

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

24/01421/VOC Approval - Full 19.12.2024 Delegated Decision	Mrs Susie Marsden - Wyvernwood Limited	Application under Section 73 of the Town and Country Planning Act for Variation of Condition 20 (Opening times and during the seasonal period outlined) of application 22/01306/VOC to enable greater flexibility for Wyvernwood to open over the Christmas period for (a) breakfast with Santa; (b) normal trading day and (c) exclusive timed entry visits for families to meet Father Christmas in his grotto.	Alresford Hall Ford Lane Alresford Colchester Essex CO7 8AY
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01 1 The development hereby permitted shall be carried out in accordance with the following approved plans/documents

- 663-100D
- 663-101B
- Site Framework Plan
- S02 Rev C
- B01
- 2019-F-006-009
- GA_01 Rev A
- GA_02 Rev A
- Toilet/Changing Floor Plans and Elevations
- Galleon planning drawings - Elevations & plans - WYV-01-01-02 Rev 02
- Galleon material details - Perspective - WYV-01-02-02 Rev 02
- Galleon Site plan - WYV-01-03-02 Rev 02
- Galleon Foundation Detail - WYV-01-04-02 Rev 02
- Galleon Foundation Plan - WYV-01-05-02 Rev 02
- Employees' Travel Plan - 2nd Issue (Carl Tonks Consulting) - June 2022
- Wyvernwood Travel to Work Plan Document
- Amended Wyvernwood Staff Travel Pack (received 3rd November 2022)
- Addendum to Employees' Travel Plan (received 3rd November 2022)
- Schedule of Seasonal Events (received 6th December 2024)

Reason - For the avoidance of doubt.

02 The development shall be carried out in full accordance with the materials construction details Materials Conditions Drawing: Main Building and the Materials Conditions Drawing: Toilet Block) as approved under planning reference 20/01603/DISCON.

Reason - In the interests of visual amenity.

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03 All changes in ground levels, hard landscaping, planting, seeding or turfing shown the approved landscaping details drawing nos. 663-100D and 663-101B shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the implementation of the approved scheme and adequate maintenance of the landscaping for a period of five years in the interests of visual amenity.

04 The play equipment and play areas shall be constructed in full accordance with the details/plans below (as approved under planning reference 20/01603/DISCON);

- WW1-7-00-1(Rev03) Galleon-Planning drawing- Design overview
- WW1-7-00-2(Rev02) Galleon-Planning drawing- Side Elevations
- WW2-7-00-1 (Rev03) Castle-Planning Drawings -Design Overview
- WW2-7-00-2 (Rev02) Castle-Planning Drawings -Side Elevations
- WW3-7-00-1(Rev02) Sand Area-Planning Drawing
- WW4-7-00-1 (Rev03) Wishing well-Planning Drawing
- WW5-7-00-1 (Rev03) Planning Drawing-Small is Big-Design Overview
- WW5-7-00-2 (Rev04) Planning Drawing-Small is Big-Features
- WW6-7-00-01 (Rev03) Jumping Pillows-Planning Drawing
- WW8-7-00-01(Rev02) Goblins tunnels-Planning Drawing-Design Overview
- WW8-7-00-02(Rev02) Goblins tunnels-Planning Drawing-Side Elevations
- WW10-7-00-01(Rev02) Portal-Planning Drawing
- WW11-7-00-1 (Rev03) Labyrinth-Planning Drawing

Reason - In the interests of visual amenity.

05 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Naturally Wild, January 2020) and the updated Ecological Impact Assessment (Liz Lord Ecology, October 2022), 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 UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

06 The development shall be carried out in full accordance with the details and recommendations set out within the submitted document titled 'Reptile Mitigation Strategy' as prepared by Naturally Wild (Ref - RSC-19-09 August 2020), as approved under planning reference 20/01151/DISCON.

Reason - To conserve Protected and Priority species and allow the LPA to discharge its duties under

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the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998.

- 07 The development shall be carried out in full accordance with the submitted Biodiversity Enhancement Layout Document (as prepared by Liz Lord -dated 14th October 2020), as approved under planning reference 20/01603/DISCON.

Reason - To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 08 The development shall be carried in full accordance with the submitted document 'A Lighting Design Scheme for Biodiversity (as prepared by Liz Lord - dated 29th October 2020), as approved under planning reference 20/01603/DISCON.

Reason - To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 09 The development shall be carried in full accordance with the actions and recommendations outlined within the submitted document 'Landscape & Ecological Management Plan' (Report Ref - 1593LEMP), as approved under planning reference 22/02064/DISCON.

Reason - To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 10 The development shall be constructed in accordance with the details contained within submitted 'Construction Method Statement' (dated 6th July 2021) and the document titled 'Construction Traffic Management Plan' (as prepared by Tonks Consulting - dated July 2021), as approved under planning reference 20/01603/DISCON.

Reason - In the interests of highway safety.

- 11 No unbound material shall be used in the surface treatment of the vehicular access within 30 metres of the highway boundary.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

- 12 The gradient of the proposed vehicular access shall be in accordance with DMRB standards.

Reason - to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

- 13 There shall be no discharge of surface water onto the highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 14 The vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, shall be marked out in parking bays. The vehicle parking area and associated turning area shall always be retained in this form. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

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Reason - To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety.

15 The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facilities shall be secure, convenient, covered and provided prior to the first opening of the attraction and retained at all times.

Reason - To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity.

16 16 During all seasonal events a free shuttle minibus service; in principal, will operate between the site and Alresford Railway Station including any Bank Holidays and the local school holiday periods; the service/ frequency and route will:

- be agreed and finalised by both the developer, ECC as part of the Travel Plan monitoring and Community Rail Partnership.
- The Community Rail Partnership will help promote travel to the park by train, with leaflets and social media.
- At the end of year two the service will be reviewed, with further monitoring occurring annually on the anniversary of site occupation for a period of five years. This review/monitoring is to be provided to Essex County Council as local highway authority as part of the Travel Plan monitoring and will look at but not restricted to what impact the promotion to use the train has had; changes in car park capacity during these periods and perceived traffic congestion getting to and from the attraction.

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

17 Prior to the additional seasonal events becoming first operational an updated workplace travel plan (to include the additional seasonal events) shall be submitted to and approved, in writing, by the local planning authority. The approved travel plan shall be adhered to at all times.

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

18 The development shall be carried out in full accordance with the recommendations contained within the following documents (as approved under planning reference 20/01603/DISCON);

- Contaminated Land Risk Assessment - Phase 1 Desk Top Study- Preliminary Risk Assessment (as prepared by Soil Environment Services Ltd - dated October 2020)
- Report on a Phase 2 Investigation and Contamination Risk Assessment (as prepared by Compass Geotechnical Ltd - dated November 2020).

Reason - In the interests of health and safety.

19 The foul drainage and surface water drainage systems for the development shall be carried out in full accordance with the details contained within the following documents (as approved under planning reference 20/01603/DISCON):

- 20005-PWA-00-XX-DR-C-1012 P04 - Proposed Drainage Details
- 20005-PWA-00-XX-DR-C-1014 P04 - Amended Proposed Play Area Drainage Layout
- 20005-PWA-00-XX-DR-C-1015 P02 - Amended Proposed Access Road Drainage Layout
- 20005-PWA-00-XX-CA-C-1000 P08 - Proposed Access Road System 1 Calculations
- 20005-PWA-00-XX-CA-C-1001 P04 - Proposed Access Road Soakaway 2 Calculations

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- 20005-PWA-00-XX-CA-C-1002 P03 - Proposed Car Park Calculations
- 20005-PWA-00-XX-RP-C-1000 A01 - Drainage Strategy (as prepared by Paul Waite Associates - dated July 2020).
- 20005-PWA-00-XX-LT-1002 P01 - Letter from Paul Waite Associates
- Kingspan Drawing: DS1270P-03 (Ø1.2, NSG06, 3000L)
- Kingspan Drawing: DS1334 - 01 BN BioDisc Sales Drawing

Reason - To prevent environmental and amenity problems arising from flooding.

20 The attraction shall only be open to the general public between the following opening times unless otherwise agreed, in writing, by the Local Planning Authority :

- 10am - 5pm (7 days a week) Between the 23rd March and 31st October in any calendar year; and
- As set out in the Schedule of Seasonal Events received 06.12.2024 (relating to February half term, Easter, Halloween and Christmas).

Reason - In the interests of residential amenity and highway safety.

21 The recommendations and tree protection measures outlined within the submitted Arboricultural Impact Assessment, Arboricultural Method Statement and on drawing no. P1416 TPP01 V2 (as prepared by Ligna Consultancy) shall be adhered to at all times during the construction phase of the development.

Reason - To protect the trees identified for retention during construction in the interests of visual amenity.

22 The approved Surface Water Drainage Scheme shall be maintained in accordance with the details outlined within the following documents / plans (as approved under planning reference - 22/00823/DISCON);

- SDS 208321 CCTV Report - Tenpenny Hill (Survey Design Services)
- Drainage Mark Up on Topo (Chinery Land Surveys)
- Job card - 2022-01-17T122330.800 - Drain Cleaning (Roe Environmental)
- Management & Maintenance Plan (Ref - 20005-PWA-00-XX-RP-C-1004)
- Access Plan (Ref - 20005 PWA 00 XX DR C 1015 P05)

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.

23 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.

24 The proposed go-karts shall be pedal go-karts only and not engine powered or electric.

Reason - In the interests of visual amenity and biodiversity.

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25 A bat monitoring report shall be submitted to the Local Planning Authority for approval following the end of the Christmas 2024 Seasonal Event under the extended opening dates/times. The submitted bat monitoring report shall include:

- a) Describing methods for data gathering and analysis,
- b) Locations of static bat detectors,
- c) Timing and duration of monitoring,
- d) Responsible persons and lines of communication,
- e) Review, and where appropriate, publication of results and outcomes,
- f) Results of monitoring.

The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details prior to the following Halloween Seasonal Event commencing, unless otherwise agreed in writing by the Local Planning Authority.

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

26 The Car Park Management Plan as discharged under reference 24/00442/DISCON shall be adhered to at all times

iv. Monitoring of vehicle numbers during the seasonal events for the first year and the data to be provided to local planning authority and Highway Authority.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner and the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

<u>24/01489/FUL</u> Approval - Full 16.12.2024 Delegated Decision	Mr Daniel Lane and Mr Thomas Daw	Planning Application - Development of 1.5 storey residential healthcare facility (use class C2) providing 7no self-contained apartments with communal area at ground level and staff facilities for tenant careers at first floor level. All with associated parking and shared amenity areas.	Land adjacent Sherbro House Kennels Colchester Main Road Alresford Colchester Essex CO7 8AP
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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: PLANS AND SUPPORTING DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below (including materials details and block paving details) 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.

- Drawing Number 1529-P-102 B: Existing Site Layout Plan - Topo Survey
- Drawing Number 1529-P-104 A: Proposed Site Layout Plan - Roof
- Drawing Number 1529-P-106 A: Proposed Roof Plan
- Drawing Number 1529-P-109: Proposed Sketch Perspective 1
- Drawing Number 1529-P-110: Proposed Sketch Perspective 2
- Drawing Number 1529-P-103 D: Proposed Block Plan
- Drawing Number 1529-P-105 D: Proposed Floor Plans
- Drawing Number 1529-P-107 C: Proposed Elevations Sheet 1 of 2
- Drawing Number 1529-P-108 C: Proposed Elevations Sheet 2 of 2
- Superfast Broadband Confirmation

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

NOTE/S FOR CONDITION:

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

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

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

03 APPROVAL REQUIRED: DETAILS OF SCREEN WALLS AND FENCES

CONDITION: Prior to the first occupation of the development precise details of the provision, siting, design and materials of all boundary fences, screen walls and any other fences/screens to internally located on site shall be submitted to and approved, in writing, by the Local Planning Authority. The boundary fences, screen walls and any other fences as may be approved shall be erected prior to the building to which they relate being first occupied/used and thereafter be retained in the approved form.

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

04 FURTHER APPROVAL: AGREEMENT OF MATERIALS

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

REASON: To secure an orderly and well designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

NOTE/S FOR CONDITION:

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

While this condition does not detail in what form the materials sought shall be detailed to the Local Planning Authority, it is suggested that a plan is submitted with the details to show where the materials will be located and the extent of coverage.

05 COMPLIANCE - INTERNAL LAYOUT PROVIDED IN ACCORDANCE WITH APPROVED PLAN

CONDITION: Prior to first occupation of the development the internal layout shall be provided in full accordance with Drawing no. 1529-P-103 Rev.D

REASON: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

06 FURTHER APPROVAL - TRAVEL PLAN (WORKPLACE)

CONDITION: Prior to the first occupation/use of the development, a Travel Plan including details of the travel arrangements to and from the site for employees, as well as monitoring provisions (of the Travel Plan) shall be submitted to and approved in writing by the Local Planning

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Authority in consultation with the Highway Authority. The approved Travel Plan arrangements shall be implemented and followed prior to first occupation/use.

REASON: In the interests of sustainable development.

NOTE/S FOR CONDITION:

This condition only applies only to those who will travel to and from the site as employees of the development.

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

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:-

- a) Details of how construction and worker traffic and parking shall be managed.
- b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
- c) Storage of plant and materials used in the construction of the development.
- d) 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.
- e) 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.

The said methodology as may be approved shall be implemented in its entirety on commencement of development 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.

08 FURTHER APPROVAL - SURFACE WATER DRAINAGE DETAILS

CONDITION: Full details of a surface water drainage scheme shall have been submitted to and approved, in writing, by the Local Planning Authority prior to the beginning of any works on site. No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage has been fully installed and is functionally available for use. The surface water drainage scheme shall thereafter be maintained as approved.

REASON: To safeguard the ground water environment and minimise the risk of flooding.

09 COMPLIANCE: PARKING & TURNING

CONDITION: Prior to occupation of the development, the vehicle parking area and associated turning areas (including powered two-wheeler/cycle parking and parking spaces for the mobility impaired) as shown on the approved drawings, shall be hard surfaced, sealed, marked out and made available for use. The vehicle parking and turning areas shall be retained in the approved form and used solely for the parking of vehicles that are related to the use of the development, unless otherwise agreed with the local planning authority.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner, to ensure that appropriate vehicle parking, cycle parking, and turning is provided in accordance with current standards, and to ensure on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety.

10 FURTHER APPROVAL: BIODIVERSITY NET GAIN PLAN

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 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.

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.

11 FURTHER APPROVAL: MITIGATION TO BE AGREED, RAMS

CONDITION: The hereby approved development shall not be first commenced until detailed proposals addressing the mitigation of the development's impact on protected Essex Habitats Sites have been submitted to and received written approval from the Local Planning Authority. Such proposals must provide for mitigation in accordance with the joint Habitats Regulations Assessment Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS), or demonstrate mitigation measures of an equivalent effectiveness.

These proposals may require on site or off site mitigation, but in either case must include evidence of the completion of a necessary legal agreement to secure the proposed mitigation and/or contribution towards mitigation. Please note a legal agreement will include legal fees and may require obligations to secure monitoring and associated fees. For any on site mitigation

proposals approved, it shall be carried out in full and thereafter shall be maintained as approved.

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

NOTE/S FOR CONDITION:

This condition establishes the necessity to ensure the implementation of appropriate mitigation measures due to the impact of the approved development. Such mitigation may be required on-site, off-site, or a combination of both. Typically, a contribution towards visitor management measures at the protected Habitats Site(s) is the preferred and simplest approach to fulfil the requirements of this condition. To fulfil this requirement, you can contribute funds towards a range of mitigation projects in the protected areas. It is essential to secure this provision through a legal agreement between the Council, Developer/Applicant, and site owners before commencement. If this is the approach to fulfilling this condition you wish to take, you are strongly advised to finalise the legal agreement with the Council before submitting any request to discharge this condition. Failure to conclude the agreement within the discharge of condition application timeframe may lead to the refusal to discharge the condition.

Please note if there are other obligations needed for this development, for example to secure monitoring and maintenance of a Biodiversity Net Gain Plan you may wish to combine these together as one legal agreement.

LEGAL AGREEMENT REQUIRED TO DISCHARGE CONDITION

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

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

Please see the 'Preparation of a UU' guidance on our website at:
<https://www.tendringdc.gov.uk/content/the-s-106-process>

12 FURTHER APPROVAL: DETAILS OF ILLUMINATION

CONDITION: Prior to the installation of any 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 those in private garden areas and that approved as part of the submission of details pursuant to this condition.

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.

13 APPROVAL REQUIRED: LANDSCAPING SCHEME

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

14 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).

15 TREE PROTECTION MEASURES

CONDITION: Prior to commencement of any development detailed drawings showing the positions of protective fencing that will be required to physically protect all the retained trees on site for the duration of the construction phase of the hereby approved development and as shown on Drawing No. 1529-P-103, shall be submitted to and approved in writing by the Local Planning Authority. The precise details of the type of fencing to be used should also be provided. This information should be in accordance with BS5837: 2012 Trees in relation to design, demolition and construction Recommendations. The approved tree protection measures shall thereafter be retained on site for the entire duration of the construction phase(s) of the development.

REASON: In the interests of visual amenity, the protection of existing trees on site, and the character and appearance of the area.

16 AGREEMENT OF MEASURES TO IMPROVE SUSTAINABILITY OF DEVELOPMENT

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

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The scheme shall include as a minimum:-

- The number of electric car charging points to serve the development
- Agreement of a scheme for water conservation including greywater recycling and rainwater capture/re-use for new care home units.
- Agreement of a scheme to achieve as far as possible a water consumption rate of not more than 110 litres, per person, per day for new care home units.
- Agreement of heating of each building
- Agreement of scheme for waste reduction

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

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

NOTES FOR CONDITION:

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

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

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

17 DWELLINGS TO ACCORD WITH M4(2) AND M4(3) OF BUILDING REGULATIONS APPROVED DOCUMENT (WHEELCHAIR AND WHEELCHAIR ADAPTABLE UNITS)

CONDITION: Units 1-6 hereby approved shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) Approved Document M - Category 2 'accessible and adaptable' prior to first occupation. Unit 7 hereby approved shall be constructed and fitted out fully meet Building Regulations 'Approved Document Part M4 Category 3 - Wheelchair user dwellings' prior to first occupation. Such provision shall be maintained for the lifetime of the development.

REASON: To ensure the approved layout is inclusively designed for all users including the elderly and disabled, and to ensure the adequate provision of accessible and adaptable dwellings in accordance with Local Plan policies LP4 and LP10, and Alresford Neighbourhood Plan policy ALRES2.

18 BURNING OF MATERIALS

CONDITION: There shall be no burning of any materials on the site at any time, including during the construction phase(s).

REASON: The site is in the proximity of residential dwellings and equestrian uses and therefore suitable control is necessary in order to protect the amenity of these nearby sensitive land

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

19 FURTHER APPROVAL: BIODIVERSITY ENHANCEMENT STRATEGY

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

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

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

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

Ardleigh Parish Council

<u>24/01506/FULH</u> <u>H</u> Approval - Full 17.12.2024 Delegated Decision	Mr D.Aldworth and S.Wentworth	Householder Planning Application - Partial removal of side single storey element, to be replaced and extended. Replacement of all existing windows and doors. Erection of single- storey cart lodge. Proposed extension to ground floor rear garden terrace.	Crossways The Street Ardleigh Essex CO7 7LD
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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

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
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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. 7046 / 1103 P2
- Drawing No. 7046 / 1202 P2
- Drawing No. 7046 / 1204 P2
- Drawing No. 7046 / 1206 P2
- Drawing No. 7046 / 1301 P2
- Drawing No. 7046 / 1104 P1
- Drawing No. 7046-1101-A

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. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
24/01602/COMC ON Approval - Discharge of Condition 19.12.2024 Delegated Decision	Mr Robert Auld	Request for written confirmation of compliance with Condition 1 of 17/01147/FUL to confirm compliance.	18 Coggeshall Road Ardleigh Colchester Essex CO7 7LP
24/01627/COUN OT Determination prior approval not reqred 16.12.2024 Delegated Decision	Mr Timothy Ecott	Prior Approval Application under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use of part of barn to three dwellings.	Holly Tree Nursery Hungerdown Lane Ardleigh Colchester Essex CO7 7LZ

01 COMPLIANCE: COMMENCEMENT

CONDITION: The development must not begin before the occurrence of the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required.

REASON: In order to comply with Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

02 COMPLIANCE: TIME LIMIT

CONDITION: Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b) or (c), if any, must be completed within a period of 3 years starting with the prior approval date.

REASON: In order to comply Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

03 COMPLIANCE: APPROVED PLANS AND DOCUMENTS

CONDITION: The development must be carried out (b) where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1), unless the local planning authority and the developer agree otherwise in writing, as follows:

- Drawing No. 2023-790-011
- Facade Noise and Noise Impact Assessment - HA Acoustics - Reference - HA/AG392/V1 - 1 August 2024
- Tier 1 Contamination Assessment - Xplor Environmental - Reference - 24072-XPL-501-C01 - September 2024

REASON: In order to comply with Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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

NO DETERMINATIONS

Bradfield Parish Council

<u>24/01811/AGRIC</u> <i>Determination prior approval not reqred 19.12.2024 Delegated Decision</i>	<i>Mr Peter Schwier - E. Schwier and Sons</i>	<i>Application to determine if prior approved is required under Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for extension of an existing steel- framed agricultural building for the storage of potatoes.</i>	<i>Bradfield Hall Steam Mill Road Bradfield Essex CO11 2QZ</i>
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01 The development complies with the provisions of Class A of Part 6 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) (as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018; Statutory Instrument No. 343. The erection of the building for the purposes of agriculture are acceptable subject to the following conditions:

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

Brightlingsea Town Council

<u>24/01463/FUL</u> <i>Refusal - Full 20.12.2024 Delegated Decision</i>	<i>All Saints Church - Brightlingsea P.C.C</i>	<i>Planning Application - Non-permanent bike rack.</i>	<i>All Saints Church Church Road Brightlingsea Essex CO7 0RZ</i>
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01 The application site is the Grade 1 Listed Building known as All Saints Church which is located within Brightlingsea Hall and All Saints Church Conservation Area.

The proposed bike rack by virtue of its prominent siting and overly modern design would appear incongruous with the traditional East Anglian design of the church and the sympathetic and

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
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historic design of the lych gate which would detract from their visually pleasing aesthetics. As a result of this, the proposal is considered to have a negative impact upon the setting of the heritage asset and the character and appearance of the Conservation Area.

This harm is considered to be 'less than substantial harm', however, in this case there would be only minor public benefits which do not outweigh the level of harm identified which must be afforded great weight. The proposal is therefore contrary to the provisions of paragraphs 131, 135, 212 and 214 of the National Planning Policy Framework (2023) and TDLP policies SP7, SPL3, PPL8 and PPL9.

24/01464/LBC Refusal - Listed Building Consent 20.12.2024 Delegated Decision	All Saints Church - Brightlingsea P.C.C	Application for Listed Building Consent - Non- permanent bike rack.	All Saints Church Church Road Brightlingsea Essex CO7 0RZ
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01 The application site is the Grade 1 Listed Building known as All Saints Church which is located within Brightlingsea Hall and All Saints Church Conservation Area.

The proposed bike rack by virtue of its prominent siting and overly modern design would appear incongruous with the traditional East Anglian design of the church and the sympathetic and historic design of the lych gate which would detract from their visually pleasing aesthetics. As a result of this, the proposal is considered to have a negative impact upon the setting of the heritage asset.

This harm is considered to be 'less than substantial harm', however, in this case there would be only minor public benefits which do not outweigh the level of harm identified which must be afforded great weight. The proposal is therefore contrary to the provisions of paragraphs 212 and 214 of the National Planning Policy Framework (2024) and TDLP policies SPL3 and PPL8 and PPL9.

24/01620/LUPR OP Lawful Use Certificate Granted 16.12.2024 Delegated Decision	Mr Askew	Application for Lawful Development Certificate for Proposed Use or Development for loft conversion incorporating a rear dormer.	34 Eastern Road Brightlingsea Colchester Essex CO7 0HU
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01 The proposed development constitutes permitted development by virtue of the provisions of Schedule 2, Part 1, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015.

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
24/01644/FUL Approval - Full 20.12.2024 Delegated Decision	Mr and Mrs Barton	Planning Application - Variation of 21/01017/FUL to amend the design of detached garage to create first floor guest accommodation.	Land at Folkards Lane Brightlingsea Essex CO7 0SJ

01 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

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

02 APPROVED PLANS & DOCUMENTS

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

Drawing No. FLB/24/2 - Site Plan/Block Plan/Proposed Floor Plans - Received 12.11.2024

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 approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
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Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

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

03 SPECIFIC RESTRICTION ON DEVELOPMENT: OCCUPATION

CONDITION: This permission shall only authorise the use and occupation of the accommodation hereby approved for purposes incidental and ancillary to the principal dwelling as approved under 21/01017/FUL and does not permit the use of the approved accommodation as a separate household unrelated and not incidental/ancillary to the principal dwelling.

REASON: The proposed accommodation would not be acceptable under the established policies of Local Plan and NPPF by representing a net increase in dwelling units were the development to be occupied as an unrelated dwelling and not considered as one household. Furthermore, having regard to its particular relationship with the principal dwelling, there is potential for noise, activity and disturbance detrimental to the amenity of that principal dwelling were the development to be occupied as an unrelated dwelling.

NOTE/S FOR CONDITION

Unless otherwise stated, this condition applies to the site outlined in red and to all new development that forms any net increase in residential accommodation and may include change of use of buildings, change of use of land for the siting of caravans or similar, new buildings and extensions.

Clacton-on-Sea

<u>24/01467/FUL</u> Approval - Full 18.12.2024 Delegated Decision	Father Patrick J Daly - Our Lady of Light and St Osyth	Planning Application - increase height of existing flat felted roof by overlaying with insulation and new felt coverings, increasing height by 100mm maximum.	St Charles Hall Holland Road Clacton On Sea Essex CO15 6EG
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01 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

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

02 APPROVED PLANS & DOCUMENTS

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

- Drawing No. 4947-01 P1

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. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
24/01533/FULH H Approval - Full 17.12.2024 Delegated Decision	Mr B Lewis	Householder Planning Application - Single storey side and rear extensions. Alterations to existing bay windows to allow for relocated entrance door.	45 Kings Road Clacton On Sea Essex CO15 1BA

01 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

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

02 APPROVED PLANS & DOCUMENTS

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

- Drawing No. 102 - Block Plan
- Drawing No. 101 - Site Plan
- Drawing No. 103 - Proposed concept plans

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

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
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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>24/01551/FUL</u> Approval - Full 16.12.2024 Delegated Decision	Bp Pulse UK	Planning Application - Re-purposing existing car parking spaces for use as parking spaces for recharging of electric vehicles, including the installation of 2 upstands, feeder pillar, 6 bollards, lighting column and associated landscaping adjustments.	Waterglade Retail Park Old Road Clacton On Sea Essex CO15 1HX
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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.

Site Plan - Drawing No. -02-A-100-P2 - Recieved 29.10.24

Equipment Elevations - Drawing No. -13002 P1 - Recieved 18.10.24

Block Plan - Drawing No. -027-A-10000P1 - Recieved 18.10.24

Proposed Elevations - Drawing No. -027-13000 P1 - Recieved 18.10.24

Existing & Proposed Site Layout Plan - Drawing No. 027-10102P1 - Recieved 18.10.24

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.

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
24/01554/FULH H Approval - Full 18.12.2024 Delegated Decision	Mr Anis Jaleel	Householder Planning Application - New single storey flat roof extension formed to rear extension. Finished in painted render to match the existing dwelling. New sliding doors installed to rear and side walls. Existing outbuilding removed and replaced with new rear extension with pitched roof to match existing dwelling. New full height glazed panel installed to rear wall.	10 Holland Park Clacton On Sea Essex CO15 6LS

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).

Drawing No.s
0231-A-002 00
0231-A-001 00
0231-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

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

24/01567/FULH H Approval - Full 19.12.2024 Delegated Decision	Nicola Leavens	Householder Planning Application - Single storey front extension.	18 Kents Avenue Holland On Sea Essex CO15 5XG
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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).

Drawing No.
01

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

24/01583/FULH H Approval - Full 18.12.2024 Delegated Decision	Mr and Mrs McGuinness	Householder Planning Application - Garage conversion and link extension	2 Falcon Way Clacton On Sea Essex CO15 4QP
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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

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
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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
P01
P02

REASON: For the avoidance of doubt.

NOTE/S FOR CONDITION:

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

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line 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>24/01603/FUL</u> Approval - Full 19.12.2024 Delegated Decision	<i>S Ansar and M Mamunah</i>	<i>Planning Application - Change of use of first and second floor from ancillary commercial (Class E) to residential to provide 1 X 3 bedroom flat with associated internal changes.</i>	<i>26 Station Road Clacton On Sea Essex CO15 1SX</i>
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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.

The approved red line plan drawing is Location Plan received 28/10/2024
Drawing numbers 03, 04, 05, 06, 07, 08 and 11 all received 28/10/2024

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

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

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.

02 CONSTRUCTION/WORKING TIMES

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

REASON: To protect the amenity of surrounding occupiers. Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

03 IMMEDIATE ACTION FURTHER APPROVAL: MITIGATION TO BE AGREED, RAMS

CONDITION: Within three months of the date of this planning permission detailed proposals addressing the mitigation of the development's impact on protected Essex Habitats Sites shall have been submitted to the Local Planning Authority. Within six months of the date of this planning permission those detailed proposals shall have received written approval from the Local Planning Authority, unless otherwise agreed in writing. Such proposals must provide for mitigation in accordance with the joint Habitats Regulations Assessment Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS), or demonstrate mitigation measures of an equivalent effectiveness.

These proposals may require on site or off site mitigation, but in either case must include evidence of the completion of a necessary legal agreement to secure the proposed mitigation and/or contribution towards mitigation. Please note a legal agreement will include legal fees and may require obligations to secure monitoring and associated fees. For any on site mitigation

proposals approved, it shall be carried out in full and thereafter shall be maintained as approved.

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

NOTE/S FOR CONDITION:

This condition establishes the necessity to ensure the implementation of appropriate mitigation measures due to the impact of the approved development. Such mitigation may be required on-site, off-site, or a combination of both. Typically, a contribution towards visitor management measures at the protected Habitats Site(s) is the preferred and simplest approach to fulfil the requirements of this condition. To fulfil this requirement, you can contribute funds towards a range of mitigation projects in the protected areas. It is essential to secure this provision through a legal agreement between the Council, Developer/Applicant, and site owners before commencement. If this is the approach to fulfilling this condition you wish to take, you are strongly advised to finalise the legal agreement with the Council before submitting any request to discharge this condition. Failure to conclude the agreement within the discharge of condition application timeframe may lead to the refusal to discharge the condition.

LEGAL AGREEMENT REQUIRED TO DISCHARGE CONDITION

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

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

Please see the 'Preparation of a UU' guidance on our website at:
<https://www.tendringdc.gov.uk/content/the-s-106-process>

04 COMPLIANCE REQUIRED - BIN AND CYCLE STORES

CONDITION: The secure bin and cycle stores as shown on drawing number 08 shall be provided within 3 months of the date of this planning permission, and shall be retained thereafter for their specified purpose.

REASON: To ensure adequate waste and cycle storage in the interests of pollution control and encouraging sustainable transport.

05 COMPLIANCE REQUIRED - FOUL DRAINAGE

CONDITION: Foul drainage shall be to the mains, unless otherwise agreed in writing by the Local Planning Authority.

REASON: As insufficient details are provided with the application, to safeguard the ground water environment from harm.

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
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06 IMMEDIATE ACTION AGREEMENT OF MEASURES TO IMPROVE SUSTAINABILITY OF DEVELOPMENT

CONDITION: Within three months of the date of this planning permission a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall have been submitted to the Local Planning Authority. The scheme shall include as a minimum:-

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

The scheme as approved shall be fully implemented within six months of the date of this planning permission unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be constructed and the measures provided and made available for use as may be agreed and thereafter shall be maintained.

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

NOTES FOR CONDITION:

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

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

<u>24/01629/FULH</u> <i>H</i> <i>Approval - Full</i> <i>18.12.2024</i> <i>Delegated</i> <i>Decision</i>	<i>Mr Gaetano</i> <i>Paternostro</i>	<i>Householder Planning</i> <i>Application -</i> <i>Enlargement of the roof</i> <i>including two side</i> <i>dormers and three</i> <i>skylights.</i>	<i>19 Prince Charles Close</i> <i>Clacton On Sea</i> <i>Essex</i> <i>CO15 1AE</i>
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01 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

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

02 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). 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 - Drawing No. AWA/1195/01 - Received 31.10.2024

Proposed Elevations - Drawing No. AWA/1195/07 - Received 08.11.24

Existing and Proposed Roof Plans - Drawing No. AWA/1195/05 - Received 08.11.24

Proposed Floor Plans - Drawing No. AWA/1195/04 - Received 08.11.24

Existing and Proposed Block Plan - Drawing No. AWA/1195/02 - Received 08.11.24

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

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
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with this paragraph, alongside the Development Plan and all other material considerations.

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

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

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the bottom window panes of both south-west facing side dormers shall be glazed in obscured glass before the first floor accommodation hereby permitted is first occupied 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.

04 FURTHER APPROVAL: WINDOW OPENINGS

CONDITION: Prior to commencement of any work to the windows in the two south west facing side dormers hereby approved, details of mechanisms to be installed on the upper windowpanes ensuring restrictors are installed to prevent windows from becoming fully openable, shall be submitted and agreed, in writing, to the Local Planning Authority for approval. The details shall be carried out in full and as may be approved.

REASON: To ensure that an appropriate balance is struck between the need to provide a suitable internal living environment and to prevent harmful overlooking toward the property to the south.

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
24/01664/HHPN OT HHPN - Prior Approval Not Required 20.12.2024	Mrs Laura Amiss- Smith	Application to Determine if Prior Approval is Required for a Proposed Larger Home Extension, removal of existing conservatory and replace with a new single storey extension with flat roof and roof lantern measuring 4.5m in depth, 3.181m high and 2.97m at the eaves, assessed under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 1, Class A.	11 Norwood Avenue Clacton On Sea Essex CO15 5AU

01 Drawing No's

- 0244-A-100 00 - Location and Block Plan
- 0244-A-100 01 - Existing and Proposed Details and Block Plan

24/01718/LUPR OP Lawful Use Certificate Granted 20.12.2024 Delegated Decision	Mr Colin Fosker	Application for Lawful Development Certificate for Proposed Use or Development to remove damaged linked front wall of existing garage from corner of rear conservatory and rebuild 160mm set back creating a clear break between structures. Install new UPVC windows into front and side walls and level out roof (staying under 2500mm from ground). Insulate and conversion of garage into home office.	49 Cypress Close Clacton On Sea Essex CO15 4RB
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01 The proposed development constitutes permitted development by virtue of the provisions of Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015.

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
24/01745/NMA Refusal Non Material Amendment 16.12.2024 Delegated Decision	Mr Harry Price	Non Material Amendment to 24/01136/FULHH - floorspace extension to enable larger footprint.	43 Cliff Road Holland On Sea Clacton On Sea Essex CO15 5QQ

- 01 The proposed increase in footprint of the proposed annexe is considered to create an increase in scale, bulk, form and massing which is considered to go beyond the scope of what could be considered a non-material amendment in the context of the site and planning permission reference 24/01136/FULHH. It will also create a significant change in terms of visual impact and how surrounding residential occupiers will perceive the development. Therefore, a minor material amendment application (a 'Section 73 application') or fresh planning application is required to be submitted to ensure a public consultation of the changes can be carried out and to fully assess the impact of the proposed changes.

24/01818/TELLI C Deemed Consent 18.12.2024 Delegated Decision	Naresh Nallaballe - Openreach	Intention to install fixed line broadband apparatus.	Outside Japonica Court Marine Parade East Clacton On Sea Essex CO15 5AF
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Elmstead Market Parish Council

24/01352/OUT Approval - Outline 20.12.2024 Delegated Decision	B Whiting - John Whiting Ltd	Outline Planning Application (all matters reserved) - Proposed erection of 11 commercial (Use Class E, Part G) units and associated parking.	Land East of Bottles Hall Clacton Road Elmstead Essex CO7 7DE
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- 01 COMPLIANCE REQUIRED: TIME LIMIT FOR RESERVED MATTERS APPLICATION

CONDITION: Application for approval of all outstanding and the final reserved matters for any phase of the development must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters for the relevant phase or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: To comply with the requirements of Section 92 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 reserved matters need to be received by the Local Planning Authority within the timeframe

provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If there is no phasing plan, this condition is considered to apply to the whole site as a single phase. 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 FURTHER APPROVAL - HIGHWAYS WORK

CONDITION: Prior to commencement of work on any new access to serve the development hereby approved, full design details relating to a scheme for the widening of the existing footway on the north side of the A133 Clacton Road to 2-metres wide, between the yet to be approved site access and the junction serving John Whiting Truck, shall have first been submitted to and approved by the local planning authority.

The approved scheme shall thereafter be implemented, completed in full and made fully operational in accordance with the approved design details before the first use of any of the hereby approved commercial units.

REASON: The design details is required prior to commencement of any works on the loading bay extension so as to ensure a safe and suitable access and egress can be achieved and delivered in the interest of highways safety.

03 APPROVAL OF RESERVED MATTERS

CONDITION: No development in any phase shall commence until approval of the details of:-

- the Appearance of the building(s) and place,
- Scale of the building(s),
- Layout of the building(s) and site,
- the means of Access,
- Landscaping

(hereinafter called "the reserved matters") for that particular phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and agreed order of phasing.

REASON: To enable the Local Planning Authority to secure an orderly and well designed development in accordance with the character and appearance of the neighbourhood and in accordance with the Development Plan. This condition is required to be agreed prior to the commencement of any development in accordance with proper planning principles to allow public engagement on the outstanding reserved matters and ensure no significant adverse harm results.

NOTE/S FOR CONDITION:

This condition requires approval of all reserved matters as may be listed to agreed in writing prior to any commencement of the approved development. Failure to comply with this condition may result in the permission becoming lapsed and unable to be carried out. If there is no phasing plan, this condition is considered to apply to the whole site as a single phase.

The reserved matters that may be listed above are further defined under government guidance as follows:-

ACCESS: The accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network

APPEARANCE: The aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

LANDSCAPING: The treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features

LAYOUT: The way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

SCALE: The height, width and length of each building proposed within the development in relation to its surroundings.

04 APPROVED PLANS & DOCUMENTS

CONDITION: This outline planning permission relates to the land edged in red on the site location plan referenced below. The development hereby permitted shall be carried out in accordance with drawings/documents as may be approved by the Local Planning Authority in writing pursuant to any reserved matters application(s), 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 at scale 1:2500 and titled 'Land east of Bottles Hall, Clacton Road, Elmstead

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.

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05 FURTHER APPROVAL - TRAVEL PLAN (WORKPLACE)

CONDITION: Prior to the first occupation/use of the development, a Travel Plan including details of the travel arrangements to and from the site for employees, as well as monitoring provisions (of the Travel Plan) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved Travel Plan arrangements shall be implemented and followed prior to first occupation/use.

REASON: In the interests of sustainable development.

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

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:-

- a) Details of how construction and worker traffic and parking shall be managed.
- b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
- c) Storage of plant and materials used in the construction of the development.
- d) 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.
- e) 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.

The said methodology as may be approved shall be implemented in its entirety on commencement of development 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.

07 FURTHER APPROVAL - DRAINAGE DETAILS

CONDITION: Concurrently with the first reserved matters application, full details of a site drainage strategy shall have been submitted to and approved, in writing, by the Local Planning Authority. No part of the development shall be first occupied or brought into use until the agreed drainage strategy has been fully installed and is functionally available for use. The surface water drainage scheme shall thereafter be maintained as approved.

REASON: To safeguard the ground water environment and minimise the risk of flooding.

08 FURTHER APPROVAL - FOUL WATER DRAINAGE DETAILS

CONDITION: No development shall commence until full details of foul water drainage measures have been submitted to and approved, in writing, by the Local Planning Authority. The agreed method of foul water drainage shall thereafter be fully installed, and functionally made available for use / operation prior to first use of the development. The foul water drainage scheme shall thereafter be maintained as approved.

REASON: To safeguard the ground water environment from harm.

09 FURTHER APPROVAL: BIODIVERSITY NET GAIN PLAN

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 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.

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.

10 FURTHER APPROVAL: DETAILS OF ILLUMINATION

CONDITION: Prior to the installation of any external lighting at the hereby approved development, 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 other than the external lighting as approved as part of the submission of details pursuant to this condition.

REASON: In the interests of amenity to reduce the impact of night time illumination on the character

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of the area and in the interests of biodiversity.

11 AGREEMENT OF MEASURES TO IMPROVE SUSTAINABILITY OF DEVELOPMENT

CONDITION: Concurrent with the first reserved matter application a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include as a minimum:-

- The number of electric car, van and truck charging points to serve the development
- Agreement of a scheme for water conservation including greywater recycling and rainwater capture/re-use for commercial development
- Agreement of a scheme to achieve as far as possible a water consumption rate of not more than 110 litres, per person, per day for new commercial development
- Agreement of heating of each building
- Agreement of scheme for waste reduction

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

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

NOTES FOR CONDITION:

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

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

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

12 ONGOING REQUIREMENT IMPOSED - RESTRICTION ON OPERATION TIMES

CONDITION: The hereby permitted development and use shall only operate between the hours of 7am and 8pm Mondays to Fridays and 7am and 5pm on Saturdays. There shall be no working and/or use operated on Sundays and Bank Holidays. There shall be no deliveries to the development/use arranged for outside of these approved hours.

REASON: Due to the evolving nature of the wider surrounding area, in light of recent planning approvals for residential led developments in the vicinity of the site, and to enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity with particular regard to noise.

13 FURTHER APPROVAL - CONTAMINATION

CONDITION: No development shall take place until;

- (i) A strategy for investigating any contamination present on site has been submitted for approval, in writing, by the Local Planning Authority. Development on site, including demolition, may be carried out in order to fully investigate contamination prior to the submission of said strategy subject to agreement, in writing, by the Local Planning Authority and all other pre commencement conditions being agreed by the Local Planning Authority first.
- (ii) Following approval of the strategy, an investigation shall be carried out in accordance with the strategy and timescales as may be agreed.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors. This condition is required to be agreed prior to the commencement of any development to ensure health and safety is secured early for both development and its construction including the health of all workers during all phases of construction. If agreement was sought at any later stage there is an unacceptable risk to health and safety.

NOTE/S FOR CONDITION:

This condition shall engage and requires details to be agreed prior to the commencement of development meaning it must be dealt with first or risk any start of works being unlawful. This condition is imposed to ensure that the risk of contamination is dealt with and is not later a risk to occupiers/users of the land and/or diversity interests.

14 FURTHER APPROVAL - CONTAMINATION REPORT

CONDITION: A written report shall be submitted detailing the findings of the contamination investigation as approved, and an assessment of the risk posed to receptors by the contamination, for approval, in writing, by the Local Planning Authority. Subject to the risk assessment, the report shall include a Remediation Scheme and timetable of the scheme for agreement in writing by the Local Planning Authority if the authority considers it is required.

Any remediation work as may be agreed shall be carried out in its entirety in accordance with the approved Remediation Scheme and its timetable. Following remediation, evidence shall be provided to the Local Planning Authority verifying that remediation has been carried out in accordance with the approved Remediation scheme prior to the first use/occupation of the development.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

NOTE/S FOR CONDITION:

This condition shall engage and requires details to be agreed following the findings of a contamination investigation that is normally also conditioned as part of this decision notice. This condition is imposed to ensure that the risk of contamination is dealt with and is not later a risk to occupiers/users of the land and/or biodiversity interests. Please note remediation may require ongoing requirements bespoke to this site and the investigation carried out.

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In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of this condition and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of this condition, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with this condition.

15 COMPLIANCE: CLASS E(g) FLOORSPACE RESTRICTION

CONDITION: The maximum of Use Class E(g) commercial floorspace hereby approved shall not exceed 1540sqm.

REASON: On the basis of the submission and to enable the Local Planning Authority to retain control over the impact of the development on the character of the area, and the vitality and viability of nearby town and village centres, and to ensure compliance with policy PP4 of the Local Plan.

16 SPECIFIC RESTRICTION ON DEVELOPMENT: RESTRICTION ON CHANGES OF USE

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2 Part 3 of the Town & Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), the hereby approved development shall be restricted to uses falling under Class E(g) (i)-(iii) and for no other purpose including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument and re-enacting that Order with or without modification).

REASON: On the basis of the submission put forward to the Local Planning Authority and the subsequent assessment of the submitted application against the relevant provisions of the Local Plan and other relevant planning considerations, and to enable the Local Planning Authority to retain control over the development in the interests of the amenity.

<u>24/01543/FULH</u> <u>H</u> Approval - Full 19.12.2024 Delegated Decision	Mr Edmond Mavriqi	Householder Planning Application - Two-storey extension at the rear including new roof, outbuilding at the rear garden.	24 Church Road Elmstead Colchester Essex CO7 7AT
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01 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

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

02 APPROVED PLANS & DOCUMENTS

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

Drawing No. 24CR-01.1001 Revision 1

Drawing No. 24CR-01.1002 Revision 2

Drawing No. 24CR-01.1002 Revision 3 - titled; 45 degree rule review

Drawing No. 24CR-01.100P Revision 2

Drawing No. 24CR-01.102 Revision 2

Drawing No. 24CR-01.103 Revision 2

Drawing No. 24CR-01.101P Revision 2

Drawing No. 24CR-02.200P Revision 2

Drawing No. 24CR-02.201P Revision 2 which shows the northern facing elevation of the proposed extension

Drawing No. 24CR-02.201P Revision 2 which shows the southern facing elevation of the proposed extension

Drawing No. 24CR-02.201P Revision 2 which shows the western facing elevation of the proposed extension

Drawing No. 24CR-OUT.102 Revision 2

Drawing No. 24CR-OUT.104 Revision 1

Drawing No. 24CR-OUT.101 Revision 1 which shows the floor plan of the proposed outbuilding.

Drawing No. 24CR-OUT.101 Revision 1 which shows the roof plan of the proposed outbuilding.

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

NOTE/S FOR CONDITION:

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

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

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

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

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

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the window on the northern facing side elevation which serves a dressing room shall be non opening and glazed in obscured glass before the development hereby permitted is first occupied 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.

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

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the window on the southern facing side elevation which serves a bathroom shall be non opening and glazed in obscured glass before the development hereby permitted is first occupied 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.

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24/01616/FULH H Approval - Full 16.12.2024 Delegated Decision	Andrew Demetriou	Householder Planning Application - Installation of air source heat pump.	18 Tye Green Elmstead Colchester Essex CO7 7GZ

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 titled; Location Plan showing the site outlined in red - Received 30/10/2024

Drawing No. 03

Drawing No. 04

Document titled; MCS 020 - Manual Sound Calculator - Received 30/10/2024

Document titled; Daikin Altherma 3 Low Capacity MonobLOC - Received 30/10/2024

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.

03 MAINTENANCE OF ASHP

CONDITION: The hereby approved air source heat pump shall be maintained in accordance with the manufacturer's guidance for the lifetime of the equipment. If the air source heat pump is no longer operational/required it shall be removed from the property.

REASON: To ensure the equipment is in correct working order to minimise any potential adverse noise impact to nearby residential properties. To ensure redundant equipment is removed from the site in the interests of visual amenity.

24/01687/NMA	<i>Mr Steve Williams</i>	<i>Non Material</i>	<i>Land to The East of</i>
<i>Approval Non</i>	<i>- Hills Residential</i>	<i>Amendment to appeal</i>	<i>Tye Road</i>
<i>Material</i>	<i>Construction Ltd</i>	<i>decision dated 25th July</i>	<i>Elmstead</i>
<i>Amendment</i>		<i>2022 under appeal</i>	<i>Essex</i>
<i>20.12.2024</i>		<i>reference</i>	<i>CO7 7BB</i>
<i>Delegated</i>		<i>APP/P1560/W/21/32835</i>	
<i>Decision</i>		<i>44 - Changes to</i>	
		<i>approved drawings.</i>	

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.

170120/HT/13/A - HOUSE TYPE 5 - FLOOR PLANS AND ELEVATIONS
 170120/HT/15/A - FLOOR PLANS AND ELEVATIONS
 170120/SP/02/- PROPOSED BLOCK PLAN

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

NOTE/S FOR CONDITION:

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

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

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

Frating Parish Council

NO DETERMINATIONS

Frinton & Walton Town Council

24/01605/OUT Refusal - Outline 19.12.2024 Delegated Decision	Messers Pickett, Brown and Low	Outline Planning Application (Access to be considered) - Erection of 3no. detached self-build bungalows with garaging and access.	Land South of Chartfield Drive Kirby Le Soken Essex CO13 0DR
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01 Policy SP3 of Section 1 of the 2013-2033 Local Plan sets out the spatial strategy for North Essex and directs growth towards existing settlements. The application site lies adjacent to, but outside of, the defined settlement boundary of Kirby-le-Soken within the adopted 2013-2033 Local Plan. The proposed development would therefore extend outside the area planned to provide growth for this settlement. In view of the housing land supply position, the Council does not need to look beyond identified settlements to meet its housing requirement.

Adopted Local Plan Policy LP7 states the Council will consider, on their merits, proposals for small developments of new Self-Build and Custom-Built Homes on land outside of, but within a reasonable proximity to, settlement development boundaries, where they will still support a sustainable pattern of growth in the District and are brought forward by individuals or associates of individuals who will occupy those homes. All new dwellings on such developments must either:

a) be safely accessible on foot within 600 metres of the edge of the settlement development

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boundary of one of the District's 'strategic urban settlements', or 'smaller urban settlements'.

- b) be safely accessible on foot within 400 metres of the edge of the settlement development boundary of one of the District's 'rural service centres'; or
- c) involve the redevelopment of vacant or redundant previously developed land that can be shown, with evidence, to be unviable for employment use.

The application site is located adjacent to the south of the Settlement Development Boundary for Kirby-le-Soken within the adopted Local Plan, which is identified in Policy SPL1 as a 'Smaller Rural Settlement'. Furthermore, the site is safely accessible on foot to the settlement of Frinton and Walton (identified as a 'Smaller Urban Settlement' by approximately 850 metres. Given this, the siting of the proposed dwelling fails to accord with criterion a) and b). Furthermore, no evidence has been provided with the submission to demonstrate that the application site is vacant or redundant previously developed land that is unviable for employment use. The proposal therefore fails to adhere with the above policies.

- 02 Adopted Policy PPL6 states that the Strategic Green Gaps will be protected in order to retain the separate identity and prevent coalescence of settlements. Any development permitted must be consistent with other policies in the plan and must not (individually or cumulatively) lead to the coalescence of settlements.

The application site is located within an area that forms part of the Strategic Green Gap, and is currently an open parcel of agricultural land that represents a clear end point of the Kirby-le-Soken settlement. The erection of three dwellings in this location would represent a significant erosion into the Strategic Green Gap abutting the Settlement Development Boundary without any justification or benefits, and would result in the gradual coalescence of the settlements of Kirby-le-Soken and Kirby Cross. Furthermore, such a development would in turn set an unwanted precedent for other future similar forms of development, which would result in further intrusion and harm to the Strategic Green Gap. As such, the proposal is not considered to comply with the requirements of Policy PPL6.

24/01645/NDPN OT Determination prior approval not reqred 16.12.2024 Delegated Decision	Aldi Stores Limited	Application to determine if prior approval is required under Part 14 of the Town and Country Planning (General Permitted Development) (England) Order (as amended) for installation of 208 No. solar PV panels onto the roof of the existing ALDI foodstore.	ALDI Kirby Road Walton On The Naze Essex CO14 8FR
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- 01 Development is permitted subject to the following conditions—
 - (a) the solar PV equipment or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building and the amenity of the area; and
 - (b) the solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
24/01656/FULH H Approval - Full 19.12.2024 Delegated Decision	Mr and Mrs Smith	Householder Planning Application - conversion of integral garage to garden room, removal of up and over garage door, insertion of window to front elevation and french doors to rear elevation.	17 Hunt Way Kirby Cross Frinton On Sea Essex CO13 0RQ

01 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

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

02 APPROVED PLANS & DOCUMENTS

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

Drawing No. SHW-01

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

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

24/01676/TCA Approval - Full 20.12.2024 Delegated Decision	Peter Balbirnie	Trees in a Conservation Area Notification - T1 - Ash - reduce the crown by 2 meters. T2 - Vitoria plum - Reduce the crown by 1 meter. T3 - Whitebeam - Reduce the crown by 1-2 meters.	69 Larkfield Road Great Bentley Essex CO7 8PY
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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. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
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- 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.

Great Bromley Parish Council

24/01572/COUN OT Prior aprv req - deemed appl refused 18.12.2024 Delegated Decision	Mr and Mrs Beech	Application to determine if Prior Approval is required under Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for three commercial buildings to be converted to three residential dwellings and an additional existing building used in association with the existing commercial buildings to be converted into a cycle store for use by the residential dwellings.	The Old Marconi Works, Stores and Premises Hilliards Road Great Bromley Colchester Essex CO7 7US
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- 01 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) Article 3(4) states that, "Nothing in this Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part 3 of the Act otherwise than by this Order". Article 3(5)(b) of the GPDO states that, "The permission granted by Schedule 2 does not apply if, (b) "in the case of permission granted in connection with an existing use, that use is unlawful."

The use of the buildings as Class B1 (now Class E) has not been demonstrated, established or shown to benefit from the necessary consent(s), contrary to Schedule 2, Part 3 Class MA, MA.1 of the GPDO.

Nevertheless, Class MA cannot apply to the development as it fails GPDO Article 3(4) being contrary to Condition 2 of planning application 06/01939/FUL and GPDO Article 3(5)(b) as the development site comprises of unlawful uses.

The proposal is not permitted development.

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
24/01610/FULH H Approval - Full 19.12.2024 Delegated Decision	Mr Wynne	Householder Planning Application - Single Storey Rear Extension.	Weeping Ash Ardleigh Road Great Bromley Colchester Essex CO7 7TL

01 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

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

02 APPROVED PLANS & DOCUMENTS

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

Drawing No. WA/GB/1

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

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

Harwich Town Council

NO DETERMINATIONS

Lawford Parish Council

<u>24/01686/WTPO</u> Approval - Full 20.12.2024 Delegated Decision	Mr Barge	Works related to Tree Preservation Order (16/00021/TPO) - T1 - Lime - clean up wound from large dropped limb and deadwood clean. T2, T3 and T4 - 3 cherry trees to fell. T5 - Oak - Large limb to reduce so less weight on it. T6 - Oak - Reduction on face to reduce weight of overhang. T7 - Dead holly to fell. T8 - Dead branch on beech to remove. T9 - Oak - deadwood clean. T10 - Holly to fell. T11 - Leaning plum to fell. T12 - Sweet chestnut to fell. T13 and T14 - 2 Hollies to fell. T15 and T16 - 2 Cherrys to fell.	1 Cranswick Place Lawford Essex CO11 2FY
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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:

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

24/01648/LBC Refusal - Listed Building Consent 16.12.2024 Delegated Decision	Patricia Maestrani	Application for Listed Building Consent - Two- storey side extension with front porch.	Spring Hall Cottage Harwich Road Little Bentley Essex CO7 8SU
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01 The proposed two storey enlargement due to its size and bulk would fail to appear as a subservient enlargement of the existing cottage and would instead exude its dominance over the host dwelling. The introduction of the gable ends will result in a large expanse of cladding which would further exacerbate the prominence of the proposed addition, and the use of modern materials and large amounts of glazing would allow for unsympathetic detailing which would not reflect the more traditional and pleasant features of this house.

Furthermore, the large size of the proposed extension and porch with the inclusion of modern detailing would not be sympathetic to the Grade II Listed Building of Spring Cottage resulting in an adverse impact to its overall character and setting.

The proposal will result in a less than substantial harm to the character of the building; however, as the nature of the proposal is for a residential extension there are limited public benefits which would outweigh the level of harm resulting from the proposed development.

The proposal is therefore contrary to paragraphs 202, 212 and 215 of the National Planning Policy

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
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Framework 2024 and Policies PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022).

<u>24/01649/FULH</u> <u>H</u> Refusal - Full 16.12.2024 Delegated Decision	Patricia Maestrani	Householder Planning Application - Two-storey side extension with front porch.	Spring Hall Cottage Harwich Road Little Bentley Essex CO7 8SU
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01 The proposed two storey enlargement due to its size and bulk would fail to appear as a subservient enlargement of the existing cottage and would instead exude its dominance over the host dwelling. The introduction of the gable ends will result in a large expanse of cladding which would further exacerbate the prominence of the proposed addition, and the use of modern materials and large amounts of glazing would allow for unsympathetic detailing which would not reflect the more traditional and pleasant features of this house.

Furthermore, the large size of the proposed extension and porch with the inclusion of modern detailing would not be sympathetic to the Grade II Listed Building of Spring Cottage resulting in an adverse impact to its overall character and setting.

The proposal will result in a less than substantial harm to the character of the building; however, as the nature of the proposal is for a residential extension there are limited public benefits which would outweigh the level of harm resulting from the proposed development.

The proposal is therefore contrary to paragraphs 135, 202, 212 and 215 of the National Planning Policy Framework 2024 and Policies SP7 and PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022).

Little Bromley Parish Council

NO DETERMINATIONS

Little Clacton Parish Council

<u>24/01437/FULH</u> <u>H</u> Approval - Full 16.12.2024 Delegated Decision	Mr and Mrs Olley	Householder Planning Application - Erection of two storey side extension and single storey rear extension and porch.	61 Elm Road Little Clacton Clacton On Sea Essex CO16 9LR
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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:

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
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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.
61/ERLC/3A

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.

03 SPECIFIC RESTRICTION ON DEVELOPMENT: PROVISION OF OBSCURE GLASS

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the first floor window on the side elevation of drawing No. 61/ERLC/3A 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

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

24/01573/FULH H Approval - Full 19.12.2024 Delegated Decision	Mr Sorrell - Sorrell Construction Ltd	Householder Planning Application - rear and side extension.	190 Harwich Road Little Clacton Clacton On Sea Essex CO16 9PU
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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).

Drawing No.s
1173_A_SC_01
1173_A_SC_04
1173_A_SC_02/A
1173_A_SC_05/A
1173_A_SC_06/A

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.

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

24/01646/VOC Approval - Full 19.12.2024 Delegated Decision	Mr David Messenger	Application under Section 73 of the Town and Country Planning Act for Variation of Condition 3 (Ground visibility splay) of application (19/00698/FUL) to enable change to 90m instead of 120m.	Thorpe House 149 Harwich Road Little Clacton Clacton On Sea Essex CO16 9NJ
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01 Condition - The development hereby permitted shall be carried out in accordance with the following approved plans

19/00698/FUL:

Documents titled 'Location Plan' Drawing No. 63.101, 'Proposed Ground Floor Plans' Drawing No. 63.102B, 'Plot 1 Elevations' 63.104, 'Plot 2 Elevations' 63.105B, 'Proposed Roof Plans' Drawing No. 63.103B, 'Arboricultural Planning Report', and drawing numbers 63.105A and 63.106.

24/01646/VOC:

Drawing Number 23-027-DR-CE-2001 Revision C.

Reason - For the avoidance of doubt and in the interests of proper planning.

02 Condition - Prior to occupation of the development, the proposed access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres to the south-west and 2.4 metres by 90 metres to the north-east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the private access is first used by vehicular traffic from the development and retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
03		Condition - Prior to first occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose. This also applies to the host property 149 Harwich Road.	
		Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.	
04		Condition - No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.	
		Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.	
05		Condition - Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway.	
		Reason - To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.	
06		Condition - There shall be no discharge of surface water onto the Highway.	
		Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.	
07		Condition - Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.	
		Reason - To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.	
08		Condition - The scheme of hard and soft landscaping works for the site shall be in full accordance with the details as submitted and agreed within reference 23/01007/DISCON.	
		Reason - To enhance the visual impact of the proposed works.	
09		Condition - All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.	
		Reason -To enhance the visual impact of the proposed works.	
10		Condition - Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B and E of the Town and Country Planning (General Permitted Development) (England) Order 2015	

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
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(or any Order revoking and re-enacting that Order with or without modification), there shall be no additions to the dwelling or the roof, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions or building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To protect the semi-rural landscape and to ensure the site is not overdeveloped.

Little Oakley Parish Council

<u>24/01492/FULH</u> <u>H</u> Refusal - Full 17.12.2024 Delegated Decision	Mr Stephen Armitage	Householder Planning Application - Demolition of existing single storey rear extension and the erection of a replacement single storey rear extension and the erection of a two-storey side extension and detached single garage.	112 Rectory Road Little Oakley Harwich Essex CO12 5LE
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01 The host dwelling is a modest semi-detached two storey cottage.

The proposed two storey side extension, by virtue of its excessive width would fail to appear as a subservient enlargement of the existing property and would dominate its modest proportions. The poorly designed front façade of the proposal with fenestration which fails to reflect the proportions of the host dwelling would also be incongruous within the streetscene, conflicting with the design of the host and neighbouring dwelling. Furthermore, the excessive width of the two storey rear gable is poorly proportioned to the host dwelling. The proposed two storey side and rear extensions are therefore considered to result in material harm to visual amenity and the character of the surrounding area, contrary to paragraphs 131 and 135 of the National Planning Policy Framework and policies SP7 and SPL3 of the Tendring District Local Plan 2013-2033 and Beyond.

<u>24/01578/LUPR</u> <u>OP</u> Lawful Use Certificate Granted 20.12.2024 Delegated Decision	Mrs Jacqui Mortlock - Cherrytree House	Application for Lawful Development Certificate for Proposed Use or Development for use of a (C3a) dwelling for a children's home for a maximum of three children, with three carers, with two of whom sleep overnight, working on a rota basis (C2).	37 Oakridge Little Oakley Essex CO12 5LL
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01 The proposal constitutes permitted development as the Local Planning Authority considers that the proposal as specified does not represent a material change of use.

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Manningtree Town Council

NO DETERMINATIONS

Mistley Parish Council

24/00490/VOC Approval - Outline 20.12.2024	Foxes Property 3 S.A.R.L	Application under Section 73 of the Town and Country Planning Act for Variation of Condition 17 (Workplace Travel Plan) and Condition 18 (Employee Transport Service Phase 1) and deletion of Condition 19 (Employee Transport Service Phase 2) of application 19/01706/OUT.	Land South West of Horsley Cross Roundabout Clacton Road Horsley Cross Essex CO11 2NZ
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01 COMPLIANCE - STRATEGIC PHASING PLAN

CONDITION: The development shall be carried out in full accordance with the details of the Strategic Phasing Plan, as approved under planning reference 22/01103/DISCON via the approved details outlined below;

- 001 P1 Drainage Strategy Layout Sheet and 002 P1 Drainage Strategy Layout with counterpart calculations.
- Landscaping Strategy (Ref - P21-2389_01)
- Arboricultural Impact Assessment and Method Statement (Ref - RSE_5778_R2_V2_ARB)
- Tree Protection Plan (Ref - RSE_5778_TPP V2)
- Tree Constraints Plan (Ref - RSE_5778_TCP V2)
- Ecology Method Statement and Mitigation Strategy
- Design and Access Statement (including phasing detail)

REASON: To ensure that the scheme is brought forward in a timely and comprehensive manner in the interests of proper planning and to ensure a satisfactory relationship between the various components of the development and between the site and adjoining land.

02 COMPLIANCE - DESIGN CODE

CONDITION: The development shall be carried out in full accordance with the details of the approved 'Design Code' document (Ref - 2606 DC Rev A). as approved under planning reference 22/01103/DISCON.

REASON: To ensure that the scheme is brought forward in a timely and comprehensive manner in the interests of proper planning; the environment; amenity; the character and appearance of the area and highway safety.

03 COMPLIANCE - EXISTING AND PROPOSED GROUND LEVELS

CONDITION: The development shall be carried out in full accordance with the approved ground levels information, as detailed on drawing no. M1591-PRP-XX-XX-DR-C-010110 (Titled 'External Site Levels') and approved under planning reference 24/01793/DISCON. No building shall be occupied (whether in whole or in part) in the relevant phase until all the works to

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implement the approved details have been fully completed.

REASON: To ensure a satisfactory relationship between the various components of the development and between the site and adjoining land. To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees or hedgerows and the amenities of neighbouring properties.

04 COMPLIANCE - MATERIALS

CONDITION: The development shall be carried out in full accordance with the approved external materials details, as detailed in the 'Materials Information Schedule' (as prepared by HTC Architects - received 5th January 2024), and approved under planning reference 24/00020/DISCON.

REASON: To ensure that materials of an acceptable quality appropriate to the area are used across the application site and for the lifetime of the development.

05 COMPLIANCE - BUILDING HEIGHTS

CONDITION: No building on the Phase 1 site shall exceed 21.7 metres in height (save for the boiler house flue which may be up to 59.3m in height) and no building on the Phase 2 site shall exceed 13.82 metres, as measured from the finished site levels immediately adjacent to the building to which it relates.

REASON - In the interests of proper planning; amenity and the character of the area.

06 COMPLIANCE - BOUNDARY TREATMENTS

CONDITION: The screen walls; fences; and security gates shall be erected in full accordance with the approved boundary treatment details, as detailed on drawing no. 040800 C03, as approved under planning reference 24/01292/DISCON. The approved boundary treatments shall be erected before the first occupation of the building(s) to which they relate in that phase and shall at all times thereafter be retained in the approved form.

REASON: To ensure that the materials; design; height and location of the boundary treatments are of an acceptable quality appropriate to the area and that they are used across the application site for the lifetime of the development.

07 COMPLIANCE - ILLUMINATION SCHEME

CONDITION: The external illumination of the site shall be installed in full accordance with the details outlined on drawing nos. HBA-0515- E-900 PL2 and HBA-0515- E-901 PL, as approved under planning reference 22/01103/DISCON.

REASON: In the interests of residential amenity; the character of the area and highway safety.

08 COMPLIANCE - HIGHWAY SAFETY MEASURES

CONDITION: No part of the development shall be occupied until the roundabout on the B1035 to provide access to the proposal site and associated speed management measures have been completed to accord with the scheme illustrated by the following documents/plans approved under planning reference 24/00403/DISCON;

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- MMA16059 Horsley Cross Roundabout S278
- Proposed Lighting - Layout Drawing - R2
- 3349 02_RD
- 3349 04_RD
- 3349 05.2_RB
- 3349 07_RC
- 3349 08.2_RC
- 3349 10_RD
- 3349 01_RG
- 3349 03_RF
- 3349 05.1_RC
- 3349 06_RC
- 3349 08.1_RC
- 3349 09_RE
- 3349 24_RC

REASON: To protect highway efficiency of movement and safety.

09 COMPLIANCE - CONSTRUCTION TRAFFIC MANAGEMENT PLAN

CONDITION: The Construction Traffic Management Plan, as detailed within the submitted 'Construction Traffic Management Plan' (as prepared by Peter Evans Partnership - dated May 2021) and approved under planning reference 22/01103/DISCON, shall be adhered to at all times during the construction phase of development.

REASON: In the interests of highway safety and efficiency.

10 COMPLIANCE - HIGHWAY WORKS

CONDITION: No occupation of the development shall take place until the following have been provided or completed:

- The highway works as shown in principle on Proposed Highway layout plan drawing no. 3203 02 RA, dated 13 September 2019.
- A 2-metre wide footway on both sides of Clacton Road on the north side of the proposed roundabout including relocation/ replacement of electricity poles/ lighting, road signs, removal of redundant kerbing and replacement with upstand kerb, tactile paving and footway and any associated drainage works.
- 2x2m footway on the north side of the proposed roundabout as shown in principle on drawing no. 3203 02 RA.

REASON: To make adequate provision within the highway for the additional pedestrian traffic generated within the highway as a result of the proposed development.

11 COMPLIANCE - BUS INFRASTRUCTURE

CONDITION: Prior to occupation of the proposed development the provision of bus stop infrastructure for the two new bus stops as shown in principle on drawing no. 3203 02 RA, to include but not restricted to bus stop cage markings, bus shelter (x2) Kassel Kerbs and bus timetable information, shall be completed in full.

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

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12 COMPLIANCE - WATER DISCHARGE

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

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

13 COMPLIANCE - TRAVEL PLAN

CONDITION: There shall be no occupation of each commercial unit hereby approved until a workplace travel plan for that unit, that accords with the Framework Travel Plan (issue 3 09/08/24), has been submitted to the Local Planning Authority for approval. Such approved travel plan shall be actively implemented for a minimum period of 5 years. It shall be accompanied by a monitoring fee of £6,000 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5-year period unless otherwise agreed in writing by the Local Planning Authority as part of the approved travel plan.

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

14 COMPLIANCE - EMPLOYEE SHUTTLE BUS

CONDITION: Prior to the first occupation of any unit, a private transport service for employees using minibus, taxi or other vehicles shall be provided. The service shall:

- Operate for 3 years.
- Operate on Monday to Friday.
- Provide a minimum of 12 passenger seats/capacity
- Collect employees from Clacton Railway Station (Skelmersdale Road, Clacton, CO15 6PU) between 0500 and 0900 hours and transport them to the application site.
- Collect employees from Manningtree Railway Station (Station Approach, Manningtree, CO11 2LH) between 0500 and 0900 hours and transport them to the application site.
- Collect employees from the application site between 1500 and 1900 and transport them to Clacton Railway Station (Skelmersdale Road, Clacton, CO15 6PU).
- Collect employees from the application site between 1500 and 1900 and transport them to Manningtree Railway Station (Station Approach, Manningtree, CO11 2LH).
- Be free to employees for the first six months following commencement but then may subject to a charge to use the service but as a subsidised rate, no greater than the comparable local bus fare.
- Be made available to all employees as part of their appointment.

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

15 COMPLIANCE - USE

CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended or the Town and Country Planning (use Classes) Order 1987 as amended (or any Orders revoking and re-enacting those Orders with or without modification) no building hereby approved shall be used as an office (whether in whole or in part) except as ancillary to the principle use of that building hereby approved.

REASON - In order to ensure that the development is sustainable for its lifetime and ensure the viability and vitality of town centres.

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16 COMPLIANCE - LANDSCAPING

CONDITION: All changes in ground levels, hard and soft landscaping, planting, seeding or turfing shown on the landscaping details approved for each phase shall be carried out in full during the first planting and seeding season, October - March inclusive, following the occupation of the development of that phase or in such other planting season as shall first have been agreed, in writing, by the Local Planning Authority.

REASON: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area and to ensure protection during construction works of trees, shrubs and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired.

17 COMPLIANCE - ESTATE ROAD COMPLETION

CONDITION: No building on any part of the development hereby permitted shall be constructed (whether in whole or in part) until the carriageway of the said estate access road, which provides access between the buildings and the B1035, has been constructed up to and including at least road base level. Until final surfacing of the estate access road is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway.

The carriageway, footways and footpaths in front of each building shall be completed with final surfacing by no later than 12 months after the first occupation of that building.

REASON: To protect highway efficiency of movement and safety.

18 COMPLIANCE - VEHICLE/CYCLE PARKING

CONDITION: No building shall be occupied within that phase until the approved parking details for that phase, as outlined on drawing no. Proposed Site Plan PB-400 Rev B and approved under planning reference 24/00403/DISCON, have been installed in full. The approved areas shall be retained and kept available for their specified purpose thereafter,

REASON: To protect highway efficiency of movement and safety.

19 COMPLIANCE - HEIGHT OF STORAGE

CONDITION: No goods, materials or containers shall be stored, stacked or deposited on the site outside the buildings hereby approved above a height of 3m as measured from the finished site level or outside of those areas of the site the details of which shall have previously been submitted to and approved in writing by the Local Planning Authority. No commercial or manufacturing activities or processes shall be carried on outside the buildings.

REASON: In the interests of residential amenity; the character of the area and highway safety.

20 COMPLIANCE - REFUSE STORAGE

CONDITION: No building shall be occupied within that phase until the approved refuse storage details, as outlined on drawing no. PSK15 and approved under planning reference 24/00823/DISCON, have been installed in full. The approved areas shall be retained and kept available for their specified purpose thereafter

REASON: In the interests of the environment; visual amenity; residential amenity; and the character of the area.

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21 COMPLIANCE - DUST MANAGEMENT PLAN

CONDITION: The approved dust management plan, as outlined within SHEQ Management Plan (as prepared by McLaren - MMS 046 11/14 Rev O) and approved under planning reference 23/01176/DISCON, shall be adhered to at all times during construction phase of the development.

REASON: In the interests of the environment; residential amenity; the character of the area and highway safety.

22 COMPLIANCE - RETAIL

CONDITION: No part of the site shall be used for retail sales (whether in whole or in part) except as directly ancillary to the uses hereby approved.

REASON: In order to ensure that the development is sustainable for its lifetime.

23 COMPLIANCE - SURFACE WATER DRAINAGE

CONDITION: The development shall be carried out in full accordance with the approved Surface Water Drainage Scheme, as detailed under following documents approved under planning reference 23/01176/DISCON;

- Surface Water Drainage Statement (Ref - L-63476-02)
- Drainage Strategy Layout Sheet 1 (Ref - T1732-PRP-XX-XX-DR-C-010101 C01)
- Drainage Strategy Layout Sheet 2 (Ref - T1732-PRP-XX-XX-DR-C-010102 C02)
- Additional Drainage Information (Detention Basin Specification Email Dated 26th September 2023).

The drainage scheme for each particular phase of the development shall be completed in full prior to occupation of any buildings within that relevant phase, and retained as approved thereafter.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

24 COMPLIANCE - CONSTRUCTION DRAINAGE SCHEME

CONDITION: The approved construction drainage scheme shall be implemented and adhered to at all times during the construction phase of the development, in accordance with the following details and as approved under planning reference 23/01176/DISCON;

- Surface Water Drainage Statement (Ref - L-63476-02)
- Drainage Strategy Layout Sheet 1 (Ref - T1732-PRP-XX-XX-DR-C-010101 C01)
- Drainage Strategy Layout Sheet 2 (Ref - T1732-PRP-XX-XX-DR-C-010102 C02)

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

25 COMPLIANCE - SURFACE WATER DRAINAGE MAINTENANCE

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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.

26 COMPLIANCE - FOUL WATER STRATEGY

CONDITION: No buildings shall be occupied on the relevant phase until the foul drainage works relevant to that phase of the development have been carried out and completed in full accordance with the foul water strategy, as detailed within the following documents/plan as approved under planning reference 23/01176/DISCON;

- Surface Water Drainage Statement (Ref - L-63476-02)
- Drainage Strategy Layout Sheet 1 (Ref - T1732-PRP-XX-XX-DR-C-010101 C01)
- Drainage Strategy Layout Sheet 2 (Ref - T1732-PRP-XX-XX-DR-C-010102 C02)

REASON: To ensure that an adequate and satisfactory means of foul drainage is provided to avoid pollution, in the absence of a foul sewer.

27 COMPLIANCE - ECOLOGICAL MITIGATION MEASURES

CONDITION: The development shall be constructed and occupied in full accordance with the ecological mitigation measures outlined within the following documents/plans as approved under planning reference 22/01103/DISCON;

- Water Vole Mitigation Report (RammSanderson, October 2022),
- Ecology Method Statement and Mitigation Strategy (AECOM, May 2021)
- Construction and Ecological Management Plan (RammSanderson, April 2022)- MLM Consulting Engineers Limited (Revision C02 dated 4 October 2019)

REASON: To ensure that the development incorporates proportionate mitigation measures to address the impact of the development and takes the opportunity to incorporate biodiversity enhancements in accordance with the National Planning Policy Framework and local plan policies.

28 COMPLIANCE - TECHNICAL/PHASING DETAILS

CONDITION: The development shall be carried out in full accordance with the technical phasing details outlined within the following documents/plans, as approved under planning reference 22/01103/DISCON;

- Levels and Cut and Fill analysis - drawings SK101 B and 63476 - SK102 B
- Utilities information document
- Proposed Site Layout Plan (F) (illustrating access roads, parking and servicing)
- Proposed Site Layout Plan (R) (illustrating access roads, parking and servicing)
- 106158 - PEF - ZZ - XX - DR - TP - 000001 P02
- 106158 - PEF - ZZ - XX - DR - TP - 000002 P02
- 106158 - PEF - ZZ - XX - DR - TP - 000003 P01
- 106158 - PEF - ZZ - XX - DR - TP - 000005 P01

REASON: To ensure that the scheme is brought forward in a timely and comprehensive manner in

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the interests of proper planning; amenity and the character and appearance of the area and to ensure a satisfactory relationship between the various components of the development and between the site and adjoining land. To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees or hedgerows and the amenities of neighbouring properties.

29 COMPLIANCE - EXTRACTION/ODOUR CONTROL

CONDITION: No building shall be occupied until the extraction/odour control system relevant to that building, as outlined within the documents/plans below and approved under planning reference 24/01357/DISCON, have been first installed and made available for use;

- M1591-HLS-01-00- DR-M-040031 P03
- M1591-HLS-01-00- DR-M-040041 C01
- M1591-HLS-01-M1- DR-M-040031 P04
- M1591-HLS-01-M1- DR-M-040041 C01
- M1591-HLS-02-00- DR-M-040032 P04
- M1591-HLS-02-00- DR-M-040042 C01
- M1591-HLS-02-M1- DR-M-040032 P05
- M1591-HLS-02-M1- DR-M-040042 C01
- M1591-HLS-03-00- DR-M-040033 P03
- M1591-HLS-03-00- DR-M-040043 C01
- M1591-HLS-03-M1- DR-M-040033 P04
- M1591-HLS-03-M1- DR-M-040043 C01
- M1591-HLS-04-00- DR-M-040034 P03
- M1591-HLS-04-00- DR-M-040044 C01
- M1591-HLS-04-M1- DR-M-040034 P04
- M1591-HLS-04-M1- DR-M-040044 C01
- M1591-HLS-05-00- DR-M-040035 P03
- M1591-HLS-05-00- DR-M-040045 C01
- M1591-HLS-05-M1- DR-M-040035 P03
- M1591-HLS-05-M1- DR-M-040045 C01
- M1591-HLS-06-00 -DR-M-040036 P03
- M1591-HLS-06-00- DR-M-040046 C01
- M1591-HLS-06-M1 -DR-M-040046 C01
- M1591-HLS-10-00 -DR-M-040310 P02
- M1591-HLS-10-00- DR-M-040410 C01
- M1591-HLS-10-M1 -DR-M-040310 P02
- M1591-HLS-10-M1 -DR-M-040410 C01
- M1591-HLS-11-00 -DR-M-040311 P03
- M1591-HLS-11-00- DR-M-040411 C01
- M1591-HLS-11-M1 -DR-M-040311 P04
- M1591-HLS-11-M1 -DR-M-040411 C01
- Jetflow-Silent-SJMF-S Product Overview
- Major Plant Schedule Spreadsheet (Received 09/09/2024)
- Master_BC_Controllers_R32_R410A_PI_Sheet_2020
- PEFY-M-VMA-A1 Specification Sheet
- PUMY-P112YKM Specification Sheet
- -R2-VRF_- __High_Efficiency__22.4-45kW__APRIL_2023_ (1)
- LGH=RVX-E Specification Sheet

The extraction/odour control systems installed shall be maintained in full working order and retained, as approved, thereafter.

REASON: To control and limit odour in the interests of nearby local amenity and since the application

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does not include the necessary details for consideration.

24/01158/ADV Approval - Advertisement Consent 20.12.2024 Delegated Decision	<i>Tungsten Colchester Limited</i>	<i>Application for Advertisement Consent - 5m totem sign and 3.048m tenant board sign containing details of unit numbers on buildings.</i>	<i>Land South West of Horsley Cross Roundabout Clacton Road Horsley Cross Mistley Essex CO11 2NZ</i>
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01 ADVERTISEMENT (SCHEDULE 2 CONDITIONS)

CONDITIONS:

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

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

02 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the 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. PSK11 Revision C
Drawing No. PSK12

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Drawing No. PSK13
Drawing No. PSK14
Drawing titled; McLaren Construction - Colchester - Ground Fixing Cages - July 2024
Drawing titled; McLaren Construction - Colchester - Totems - July 2024
Drawing titled; McLaren Construction - Unit Numbers - July 2024
Document titled; Nano Light - The Ultimate Waterproof LED Sign Lighting Solution

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

NOTE/S FOR CONDITION:

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

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

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

03 ONGOING REQUIREMENT IMPOSED: LEVEL OF ILLUMINATION

CONDITION: For the internally illuminated sign (Item A), the maximum luminance of the sign shall not at any time exceed the standards contained within the Institution of Lighting Professionals, PLG05/23, which is in this case is 174 Candelas per square metre (174cd/m2).

REASON: Any luminance in excess of this level would cause harm by reason of being detrimental to the prevailing character of the area, residential amenity, biodiversity and possible distraction to highway users.

NOTE/S FOR CONDITION:

Candelas/m2 (cd.m2) is a measure of light emitted per unit area, this unit is frequently used to specify the brightness of a display device. For example, most consumer desktop liquid crystal displays have luminance of 200 to 300 cd/m2. A HDR television display can range from 450 to up to 1600 cd/m2

04 HIGHWAYS LIGHTING

CONDITION: Prior to the first use of any external lighting / floodlighting within the development site, the light source for the externally illuminated sign (Item B) shall be so positioned and shielded,

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in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to have been previously submitted to and approved in writing by the Local Planning Authority. The lighting shall be maintained thereafter as maybe approved.

REASON: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety.

24/01227/DOVU 5 <i>Deed of Variation Approved 20.12.2024 Delegated Decision</i>	<i>Foxes Property 3 S.A.R.L.</i>	<i>Deed of variation, under the Town and Country Planning Act 1990 Section 106A, of the terms of the legal agreement dated 10 November 2020, linked to outline planning permission 19/01706/OUT and the unilateral undertaking dated 31st March 2023, to facilitate mortgage carve-out and to cover future S73 applications.</i>	<i>Land South West of Horsley Cross Roundabout Clacton Road Horsley Cross Essex CO11 2NZ</i>
24/01723/NMA <i>Approval Non Material Amendment 16.12.2024 Delegated Decision</i>	<i>Tungsten Colchester Limited</i>	<i>Non Material Amendment to 22/01047/FUL - To supersede Proposed Surface Finishes Plan and replace with updated version to show amendments to footpath paving.</i>	<i>Land South West of Horsley Cross Roundabout Clacton Road Horsley Cross Essex CO11 2NZ</i>

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.

22/01047/FUL

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
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- 001 P1 (Drainage Strategy Layout)
- 002 P2 (Drainage Strategy Layout)
- P21-2389_01 (Landscape Masterplan)
- P7-100B (Unit 7 - GF Plan)
- P7-101A (Unit 7 - FF Plan)
- P7-102A (Unit 7 - Roof Plan)
- P7-200C (Unit 7 - Elevations)
- P8-100B (Unit 8 - GF Plan)
- P8-101A (Unit 8 - FF Plan)
- P8-102A (Unit 8 - Roof Plan)
- P8-200C (Unit 8 - Elevations)
- P9-100A (Unit 9 - GF Plan)
- P9-101A (Unit 9 - FF Plan)
- P9-102A (Unit 9 - Roof Plan)
- P9-200B (Unit 9 - Elevations)
- PB 400B (Proposed Site Layout Plan)
- PB 401A (Site Location Plan)
- PB 403A (Proposed External Furniture Plan)
- RSE_5778_TCP V2 (Tree Constraints Plan)
- RSE_5778_TPP V2 (Tree Protection Plan)
- RSE_5778_R2_V2_ARB (Arboricultural Impact Assessment)
- RSE_5778_R1_V1_ECIA (Ecological Impact Assessment)
- Ecology Method Statement and Mitigation Strategy (May 2021)
- Noise Impact Assessment Rev 2 - 28th April 2022)
- RSE_5889_03_V1 (Water Vole Mitigation Report)
- Transport Statement (Rev P3 - 10/10/2022)
- Travel Plan (Rev P2 - 12/09/2022)
- Phase II Contaminated Land Risk Assessment (Ref - 63474-20 Dated - 28/06/2022)
- Flood Risk Assessment (Rev A - 22/04/2022)
- PRP SUDs Letter (Ref - MS/63476/ECCLLFAR/ - Dated 23rd August 2022)
- Sustainability Statement (As prepared by Ridge - Dated 06/06/2022)
- 040800 C03 (Proposed Boundary Treatments)

24/01723/NMA

- 040000 C10

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

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

24/01769/NMA Approval Non Material Amendment 16.12.2024 Delegated Decision	<i>Tungsten Colchester Limited</i>	<i>Non Material Amendment to 22/01042/DETAIL - To supersede and replace plan to show amendments to footpath paving.</i>	<i>Land South West of Horsley Cross Roundabout Clacton Road Horsley Cross Essex CO11 2NZ</i>
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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.

The development hereby permitted shall be carried out in accordance with the following approved plans/documents;

22/01042/DETAIL

- P6-200C
- P6-102B
- P5-200C
- P5-102B
- P3-200B
- P3-102A
- P21-2389_01
- P2-200B
- P2-102A
- P11-102B
- P10-102A
- P1-200C
- P1-102B
- PA-403B
- PA-402B
- C-SK02
- P6-101C
- P6-100C

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
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- P5-101C
- P5-100C
- P3-101B
- P3-100B
- P2-101B
- P2-100B
- P11-200E
- P11-101C
- P11-100C
- P10-200C
- P10-101B
- P10-100B
- P1-101C
- P1-100C
- Design Code Document - 2606 DC Rev A.

24/01769/NMA

- 040000 C10

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.

Ramsey & Parkeston Parish Council

NO DETERMINATIONS

St Osyth Parish Council

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
24/01027/FUL Approval - Full 16.12.2024 Delegated Decision	Ms K Wallis - Essex Wildlife Trust	Planning Application - Application for environmental improvement works to facilitate wetland enhancement project.	Howlands Marsh Nature Reserve Colchester Road (B1027) St Osyth Essex CO16 8HW

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.

Site Plan received 08/07/2024.

Location Plan received 08/07/2024.

Low ways infilling plan received 08/07/2024.

Ditch blocking plan received 08/07/2024.

Bund Plan received 08/07/2024.

Environmental Report for Species Recovery dated May 2024 received 08/07/2024.

Level 2 Flood Risk Assessment Report dated 13 September 2024 received 16/09/2024.

Construction Management Plan received 13/12/2024.

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.

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

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
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Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

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

03 COMPLIANCE REQUIRED: CONSTRUCTION MANAGEMENT PLAN

CONDITION: Development shall be carried out in full accordance with the submitted Construction Management Plan received 13/12/2024 throughout the construction period, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To minimise detriment to general amenity and users of the public right of way by controlling the construction process to achieve the approved development. To ensure that on-street parking of construction vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

04 COMPLIANCE REQUIRED: PUBLIC FOOTPATH

CONDITION: The public's rights and ease of passage over public footpath no.19 (St Osyth_178) shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility.

05 COMPLIANCE REQUIRED: PUBLIC FOOTPATH SURFACE WATER

CONDITION: There shall be no discharge of surface water from the hereby approved development onto public footpath no. 19 (St Osyth_178) or resultant drainage issues resulting in the route becoming impassible.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility.

06 ACTION REQUIRED IN ACCORDANCE WITH ENVIRONMENTAL REPORT RECOMMENDATIONS

CONDITION: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Environmental Report for Species Recovery (Essex Wildlife Trust, May 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

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

24/01591/FULH H Approval - Full 20.12.2024 Delegated Decision	Mr Garry Ilott	Householder Planning Application - Construction of outbuilding/shed.	Edenhurst Oakmead Road St Osyth Clacton On Sea Essex CO16 8NL
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01 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

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

02 APPROVED PLANS & DOCUMENTS

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

Drawing No. 2023/702/0500

Drawing No. 2024/702/0201

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

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

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

03 COMPLIANCE REQUIRED: RETENTION OF EXISTING PLANTING FEATURE

CONDITION: The existing hedgerow located on the front boundary which faces towards Oakmead Road shall be retained at a minimum height of 2m except as may be necessary to be removed or altered to comply with the requirements of any other conditions of this permission. Should the hedgerow be removed without such consent and/or prior to the commencement of development, it shall be replaced with plant/s of appropriate size and species during the first planting season following commencement of development or removal.

REASON: To enable existing landscaping to be protected and retained in the interests of visual amenity.

<u>24/01597/FUL</u> Approval - Full 18.12.2024 Delegated Decision	Fraser Muggeridge - Inky Lab Studio Limited	Planning Application - demolition and replacement of existing house with raised floor level to improve flood resilience to the one in 200 year flood event level (amended proposal following approved planning 23/01166/FUL).	16 Beach Road Lee Over Sands St Osyth Clacton On Sea Essex CO16 8EX
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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 **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 1435_000 Revision 02, 1435_101 Revision 01, 1435_102 Revision 02, 1435_103 Revision 02, 1435_110 Revision 03, 1435_111 Revision 02, 1435_120 Revision 02, 1435_121 Revision 03, 1435_122 Revision 03, 1435_130 Revision 02, 1435_51 Revision 02, and the documents titled 'Preliminary Ecological Appraisal - Bat Risk Assessment' and 'Flood Risk Assessment'.

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

NOTE/S FOR CONDITION:

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

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

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

03 **CONDITION:** Prior to the commencement of development details of the Construction

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Environment Management Plan (CEMP) methodology and timetable shall be submitted to and approved in writing by the Local Planning Authority. This shall incorporate the following information:-

- a) details on how construction activities will be limited in time, location and noise level to minimise risk of disturbance to Special Protection Area (SPA) birds.
- b) details on the storage location of any hazardous materials / chemicals, the location of refuelling (if any) and a contingency plan in case of spillage of these materials in order to prevent contamination of the nearby saltmarsh and waterways.

REASON: In the interests of protecting the Colne Estuary Special Protection Area (SPA) / Ramsar site: Essex Estuaries Special Area of Conservation (SAC).

- 04 **CONDITION:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the 'Preliminary Ecological Appraisal Bat Risk Assessment' (October 2024) prepared by Bombus Ecology and 'Habitats Regulations Assessment' (October 2024) prepared by Bombus Ecology.

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 (Priority habitats & species).

- 05 **CONDITION:** Prior to commencement, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

- 06 **CONDITION:** Any construction works must avoid the over-wintering season for waders and wildfowl between October and March.

REASON: In the interests of Ecology and Biodiversity.

- 07 **CONDITION:** Prior to construction works commencing a survey for nesting ringed plover in the area of the Beach Road houses must be submitted to and approved in writing by the Local Planning Authority.

During construction, if a nest for ringed plover is identified, a stand off distance of 75m must be observed. If outside of this distance, works will be restricted to the immediate development area and avoid any sudden, loud noises such as demolition of any impact of piling.

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
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Please note the potential nesting period is April - August.

REASON - In the interests of Biodiversity and Ecology.

08 **CONDITION:** Prior to the commencement of development, a flood response plan shall be submitted to, and agreed in writing with, the Local Planning Authority. The approved flood response plan shall then be adhered to at all times thereafter.

REASON: To minimise the risk to the occupants of the building in the event of flooding.

Tendring Parish Council

NO DETERMINATIONS

Thorpe-le-Soken Parish Council

<u>24/01576/FUL</u> Approval - Full 16.12.2024 Delegated Decision	<i>Strutt and Parker (Farms) Ltd</i>	<i>Planning Application - Erection of Grain Store (Phase 1)</i>	<i>Landermere Farm Walton Road Thorpe Le Soken Essex CO16 0NJ</i>
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01 **COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT**

CONDITION: The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

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

02 **APPROVED PLANS & DOCUMENTS**

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). 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 101 (Phase 1 Site Location and Layout), MP/2021/01 Rev A, MP/2021/02 Rev A, and the document titled 'Flood Risk Assessment and Drainage Strategy'.

<i>Application No. Decision Date of Decision Conditions/Reasons</i>	<i>Applicant's Name</i>	<i>Proposal</i>	<i>Location</i>
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REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

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

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

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

03 **CONDITION:** The public's rights and ease of passage over public footpath no 17 (Thorpe Le Soken) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility.

04 **FURTHER APPROVAL: BIODIVERSITY NET GAIN PLAN**

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 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 legislation 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.

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.

24/01579/FUL Approval - Full 16.12.2024 Delegated Decision	Planning Application - Erection of Grain Store (Phase 2)	Landermere Farm Walton Road Thorpe Le Soken Essex CO16 0NJ
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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 105 (Phase 2 Site Location and Layout), MP/2021/03 Rev B, MP/2021/04 Rev B, and the document titled 'Flood Risk Assessment and Drainage Strategy'.

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

NOTE/S FOR CONDITION:

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

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

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

03 **CONDITION:** The public's rights and ease of passage over public footpath no 17 (Thorpe Le Soken) shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility.

04 **FURTHER APPROVAL: BIODIVERSITY NET GAIN PLAN**

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 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

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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.

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

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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.

Thorrington Parish Council

24/01488/FULH H Approval - Full 18.12.2024 Delegated Decision	Mr Jim Parker - Camulus Builders Ltd	Householder Planning Application - Extensions to existing house. Conversion and extension of existing part 1/part 2 storey barn to create games room and associated ancillary space. Construction of 2 x one bedroom annexes for family members. Rebuild and extension of existing garage.	White House Station Road Thorrington Colchester Essex CO7 8HY
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01 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

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

02 APPROVED PLANS & DOCUMENTS

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

- Drawing No. JRP/24/WH/01 A
- Drawing No. JRP/24/WH/00
- Drawing No. JRP/24/WH/02 B
- Drawing No. JRP/24/WH/05

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- Drawing No. JRP/24/WH/06 A
- Drawing No. JRP/24/WH/08 A
- Drawing No. JRP/24/WH/09 A
- Drawing No. JRP/24/WH/10
- Drawing No. JRP/24/WH/11
- Drawing No. JRP/24/WH/12
- Drawing No. JRP/24/WH/14

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

NOTE/S FOR CONDITION:

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

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

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

03 SPECIFIC RESTRICTION ON DEVELOPMENT: OCCUPATION

CONDITION: This permission shall only authorise the use and occupation of the annex accommodation (in 'annex one' and 'annex two') hereby approved for purposes incidental and ancillary to the principal dwelling known as White House (or as may be renamed in the future) and does not permit the use of the approved annex accommodation as a separate household(s) unrelated and not incidental/ancillary to the principal dwelling.

REASON: The proposed annexes would not be acceptable under the established policies of Local Plan and NPPF by representing a net increase in dwelling units were the development to be occupied as an unrelated dwelling and not considered as one household. Furthermore, having regard to its particular relationship with the principal dwelling, there is potential for noise, activity and disturbance detrimental to the amenity of that principal dwelling were the development to be occupied as an unrelated dwelling.

NOTE/S FOR CONDITION

Unless otherwise stated, this condition applies to the site outlined in red and to all new development

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that forms any net increase in residential accommodation and may include change of use of buildings, change of use of land for the siting of caravans or similar, new buildings and extensions

04 SPECIFIC RESTRICTION ON DEVELOPMENT: PROVISION OF OBSCURE GLASS

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the windows shown in drawing no. JRP/24/WH/06 A serving the en-suite and bathroom to the first floor northerly side elevation, and the two windows serving the en-suite and bathroom in the first floor southernly side elevation and within drawing no. JRP/24/WH/09 A 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 properties.

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.

Weeley Parish Council

24/00901/FUL Approval - Full 19.12.2024 Delegated Decision	Alison Power - Tendring Hundred Riding Club	Planning Application - All-weather arena and hard standing area.	Land South of Freelands Thorpe Road Weeley Clacton On Sea Essex CO16 9JH
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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.

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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.

Documents titled 'THRC - All Weather Arena and Hard Standing Parking Area (Block Plan) and 'Planning Statement', and the untitled Site Location Plan received dated 20th November 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.

03 CONDITION: If during construction/demolition works evidence of potential contamination is encountered, works shall cease, and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

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

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved

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methodology.

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

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

04 **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:-

- a) Details of how construction and worker traffic and parking shall be managed.
- b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
- c) Storage of plant and materials used in the construction of the development.
- d) 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.
- e) 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.

The said methodology as may be approved shall be implemented in its entirety on commencement of development 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.

05 **CONDITION:** No development shall take place until a scheme of archaeological evaluation of the site, including timetable, has been submitted to and approved in writing by the Local Planning Authority (including any demolition needing to be carried out as necessary in order to carry out the evaluation). The evaluation shall be carried out in its entirety as may be agreed.

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.

06 **CONDITION:** No development shall take place until a written report on the results of the archaeology evaluation of the site has been submitted to the Local Planning Authority and that confirmation by the Local Planning Authority has been provided that no further investigation

work is required in writing.

Should the Local Planning Authority require further investigation and works, no development shall take place on site until the implementation of a full programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Details of the provision to be made for analysis of the site investigation and recording.
- d. Details of the provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Details of the provision to be made for archive deposition of the analysis and records of the site investigation; and
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The written scheme of investigation shall be carried out in its entirety prior to any other development taking place, or in such other phased arrangement including a phasing plan as may be previously 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 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.

07 **CONDITION:** No building shall be occupied until the archaeology evaluation, and if required the Written Scheme of Investigation, have been completed, submitted to and approved, in writing, by the Local Planning Authority. Furthermore, no building shall be occupied until analysis, publication and dissemination of results and archive deposition from the archaeology investigations as agreed under the Written Scheme of Investigation has taken place, unless an alternative agreed timetable or phasing for the provision of results is agreed 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.

08 **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.

09 **FURTHER APPROVAL: BIODIVERSITY NET GAIN PLAN**

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 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.

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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.

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.

Wix Parish Council

NO DETERMINATIONS

Wrabness Parish Council

NO DETERMINATIONS