation of Condition 2 (Approved Plans) of application 23/01213/FUL to allow for a minor adjustment to the position of the barn to avoid an electric pole.	Woods Barn Harwich Road Great Bromley Essex CO7 7US
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01 COMPLIANCE REQUIRED: COMMENCEMENT SECTION 73 TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration 23rd November 2026.

REASON: To comply with the requirements of Section 73 and 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 (if not already commenced) within the timeframe provided unchanged from the permission varied. 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. P02
- Drawing No. 2670-P01c

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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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.

Great Oakley Parish Council

No Determination

Harwich Town Council

<u>24/01313/FUL</u> Refusal - Full 28.11.2024 Delegated Decision	Mr Marcus Clarke	Planning Application - Change of use of part commercial building to form food take-away and delivery business with commercial kitchen and servery hatch including use of flat roof terrace as roof garden with external staircase.	121 - 123 High Street Dovercourt Harwich Essex CO12 3AP
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01 The application site is located within the Lower Dovercourt Conservation Area. The applicant has not described the significance of the heritage asset affected, including any contribution made by its setting contrary to Paragraph 200 of the NPPF.

The application will retain the existing single storey building in its current form and introduce a roof garden on the flat roof, equating to an area of approximately 135 square metres. The roof garden will be enclosed by a glass balustrade on all sides approximately 1 metre high accessed by a black metal staircase from the courtyard on Bay Road.

The introduction of a modern glass balustrade and metal staircase completely alters the appearance of building as it is today and its use as a roof garden is likely to include tables and chairs and associated paraphernalia. The glass balustrade as a non-traditional system of enclosure, the

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highly visible metal staircase and use of the roof garden will detract from the historic character of the buildings and street scape in this part of the town centre harmful to the Dovercourt Conservation Area setting.

It is considered that the proposal would result in less than substantial harm to the significance of the conservation area according to Paragraph 208 of the National Planning Policy Framework. Although the takeaway would provide chargeable services to the community, the current use of the building continues and the public benefit does not outweigh the harm in this case.

Overall, the proposal is not considered to preserve or enhance the character or appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and Policies SP7, SPL3 and PPL8.

02 The use of the application site will remain in a recognised town centre use, with other retail uses, however with first floor residential properties and spaces for use by the wider community surrounding the application site there is the potential for existing amenities to be harmed.

There is the potential for noise and disturbance in the town centre and to neighbouring properties from the use of the roof garden which by way of its open nature will allow sound to travel. The roof garden will occupy the flat roof of the single storey building extending to High Street at the front for the full width back until the pitched roof section over the proposed takeaway, equating to an area of approximately 135 square metres. The roof garden will be enclosed by a glass balustrade on all sides approximately 1 metre high. The roof garden is of a size that many people could converge, with no information in the application confirming how, what times and by whom the roof garden will be used, and therefore there is no certainty that the use of the roof garden will not have a significant impact on local and neighbouring residential amenity in terms of noise and disturbance.

The proposal is considered contrary to Policies SP7 and SPL3, and the National Planning Policy Framework by virtue of the adverse impact on amenity in terms of noise and disturbance.

03 The open nature of the roof garden allows users uninterrupted views of the surrounding town centre and likewise the potential to look into the first floor windows of residential properties located opposite in Bay Road and opposite in High Street leading to a loss of privacy that those residential properties are currently afforded.

The proposal is considered contrary to Policies SP7 and SPL3, and the National Planning Policy Framework by virtue of the adverse impact on amenity in terms of loss of privacy.

04 The use of the application site will remain in a recognised town centre use, with other retail uses, however with first floor residential properties and spaces for use by the wider community surrounding the application site there is the potential for existing amenities to be harmed.

A food takeaway premises will bring with it the installation of equipment for the extraction of odours and related equipment. A Noise Impact Assessment and/or an Odour Assessment has not been submitted with the planning application and therefore there is no certainty what type of

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equipment and where it will be located with the potential to impact the residential amenity of the first floor residents of the properties opposite in Bay Road and the first floor residents of the properties opposite in High Street in terms of noise and odour from the equipment. At this time, it has not been demonstrated that any extraction system will not have a significant impact on neighbouring residential amenities.

The proposal is considered contrary to Policies SP7 and SPL3, and the National Planning Policy Framework by virtue of the adverse impact on amenity in terms of noise and odour.

<u>24/01555/LUPR</u> <u>OP</u> Lawful Use/development Refused 28.11.2024 Delegated Decision	Karalius	Application for Lawful Development Certificate for Proposed Use or Development for proposed loft conversion with L shaped dormer to the rear elevation.	9 Talbot Street Harwich Essex CO12 3JQ
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01 The proposal fails to comply with the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1 as follows -

Class A (points d and i) as -

- The eaves will exceed the eaves height of the existing dwelling.
- The eaves height will exceed 3m in height and the proposed enlargement will be within 2m to the boundary.

Class B (condition b) as -

- The proposal will cut through the existing eaves of the roof slope preventing them from being maintained or reinstated.
- The proposal will also be within 0.2m of the eaves and will extend beyond the external face of the original dwelling.

<u>24/01639/TELLI</u> <u>C</u> Deemed Consent 28.11.2024 Delegated Decision	Sri Vaishnavi Potla - Openreach	Installation of fixed line broadband electronic communications apparatus.	O/S 15 Long Meadows Dovercourt Essex
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Lawford Parish Council

24/01580/TCA Approval - Full 25.11.2024 Delegated Decision	Mr Christopher Thomas	1 No. Rowan - Raise crown and tidy up.	Lilac Cottage Wignall Street Lawford Manningtree Essex CO11 2JL
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01 COMPLIANCE REQUIRED: COMPLETION TIME LIMIT

CONDITION: The work authorised by this Decision Notice must be completed within two years of the date of this Notice. If the work is not completed within this period, for whatever reason, the authority to proceed expires.

REASON: To ensure that the permitted works are arboriculturally appropriate.

NOTE/S FOR CONDITION:

- 1) Please note that any approval given to by the Council does not give an exemption from the requirements to comply with the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000, the Conservation (Natural Habitats etc.) Regulations 1994 or any Acts offering protection to wildlife. All birds (except those listed in schedule 2 of the Wildlife and Countryside Act 1981), their nests and eggs are protected by law. It is an offence to intentionally or recklessly kill, injure or take any wild bird, or damage, destroy or intentionally disturb the nest of any wild bird whilst it is in use or being built. For this reason tree work should not be undertaken during the nesting season (broadly March to August) unless a survey for nesting birds confirms their absence. Should you require any further information on nesting birds, please contact Natural England on 03000 603900.
- 2) You are advised that trees have the potential to support roosting bats. Bats and their roosts are legally protected. It is an offence to disturb or harm a bat, or damage, destroy or obstruct any place used by bats for shelter, whether they are present or not. Trees should be inspected before any works commence and if the presence of bats is suspected works must cease and advice sought from The Bat Conservation Trust on 0845 1300228.
- 3) This decision is valid for two years from the date of this decision or until the work is completed, whichever is the sooner. You are advised that the appropriate standards for tree work are set out in British Standard 3998:2010. Failure to ensure the proposed works are carried out to these standards may result in damage to the tree(s) and may result in legal action by the Council.
- 4) The council not objecting to/approving the proposal does not give the legal right for a person to enter another person's land to prune or fell their tree(s). Permission should be sought from the tree owner before works to a tree(s) are carried out.

Little Bentley Parish Council

No Determination

Little Bromley Parish Council

No Determination

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Little Clacton Parish Council **No Determination**

Little Oakley Parish Council **No Determination**

Manningtree Town Council **No Determination**

Mistley Parish Council

<u>24/01636/WTPO</u> Approval - Full 29.11.2024 Delegated Decision	Mr Peter Finn	Works related to Tree Preservation Order (00/00008/TPO) - Re- pollard back to where it been done to previously, clean up cuts if necessary. Reduce limbs towards house side to even weight distribution on tree.	19 Rosewood Park Mistley Essex CO11 1UA
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01 COMPLIANCE REQUIRED: COMPLETION TIME LIMIT

CONDITION: The work authorised by this Decision Notice must be completed within two years of the date of this Notice. If the work is not completed within this period, for whatever reason, the authority to proceed expires.

REASON: To ensure that the permitted works are arboriculturally appropriate.

NOTE/S FOR CONDITION:

- 1) Please note that any approval given to by the Council does not give an exemption from the requirements to comply with the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000, the Conservation (Natural Habitats etc.) Regulations 1994 or any Acts offering protection to wildlife. All birds (except those listed in schedule 2 of the Wildlife and Countryside Act 1981), their nests and eggs are protected by law. It is an offence to intentionally or recklessly kill, injure or take any wild bird, or damage, destroy or intentionally disturb the nest of any wild bird whilst it is in use or being built. For this reason tree work should not be undertaken during the nesting season (broadly March to August) unless a survey for nesting birds confirms their absence. Should you require any further information on nesting birds, please contact Natural England on 03000 603900.
- 2) You are advised that trees have the potential to support roosting bats. Bats and their roosts are legally protected. It is an offence to disturb or harm a bat, or damage, destroy or obstruct any place used by bats for shelter, whether they are present or not. Trees should be inspected before any works commence and if the presence of bats is suspected works must cease and advice sought from The Bat Conservation Trust on 0845 1300228.
- 3) This decision is valid for two years from the date of this decision or until the work is completed, whichever is the sooner. You are advised that the appropriate standards for tree work are set out in British Standard 3998:2010. Failure to ensure the proposed works are carried out to these standards may result in damage to the tree(s) and may result in legal action by the

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Council.

- 4) The council not objecting to/approving the proposal does not give the legal right for a person to enter another person's land to prune or fell their tree(s). Permission should be sought from the tree owner before works to a tree(s) are carried out.

Ramsey & Parkeston Parish Council

<u>24/01297/FULH</u> <u>H</u> Approval - Full 29.11.2024 Delegated Decision	Mr James White	Householder Planning Application - Amendment to previously approved planning permission (21/01741/FULHH - Proposed side, front and rear extensions.) to allow for the side extension to be in line with the front wall of the existing house.	32 Mayes Lane Ramsey Harwich Essex CO12 5EJ
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01 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.

SITE PLAN - REC'D 27/08/24
BLOCK PLAN
PROPOSED FLOOR PLANS - REC'D 28/11/2024
PROPOSED ELEVATIONS -28/11/2024

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

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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.

02 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 window/s to the first floor side elevation serving the ensuite and hall 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.

St Osyth Parish Council

24/01418/FUL Approval - Full 26.11.2024 Delegated Decision	Sargeant - City and Country	Planning Application - Initial phase of improvement works to The Bury, including new vehicular access, a temporary car park, reordering of internal roads, landscaping, installation of fencing and other associated works.	St Osyth Priory The Bury St Osyth Essex CO16 8NZ
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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.

- CC-0175-TB-PH1B-2500 (Site Plan)
- 281/2023/210 P7 (Access Specification Plan)
- CC175 TB2 (Fencing/Gates Plan)
- CC-0175-TB-001-PH1 B (Amended The Bury Arrangements Plan)
- Planning, Design & Access Statement v2
- Heritage Assessment V2 (Sept 2024)

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.

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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.

03 FURTHER APPROVAL: ARCHAEOLOGICAL WORKS

CONDITION: No additional development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant and approved in writing by the Local Planning Authority.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development. This condition is required to be agreed prior to the commencement of any development 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 as there is an unacceptable risk of loss and damage to archaeological and historic assets.

04 COMPLIANCE REQUIRED - ARCHAEOLOGICAL WORKS

No additional development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in Condition 3 above.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development. This condition is required to be agreed prior to the commencement of any development to ensure features of archaeological importance are identified, preserved and secured to avoid damage or lost resulting from the development and/or its construction. If agreement was sought at any later stage, there is an unacceptable risk of loss and damage to archaeological and historic assets.

05 COMPLIANCE - ARCHAEOLOGICAL WORKS

CONDITION: Within 6 months from the completion of the archaeological fieldwork, a post excavation assessment shall be submitted to, and approved in writing by the Local Planning Authority. The assessment shall include post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

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REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

06 ACTION REQUIRED: HIGHWAYS PROVISION OF VISIBILITY SPLAYS

CONDITION: Before the proposed new vehicular access onto The Bury is first used clear visibility shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the access. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

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

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.

07 ACTION REQUIRED: PROVISION OF ACCESS

CONDITION: The hereby approved access to the south of the site onto The Bury shall be completed in all respects in accordance with the details shown on approved drawing no's. 281/2023/210 Rev. P7 and CC-0175-TB-001-PH1 Rev prior to its first use. The access shall then be retained in its approved form thereafter.

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.

08 ACCESS MATERIAL

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CONDITION: The hereby approved access to the south of the site onto The Bury shall have a bound material surface which shall be laid out for a minimum distance of 6 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 defined 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.

09 HIGHWAYS ON GOING REQUIREMENT - ACCESS CLOSURE

CONDITION: Prior to first use of the new access the existing access within The Bury frontage of the site, as shown on the approved drawing no. CC-0175-TB-001-PH1 B as 'Existing Hardstanding Track, shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge and kerbing immediately the proposed new access is brought into first beneficial use.

REASON: To ensure that an increase in accesses available does not increase in highway safety risk.

NOTE/S FOR CONDITION:

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

10 TEMPORARY CAR PARK

CONDITION: The temporary car park, as shown on approved drawing no. CC-0175-TB-001-PH1 B, shall be installed and made available for use prior to the first use of the proposed access onto The Bury. The temporary access shall then be retained in its approved form until such time as Phases 2, 3 and 4 of the wider works schedule, as outlined on pages 8 and 9 of the submitted 'Planning, Design & Access Statement v2 (30th September 2024), are completely in their entirety, upon which time the surface materials forming the parking area shall be removed from the site and the land restored in accordance with a restoration scheme that shall have previously been submitted to and approved, in writing, by the Local Planning Authority. The approved scheme of restoration shall then be fully implemented within 6 months of that written approval being given, unless an alternative timescale is agreed in writing by the Local Planning Authority.

REASON: In order to ensure that the temporary car parking area fulfils its required purpose and is

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then removed from the land in the interests of visual amenity and to protect the setting of heritage assets.

11 COMPLIANCE REQUIRED: MINIMISATION OF GROUND COMPACTION

CONDITION: Any hard surfacing beneath the canopy and/or with the root area of any retained 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(s).

12 FURTHER APPROVAL: HERITAGE

CONDITION: Prior to the first installation of the proposed fencing and gates, full details of the specification of the enclosures, including colour, detailing and materiality, shall be submitted to and agreed, in writing, by the Local Planning Authority. 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.

<u>24/01419/FULH</u>	<i>Theresa Riley</i>	<i>Householder Planning</i>	<i>9 Castle Way</i>
<i>H</i>		<i>Application - carport to</i>	<i>St Osyth</i>
<i>Approval - Full</i>		<i>facilitate disabled access</i>	<i>Clacton On Sea</i>
<i>27.11.2024</i>		<i>arrangements.</i>	<i>Essex</i>
<i>Delegated</i>			<i>CO16 8RA</i>
<i>Decision</i>			

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

<i>Application No.</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
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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. A3-05, showing the location and block plan of the proposal - Received 24/09/2024
Drawing No. A1-02, showing the proposed elevation and plans of the proposal - Received 24/09/2024

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.

Tendring Parish Council

<i>Application No.</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
<i>Decision</i>			
<i>Date of Decision</i>			
<i>Conditions/Reasons</i>			
24/01571/WTPO Approval - Full 25.11.2024 Delegated Decision	Mr Alan Lee	Woodland - Tidy and clear dangerous trees/shrubs: 1 - Remove small shrubs and trees up to 4/5 inches diameter and woodland up to the level of 5% over a period of 5-10 years. 2 - Mechanically clear back 3-6 metres from the A133 each year for 5-10 years. 3 - Cut back or remove overhanging trees affecting A133. 4 - Lower any dead or dangerous trees to ground level.	Land adjacent to Woodlands Colchester Road Tendring Clacton On Sea Essex CO16 9AA

01 COMPLIANCE REQUIRED: COMPLETION TIME LIMIT

CONDITION: The work authorised by this Decision Notice must be completed within two years of the date of this Notice. If the work is not completed within this period, for whatever reason, the authority to proceed expires.

REASON: To ensure that the permitted works are arboriculturally appropriate.

NOTE/S FOR CONDITION:

- 1) Please note that any approval given to by the Council does not give an exemption from the requirements to comply with the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000, the Conservation (Natural Habitats etc.) Regulations 1994 or any Acts offering protection to wildlife. All birds (except those listed in schedule 2 of the Wildlife and Countryside Act 1981), their nests and eggs are protected by law. It is an offence to intentionally or recklessly kill, injure or take any wild bird, or damage, destroy or intentionally disturb the nest of any wild bird whilst it is in use or being built. For this reason tree work should not be undertaken during the nesting season (broadly March to August) unless a survey for nesting birds confirms their absence. Should you require any further information on nesting birds, please contact Natural England on 03000 603900.
- 2) You are advised that trees have the potential to support roosting bats. Bats and their roosts are legally protected. It is an offence to disturb or harm a bat, or damage, destroy or obstruct any place used by bats for shelter, whether they are present or not. Trees should be inspected before any works commence and if the presence of bats is suspected works must cease and advice sought from The Bat Conservation Trust on 0845 1300228.
- 3) This decision is valid for two years from the date of this decision or until the work is completed, whichever is the sooner. You are advised that the appropriate standards for tree work are set out in British Standard 3998:2010. Failure to ensure the proposed works are carried out to these standards may result in damage to the tree(s) and may result in legal action by the Council.

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4) The council not objecting to/approving the proposal does not give the legal right for a person to enter another person's land to prune or fell their tree(s). Permission should be sought from the tree owner before works to a tree(s) are carried out.

02 Condition - the works hereby permitted by this consent shall cover a period of five years from the date of the decision notice.

Reason - to allow the works to be carried out on an ad hoc basis by the owner of the woodland with a limited time span to enable the works to remain under the control of the local planning authority.

Thorpe-le-Soken Parish Council No Determination

Thorrington Parish Council

<u>24/01472/FULH</u> <u>H</u> Approval - Full 29.11.2024 Delegated Decision	Mr Dave Williams - Apex Residential Design	Householder Planning Application - Two Storey Rear Extension.	22 Clover Drive Thorrington Colchester Essex CO7 8HL
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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 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

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Authority prior to the commencement of development pursuant to this condition.

Site Location Plan - Drawing No. 101 - Received 03.10.24

Proposed Elevations - Drawing No. 103 - Received 03.10.24

Proposed Floor Plan & Roof Plans - Drawing No. CD-01.102 - Received 11.10.24

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 and used as necessary for compliance purposes and/or enforcement action.

Weeley Parish Council

<u>24/01443/OUT</u>	<i>Mr John Bourne -</i>	<i>Outline Planning</i>	<i>2 Barnfields</i>
<i>Refusal - Outline</i>	<i>Jettco Dry Wall</i>	<i>Application (all matters</i>	<i>Clacton Road</i>
<i>26.11.2024</i>	<i>Limited</i>	<i>reserved) - Proposed</i>	<i>Weeley Heath</i>
<i>Delegated</i>		<i>development of 2 no.</i>	<i>Essex</i>
<i>Decision</i>		<i>custom-built dwellings.</i>	<i>CO16 9EF</i>

01 Paragraph 135 of the National Planning Policy Framework 2023 (NPPF) 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 Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings, create a unique

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sense of place. The last part of Policy LP7 of Section 2 of the 2013-33 Local Plan states that proposals (for self-build and custom-build homes) shall have no significant material adverse impact on the landscape.

Section 2 Policy PPL3 (c) of the Tendring District Local Plan 2013-2033 requires the Council to protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance, including to settlement settings. Policy SP7 requires new development to respond positively to local character and context to preserve and enhance the quality of existing places and their environs. The Tendring Landscape Character Assessment seeks to restrict further ribbon development and consider opportunities to strengthen and enhance the landscape setting to the villages through planting and enhancing, or creating new, village greens, which could help to maintain the individual character of individual settlements.

The application site is set to grass and is currently open in nature. There is development of a loose-knit nature to the north, east and south-east, however the prevailing character of the immediate and wider area, especially the site itself and land to the west, is more rural, with open grassed and agricultural land further to the west and north-west. The positioning of 2 self-build/custom build dwellings on the site as indicated will 'jump over' irregularly shaped areas of open paddock land that would be left immediately to the north, west and south of the application site. Moreover, the creation of two dwellings including the any associated hardstanding(s), the access track and other elements such as boundary treatments would, as a combination, result in a jarring composition in this edge of settlement location. The harm identified is irrespective of potential variations in scales and layouts, and would be further exacerbated by the location of the site projecting into undeveloped land in a jarring manner, and set some distance away from Clacton Road. For the reasons given any proposed layout and scale of a development for 2 dwellings on the application site would be completely at odds with the prevailing character of the area and the pattern of existing residential development in the areas immediately to the north, north-east and south-east of the site. The proposal is therefore contrary to the above-mentioned Tendring District Local Plan to the extent that these policies collectively seek to ensure that development is in keeping with local character.

The development is therefore contrary to adopted Local Plan Section 1 - Policy SP7 and Section 2 - Policies SPL3, LP4, LP7 (the last paragraph) and PPL3 point (c) as well as the relevant provisions set out in paragraph 135 of the NPPF.

Wix Parish Council

<u>24/01202/FUL</u> Approval - Full 28.11.2024 Delegated Decision	Mr Adam Brown - HAB Poultry Ltd	Erection of an additional poultry shed with associated feed bins, feed blending room and extension to concrete apron, in connection with the whole poultry farm moving to the higher welfare poultry production standard.	Treestacks Farm Oakley Road Wix Manningtree Essex CO11 2SF
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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 Numbers IP/AHB/01, IP/AHB/02a, IP/AHB/03a, documents titled 'Biodiversity Net Gain Assessment', 'Design, Access and Planning Statement', 'Preliminary Ecological Appraisal', 'Flood Risk Assessment and Surface Water Management Plan', 'Plant Noise Assessment', 'A Dispersion Modelling Study of the Impact of Odour from the Existing and Proposed Broiler Chicken Rearing Houses', 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Existing and Proposed Broiler Chicken Rearing Houses'.

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.

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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.

03 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 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.

04 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: In the interests of visual amenity, the character and appearance of the area and to underpin the Council's duty to enhance the biodiversity credentials of the development under the NPPF 2023 and s40 of the NERC Act 2006 (as amended).

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05 **CONDITION:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Craig Emms and Linda Barnett, July 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

06 **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 or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

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

REASON: To enhance protected and Priority species and habitats.

07 **CONDITION:** Prior to the erection/installation of any floodlighting or other means of external lighting at the site, details to include position, height, aiming points, lighting levels and a polar luminance diagram shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall be carried out and retained as may be approved. There shall be no other means of external lighting installed and/or operated on/at the site except that approved.

REASON: In the interests of amenity to reduce the impact of night time illumination on the character of the area and in the interests of biodiversity.

08 **CONDITION:** Prior to the commencement of development details of a 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 the intended routing of HGV traffic on the surrounding road network, programme of restoration works to soft highway verges, 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 all access points to be used to access the site during construction only and any staging of provision.
- 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 portaloos.
- 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 to be joined prior to the commencement of development, and confirmation of registration to be provided in writing to the LPA before the start of works, or similar scheme for which full details shall be provided and complied with
- 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 in 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. Please note the provisions of the Highways Act 1980 Para 131 are likely to apply and may need to be discussed with the Highways Authority, this legislation includes details and penalties for any damage and/or alterations to the highway including verge, highway signage and surface materials of pavement/footpath and carriageway.

- 09 **CONDITION:** Prior to the first occupation of the hereby approved development, all mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Flood Risk Assessment and Surface Water Management Plan (Lidar-Logic, August 2024).

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REASON: The site is a large development close to a high risk flooding area.

- 10 **CONDITION:** Prior to the commencement of the hereby approved development, a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution must be submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: To ensure the development does not increase flood risk elsewhere and does not contribute to water pollution.

- 11 **CONDITION:** Prior to first occupation of the development hereby approved a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 12 **CONDITION:** The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 13 **CONDITION:** The development may not be begun unless (a) a biodiversity gain plan has been submitted to the planning authority (see note), and (b) the planning authority has approved the plan (see note).

REASON: In order to accord with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and amended by The Biodiversity Gain (Town and Country Planning) Modifications and Amendments (England) Regulations 2024

NOTE - CONTEXT AND APPLICATION:

Planning conditions are typically established upon the granting of planning permission under sections 70(1) and 72 of the Town and Country Planning Act 1990. However, it's essential to note that the biodiversity gain condition operates under a distinct statutory framework, specifically outlined in paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990.

This condition is deemed to apply to all planning permissions granted for land development in England, unless specific exemptions or transitional provisions are applicable (for further

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details, please refer to the provided web link <https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments> or contact us directly.

The government advises against including this condition in decision notices to avoid confusion. However, for clarity and accountability, we have opted to highlight this condition within the decision notice. This ensures that all involved parties are aware of its requirements, facilitating effective tracking and monitoring throughout the development process, including the discharge of conditions.

In certain instances, this condition may be imposed even if the applicant believes that biodiversity net gain (BNG) does not apply. Based on the available information, it is determined that this permission necessitates the approval of a biodiversity gain plan before commencing development, as none of the statutory exemptions or transitional arrangements apply.

For further details, please consult the officer report as needed. If you believe this condition does not apply, we strongly recommend contacting the Local Planning Authority (LPA) for clarification. Tendring District Council serves as the planning authority responsible for determining the approval of a Biodiversity Gain Plan in relation to this permission.

BIODIVERSITY GAIN PLAN REQUIREMENTS:

For the Biodiversity Gain Plan requirements, please refer to both paragraphs 14 and 15 of the Environment Act Sch 14 Part 2 as amended by The Biodiversity Gain (Town and Country Planning) Modifications and Amendments (England) Regulations 2024.

<https://www.legislation.gov.uk/ukpga/2021/30/schedule/14/enacted>

In summary, the Biodiversity Net Gain (BNG) plan must achieve a minimum biodiversity net gain of 10% and should typically include the following:

- Steps taken or to be taken to minimize adverse effects of the development on the biodiversity of the onsite habitat and any other habitat.
- Pre-development and post-development biodiversity assessments of the onsite habitat.
- Allocation of any registered offsite biodiversity gain to the development and its biodiversity value in relation to the development.
- Details of any biodiversity credits purchased for the development.
- Plans for maintaining and securing the net gain on and/or off site for at least 30 years after completion of the development.

The Local Authority will ensure the submitted details meet the requirements of the Town and Country Planning Act 1990 as amended, Environment Act as amended, associated legalisation and guidance.

Ways to achieve 10% BNG may include:

- 1) Enhancement and restoring biodiversity on-site (within the red line boundary of a development site).
- 2) If proposals can only achieve part of their BNG on-site, they can deliver through a mixture of on-site and off-site. Developers can either make off-site biodiversity gains on their own land outside the development site or buy off-site biodiversity units on the market as close as possible to the site.
- 3) If developers cannot achieve on-site or off-site BNG, they must buy statutory biodiversity credits from the government. This must be a last resort. The government will use the revenue to invest in habitat creation in England.

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Developers may combine all 3 options but must follow the steps in order. This order of steps is called the biodiversity gain hierarchy.

CONDITIONS AND LEGAL AGREEMENT:

The Local Authority is responsible for ensuring that the biodiversity gain objective is achieved, whether it be onsite, offsite, or through the purchase of credits, and that it is secured by legal agreement as necessary. It is essential to highlight that planning conditions operate within a strict timeframe. Therefore, any legal agreements required to secure the biodiversity gain must be completed prior to the consideration of the planning condition. Failure to comply with this requirement may result in the refusal of the condition.

Wrabness Parish Council

No Determination