



**AGENT:** Mr Peter Le Grys - Stanfords  
The Livestock Market  
Wyncolls Road  
Colchester  
CO4 9HU

**APPLICANT:** FGH (Essex) Ltd  
Valley Barns  
Golden Lane  
Thorpe Le Soken

## TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 22/01942/DETAIL

**DATE REGISTERED:** 5th December 2022

Proposed Development and Location of Land:

**Reserved matters application for the erection of 1no. three bed detached bungalow considering details of access, appearance, landscaping, layout and scale, pursuant to outline planning permission 19/01760/OUT.**

**Land adjacent Larkswood Kirby Road Great Holland**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **GRANT APPROVAL OF RESERVED MATTERS** pursuant to Outline Planning Permission No. 19/01760/OUT in accordance with the application form, supporting documents and plans submitted subject to the following conditions

- 2 The development hereby approved shall be carried out in accordance with the schedule of external finishes as specified on drawing LARK-01 A dated October 2022.

REASON: In the interests of the protection of visual amenity.

- 3 External works and soft landscaping measures for the approved development shall be carried out in accordance with drawing LARK-02 A dated October 2022 prior to completion of the new dwelling.

Any part of the mixed specification native hedge proposed for the southern boundary of the development site that subsequently dies or becomes severely damaged within five years of completion of the development shall be replaced with planting of appropriate size and species or in accordance with such other arrangement as may be approved, in writing, with the Local Planning Authority.

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

- 4 Prior to occupation of the dwelling, the proposed access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres in both directions as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times thereafter.

REASON: To provide adequate inter-visibility between vehicles using the access and

those in the existing public highway in the interest of highway safety.

- 5 Prior to occupation of the dwelling, the access shall remain at a width of 3.7 metres and provided with an appropriate dropped kerb crossing.

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.

- 6 The access hereby approved shall have a bound material surface and shall be laid out for a minimum distance of 6 metres from the edge of the carriageway prior to first use. The bound material as implemented shall then be retained thereafter.

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

Note:

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

- 7 Each hardstanding vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

- 8 Prior to occupation of the development hereby approved, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for the new dwelling for sustainable transport approved by Essex County Council.

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

- 9 The electrical charging point to be provided for the approved development as shown on drawing LARK-01 A and as specified in the accompanying application details shall be made readily available for use by future occupants of the dwelling prior to first occupation of the dwelling and shall be retained thereafter.

REASON: In the interests of sustainable development and renewable energy.

- 10 The Construction Method Statement accompanying the application shall be adhered to in its entirety for the duration of the construction of the development hereby approved.

REASON: In the interests of residential amenity protection.

- 11 If unexpected contamination is found during the course of construction of the approved development (including any demolition works), all work shall cease on site and the Local Planning Authority shall be notified whereupon the below minimum health and safety precautions shall be undertaken until such time as the Local

Planning Authority responds to the notification accordingly:

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

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

**DATED:** 9th March 2023

**SIGNED:**



John Pateman-Gee  
Planning Manager

**IMPORTANT INFORMATION** :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

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

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP7 Place Shaping Principles

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

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL10 Renewable Energy Generation

CP2 Improving the Transport Network

Supplementary Planning Documents

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

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highway Informatives:

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims, a cash deposit or bond may be required.

Red Line Area:

Please note this approval of reserved matters relates to the red line area as indicated on drawing number LARK-01 A and separate planning consent may be required if the intention is to use the area indicated as 'amenity land' (on the block plan at scale 1:500) as residential garden land.

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

**The attached notes explain the rights of appeal.**

## NOTES FOR GUIDANCE

### WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

#### APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
  - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
  - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
  - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

#### ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.